

HUDSON CONSERVATION COMMISSION

AUGUST 13, 2007

MEETING MINUTES – Final

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Below is a listing of minutes for the Hudson Conservation Commission. Minutes are not a verbatim record of each meeting, but rather represent a summary of the discussion and actions taken at the meeting. All Conservation Commission meetings are televised live and repeated during the following week on HCTV, cable television channel 22. Official copies of the minutes are available to read and copy at the Town Engineer's Office during regular business hours (Monday through Friday, 8:00 A.M. to 4:30 P.M.). Should you have any questions concerning these minutes or wish to see the original recording, please contact the Town Engineer's Office at 603-886-6008.

A regular meeting of the Hudson Conservation Commission (HCC) was held on Monday, August 13, 2007 at 7:04 P.M. in the Community Development Room of Town Hall. Chairman Rumbaugh presided.

Members of the Commission present: Bob Haefner-Vice Chairman (7:34 P.M.), Ken Dickinson (7:10 P.M.), Michelle Champion, Tim Quinn, Linda Kipnes, Phil Cassista (Alternate) and Suellen Quinlan-(Alternate- 7:13 P.M.)

Members of the Commission absent: Jim Battis and Ray Orner (Alternate)

Member of Board of Selectmen Present: Ken Massey (Liaison)

Also in Attendance: Robert and Christine Sinclair (10 Flying Rock Road), Suellen Quinlan (51 Pelham Road), Jeff Cantara (Gove Environmental, Exeter, NH), Jay Leonard (Green Meadow Golf Company Inc., Hudson NH), Hutton Snow (PSNH, Manchester, NH), Dan Rukakoski (Tighe & Bond, 53 Southampton Road, Westfield, MA), Don DiBuono (PSNH, Manchester, NH), and Elizabeth Larocca (PSNH, Manchester, NH)

ADDITIONS OR DELETIONS TO THE AGENDA - None

PUBLIC INPUT RELATED TO NON-AGENDA ITEMS – None, closed at 7:05 P.M.

1. OLD BUSINESS

A. Case Tax Map 185 Lot 9, Robert D. & Christine C. Sinclair (owners) 10 Flying Rock Road request a wetlands special exception to build a wall and extend the backyard into the Wetlands Conservation District. Ms. Sinclair outlined the major points of the plan which include building a retaining wall, approximately 80 feet in length and installing of a fence on top of the wall. Wetland buffers were delineating on the plot plan. Chairman Rumbaugh confirmed that a site walk was completed on July 10, 2007 with several members in attendance. Ms. Sinclair addressed the issues raised at the site walk. The first issue was to understand the type of wall and the kind of fill used to extend the backyard. Ms. Sinclair gave members information sheets on interlocking wall systems (i.e. Versa lock) and explained that due to the length of the wall, they are going to add a drain pipe in the center of the wall. The approximate height of the wall will be 3.5 feet and the homeowners do the installation. Additionally, Ms. Sinclair checked with the Town Engineer on the kind of fill to use. Based on an average height of 3.5 feet, they plan to put behind the wall crush stone and then regular fill. The second issue was about installing a silt fence to protect the wetlands. Ms. Sinclair said that she met with the Town Engineer and she understands the correct process to install a temporary silt fence. Prior to a motion, a few members had some comments they wished to share. Ms. Champion had a general comment about the town's process in allowing this sub-division to be approved as there was a noticeable amount of wetlands on the property and a significant amount of fill used in the buffer. Since the homes were built in 2004, Ms. Champion does not remember this plan coming before the HCC. Additionally, she noticed a shed on another neighbor's property in the wetlands setback. Ms. Champion stated that this case is a prime example of a need for an ordinance that allows for a minimum amount of backyard. In terms of this case, Ms. Champion feels a retaining wall might help with the erosion issue in the homeowner's backyard and complimented the homeowners on their construction plan for the wall and fence. Ms. Champion's only concern is the amount of extra yard the homeowners want to add and wants to avoid cutting down any trees with a basal diameter of greater than 2-3 inches as the roots of those trees will hold the soil in place. Mr. Dickinson asked Ms. Sinclair how many trees will be removed. Ms. Sinclair replied that no trees would be cut down and they were hoping to put in a couple of tree wells.

