



# TOWN OF HUDSON

## Conservation Commission



William Collins, Chairman      David Morin, Selectmen Liaison

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12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

### CONSERVATION COMMISSION MEETING AGENDA May 8, 2023

The Town of Hudson Conservation Commission will hold its next meeting on **May 8, 2023** at 7:00 p.m. in the Buxton Meeting Room, located in Town Hall 12 School Street, Hudson, NH.

- ✓ Call to Order
- ✓ Pledge of Allegiance
- ✓ Roll Call
- ✓ Alternates
- ✓ Public Input Related to Non-Agenda Items

**I. New Business:**

**II. Old Business:**

- a. NHDES Correspondence Brox Industries - W. Collins
- b. 2023-03-13-VHB Recommendations for Wetland Overlay District Discussion
- c. Dredge and Fill Permit Review Process – What is the Commission’s Roll

**III. Other Business:**

- a. Trail Work Day – Sunday, June 11, 2023
- b. Trail Work Log-2023 Dickinson

**IV. Financial Status:**

Current Report

**V. Correspondence**

- a. VLAP Water Quality Testing
- b. Lake Host – Robinson and Ottarnic ponds

**VI. Approval of Minutes:**

- Meeting minutes April 10, 2023
- Site Walk minutes April 13, 2023

**VII. Commissioner's Comments:**

*Next Regular Meeting: Monday, June 12, 2023 at 7:00 p.m.*

William Collins

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William Collins, Chairman

**Pre- pre- Application Virtual Meeting for  
Brox Industries, Inc Mitigation Project in Hudson NH  
2 June 2022**

**Present:**

**State of NH Representatives**

Lori Sommer – Wetland Mitigation Coordinator (DES)

Seta Detzel – Permitting Specialist (DES)

Mary Ann Tilton, Asst Bureau Administrator (DES)

Melissa Winters – Certified Wildlife Biologist (NHFG)

Kat Wadiak – Certified Wildlife Biologist (NHFG)

Kevin Newton – Certified Wildlife Biologist (NHFG)

**Federal Representatives**

Lindsey Lefebvre - Army Corp of Engineers; Concord MA

Jean Brochi – US EPA; Boston MA

**Applicant – Brox Industries, Inc. Representatives**

Erik Stevenson, VP of Real Estate, Brox Industries, Inc.

Bob Norkiewicz, Division Manager, Brox Industries, Inc.

Ari Pollack, Esq. – Gallagher, Callahan & Gartrell; Concord, NH

Bruce Gilday – BAG Land Consultants; Concord, NH

**Project Overview:**

**Document #1 Aerial Brox TOPO – shared on screen**

**Gilday Summary:** The proposed applicant, Brox Industries Inc. has a 600+ acre parcel situated east of Greeley Street and north of Barrett Hill Road in Hudson NH. This is an active excavation area that includes mining, crushing, and processing of bedrock resource materials on site. Brox industries has been good steward of the land, a caring neighbor, and maintains a positive relationship with the Town of Hudson. There have been no wetland violations to date on this Brox property.

The two active blasting areas onsite are known as “North Quarry” and “West Quarry”. The intent of Brox is to connect the two separate excavation areas.

The closest water resource is a perennial stream called Glover Brook that flows east to west and parallels Barrett Hill Road. Glover Brook is greater than 2000 feet from any proposed wetland impacts. Our NHB data research [NHB22-1081] indicates only one species, Blanding’s Turtle, adjacent to the Brox property but not on site. Blanding’s turtles have been observed in surrounding residential backyards in 2009, 2013, 2014 and they certainly are associated with the Glover Brook marsh lands. Our qualified biologist will be studying the site for any potential turtle activity.

The potential for Blanding’s Turtles in the proposed wetland impact area is minimal because of the shallowness to ledge and lack of water in proposed wetland pockets. There is no turtle nesting capabilities due to shallowness of ledge nor is there any overwintering capabilities.

**Winters Question:** What is the AoT Permit number?

**Stevenson reply:** Current operation of AoT is permit #1033 (issued approx. 2015). Brox has had previous permits in prior years but the current AoT was issued in 2015.

**Document #2 Limits of Work Activity for Current AoT Permit– shared on screen.**

**Gilday Summary:** There are five or six wetland pockets being considered for elimination and are currently being studied for functionality. They are located east of Greeley Street – near the gated entrance off Greeley Street. I recently flagged all the wetlands and continue to study those wetlands and Hayner-Swanson Inc is contracted to locate my flags. Recently flagged wetlands are continuing to be monitored. Even with normal spring precipitation, I observed dry ponded areas in the wetlands.

**Detzel Question:** In areas where blasting operations occurred are you saying there is no water/ponding.

**Gilday reply:** This is a normal occurrence that I have seen in other pits where the hydrology has been affected by blasting operations. These studied wetlands showed no saturation and no water to depths of 20" below the surface. Certainly, this is not suitable for Blanding's