MOTION by M. Champion to write a letter to the ZBA in support of a favorable recommendation for a Wetlands Special Exception to the project known as case 185-9 located at 10 Flying Rock Road as shown on Plan Name Map 21 Lot 25-8, prepared for and by Robert and Christine Sinclair, 10 Flying Rock Road, Hudson, NH 03051, date stamped 8/13/2007 and with no revision with the following stipulations:

1. Build the retaining wall as described in the attached handout "Retaining Wall Installation" with the base of the retaining wall at the edge of the current area of disturbance and through the use of tree wells to protect any tree greater than 4 inches caliper within the area of construction.

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Old Business – 10 Flying Rock Road Continued:

2. The edge of the current area of disturbance to be identified by the Town Engineer.
3. Hand installation of a silt fence along the area of construction to protect the wetlands.
4. All restoration of the area disturbed shall comply with the latest edition of the following NH Best Practices as applicable: Best Management Practices to Control Non-Point Source Pollution: A Guide for Citizens and Town Officials (NH Dept. of Environmental Services, 1994).

SECONDED by T. Quinn. **MOTION CARRIED** (5-0)

B. **Case 239-1**, W/S Development Associates, LLC 1330 Boylston Street Chestnut Hill, MA request for a review of a Dredge and Fill application for the RiverPlace (Green Meadow Golf Club) project located at 43 Steele Road, Hudson, NH. Suellen Quinlan – Alternate stepped down.

Jeff Cantara, Project Manager and Wetlands Biologist for Gove Environmental requested to be put on the HCC agenda as a follow-up to the site walk held on July 31, 2007. Mr. Cantara reminded the members that the purpose of the site walk was to provide commentary on the NH State Dredge and Fill application filed with the NH DES Wetlands Bureau in January 2007. Mr. Quinn asked if the applicant has a WSE before the Commission. Chairman Rumbaugh replied that they do not. Mr. Quinn asked what the Commission is trying to accomplish at the meeting tonight. Chairman Rumbaugh replied that the HCC needs to write a letter to NH DES Wetlands Bureau with our comments and/or concerns to the project known as RiverPlace. Ms. Kipnes asked if the plan presented to the Planning Board was different than the plans the HCC saw at the site walk. Mr. Cantara replied that the plan is a work in progress, but what this D&F represents is a close iteration of what Green Meadow envisions, with changes pending for a network of roads on the project. Additionally, during the site walk, we talked about that any changes to impacts associated with this project will be downwards. Mr. Quinn noted that he also watch the Planning Board meeting and commented that at least two members thought the road plans were inadequate, in terms of addressing the maximum build out of the plan. Mr. Quinn does not get the sense that the town would see a downward revision, but as time progresses and Green Meadow builds phase by phase, we may have to go back and readdress the road. Mr. Cantara replied that the design team is working closely with the town planning staff and they are fairly confident that the road and the grading that is associated with the plan represents the maximum wetland impact. Ms. Champion commented that she agrees with Mr. Quinn's point and during her time on the HCC, she has seen cases where a town road is built and it did not meeting the traffic needs and the developer later comes back in with a request to widen the road and the HCC is in a position where they have no choice. Additionally, it is Ms. Champion's opinion that in twenty years, when the project reaches full build out, the road design for Phase I will not be adequate and will force additional wetland impacts. Mr. Cantara commented again that they feel confident about the road designs submitted to the state for a permit. Mr. Leonard, representative for Green Meadow shares similar concerns and that is why they are following this process. Additionally, he stated that Green Meadow fully intends to continue working with the town on the roadway design and to involve each of the different boards earlier in the process. Mr. Dickinson asked type of wetland is the area most impacted by the road. Mr. Cantara replied that it is a forested and emergent wetland. Mr. Dickinson asked the type of species commonly found in this area. Mr. Cantara replied that the animal species are songbirds and white tailed deer and the plant species are primarily red maple hardwood, hemlock, and white pine, with an under story of sensitive ferns, cinnamon ferns, and a variety of upland and wetland grasses, sedges, and scrub species (high bush blueberry, silky dogwood, and speckled all berry). Ms. Champion had a list of comments she would like to see included in the letter:

1. Recognize that there is a safety issue with how the interchange is designed, but since it has a major impact directly to the wetlands, the HCC would like them to look at the alternatives to reduce the impacts.
2. Comment on a work-in-progress plan is difficult without a final road design.
3. Straighten out the curve at complex #3 to reduce the impact to the buffer.
4. Identify the concerns with the grading of the property. From the site walk, the HCC learned that there is going to be significant grading from what is now a gently rolling sloped property, in particular, the filling of the pond at complex #7.
5. Recommend to reduce the building density, as the current plan maximizes every square foot of space on the property.
6. Recommend on-site (i.e. Limit Brook – return to its nature state) and off-site mitigation (town open space priorities).
7. Recommend to increase the Merrimack River buffers.

MOTION by B. Haefner to hold a workshop within the week to review the draft of the letter and to attach all email related to the NH Dredge & Fill application. **SECONDED** by K. Dickinson. **MOTION CARRIED** (4-1-1).

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A workshop to finalize the letter will be held on August 22, 2007 7:00 P.M. at Town Hall.

3. NEW BUSINESS

A. **Case 122-2**, PSNH Z-119 Transmission Line, request a wetlands special exception to install utility poles in the footprint of the X-116 line. S. Quinlan stepped down.

Hutton Snow, Senior Engineer and Project Manager for PSNH presented the highlights of the plan which include the request to build a transmission line (approx. 11.1 miles) from the Scobie Sub-Station in Londonderry to the new Power Street Sub-Station in Hudson. Additionally, forty-one structures will be installed, of which one will be in the wetlands and seven will be in the buffer. Mr. Quinn asked the difference between this project and the one PSNH came before the HCC last year. Mr. Snow replied that the X-116 line was rebuilt last year and that this is a new project with new transmission line structures to be installed in the footprint of the previous line, which were removed. Mr. Snow added that there will be two lines, which will require an additional intrusion into the wetland conservation district. Mr. Quinn asked if there will be blasting. Dan Rukakoski, Senior Environmental Scientist with Tighe & Bond, replied that there will be no blasting in Hudson. Mr. Quinn asked if PSNH plans to restore all areas. Mr. Rukakoski replied that all temporary impacts will be restored to previous pre-existing conditions. Mr. Haefner asked the applicant to describe the structures. Mr. Rukakoski replied that they are laminated wood pole structures. Additionally, Mr. Rukakoski commented that during this project, PSNH has hired an environmental consultant to conduct weekly monitoring of their construction areas to make sure that they are avoiding the wetland areas. To keep the contractor from working in the wetlands, PSNH has installed wetland boundary signs at the approximate buffer locations. Mr. Quinn asked if they used GIS mapping to delineate the wetlands. Mr. Snow indicated in the affirmative. Mr. Quinn wondered if our consultant could have access to the data, as we are in the beginning stages of a prime wetlands study. Again, Mr. Snow indicated in the affirmative. Mr. Cassista asked what will prevent the poles from rotting. Mr. DiBuono replied that the poles come to PSNH treated and are checked every five years.

MOTION by T. Quinn to write a letter to the ZBA in support of a favorable recommendation for a Wetlands Special Exception to the project known as Case 122-2 concerning an application by Public Service Company of New Hampshire, attention Hutton Snow, 780 North Commercial Street, Manchester, NH 03105-0330 for installation of utility poles for the Z-119 Transmission Line. One structure will be placed in a wetlands area and seven structures will be placed in the wetlands buffer located at Map/Lot Numbers 100-3, 105-6, 115-2, 114-3, 122-2, and 140-40 as shown on Plan Name Minimum Impact Expedited Permit/Hudson Conservation Commission Agenda Application PSNH Z-119 Transmission Line Construction Project Londonderry to Hudson, NH Appendix G pages: Wetland Area HW 2,4,5,6,7,8,9,12 prepared for PSNH, prepared by Tighe & Bond, Inc., 53 Southampton Road, Westfield, MA 01085, date stamped 8/1/2007 with the following stipulations:

1. Use of construction equipment will be allowed to be used in the wetland and buffer with subsequent restoration. All restoration of the area disturbed shall comply with the latest edition of the following NH Best Practices as applicable: Best Management Practices to Control Non-Point Source Pollution: A Guide for Citizens and Town Officials (NH Dept. of Environmental Services, 1994).
2. As reasonably possible, complete the work during the frozen season.

SECONDED by M. Champion. **MOTION CARRIED** (6-0)

Comments on the vote: Mr. Quinn said that it was a very good presentation and that the Town Engineer was very pleased by the way PSNH conducted the project last year.

5. OTHER BUSINESS

- A. Conservation Walks (B. Haefner) – Saturday, August 25, 2007 at 9:00 A.M. Meet on Bush Hill Road at the right of way for the circumferential highway and hike to Rte. 111. Need to contact C. Laffin to lead the group and make arrangements for cars at both ends.
- B. Prime Wetlands Study (T. Quinn) – Mr. Quinn reported that progress has been slow. A problem has arisen with requiring the homeowner's consent to access private property. The Town Attorney has been consulted and he has indicated that the HCC must get permission. The HCC is waiting for VHB to write a letter. Actions from the discussion: S. Rumbaugh to contact Chichester CC to see what they use. S. Rumbaugh to contact the NH Municipal Association for a second opinion. T. Quinn to ask the Town Attorney to develop a template letter.

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Other Business Continued:

C. Budget 2007 – Chairman Rumbaugh is waiting for inputs from several groups.

6. APPROVAL OF MINUTES

A. **MOTION** by T. Quinn to approve the 6/11/2007 minutes as amended. **SECONDED** by L. Kipnes. **MOTION CARRIED** (6-0).

B. **MOTION** by M. Champion approve the 7/9/2007 minutes as amended. **SECONDED** by L. Kipnes. **MOTION CARRIED** (5-0-1).

7. BOARD AND COMMITTEE REPORTS

Board of Selectmen (K. Massey) – No Report

Planning Board & NRPC (S. Quinlan) – No Report

Open Space Sub-Committee (M. Champion) – Next Meeting: August 30, 2007

8. COMMISSIONER'S COMMENTS

Ms. Rumbaugh announced a training opportunity called the Granite State Woodlot and Wildlife Management Course from 9/17 – 9/21 and due to a resignation, there is now an open position on the HCC.

Ms. Quinlan recognized her daughter's girls scout troop as participating in the recycling booth at Old Home Days.

Mr. Cassista officially resigned from the HCC. Chairman Rumbaugh thanked Phil for his time and wonderful perspective he brought to the proceedings. Turtle fencing is now part of our consciousness.

Mr. Haefner commented that the first month of the new garbage system has gone well in his house. He has yet to fill up his barrel because the family is recycling more. The kids and grandkids are now recycling and it is making a difference in the amount of garbage they put out every week.

9. NON-PUBLIC SESSION

MOTION by T. Quinn that the Commission go into non-public session by roll call pursuant to RSA 91-A:3, II (D) to consider the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community. **SECONDED** by M. Champion.

MOTION CARRIED (6-0).

The Commission entered into non-public session at 9:53 P.M.

MOTION by B. Haefner that the Commission come out of the non-public session and returns to the regular meeting of the Conservation Commission. **SECONDED** by T. Quinn. **MOTION CARRIED** (6-0).

The Commission came out of non-public session at 10:18 P.M.

MOTION by B. Haefner that the Commission by roll call, seal the minutes of the non-public session until such time as the majority of the Commission votes that the purpose of the confidentiality would no longer be served. **SECONDED** by M. Champion. **MOTION CARRIED** (6-0).

10. ADJOURNMENT

There being no further business before the Commission, Chairman Rumbaugh declared the meeting on August 13, 2007 adjourned at approximately 10:20 P.M.

Submitted,
Sandra Rumbaugh

Next Meeting - September 10, 2007, 7:00 P.M. Town Hall.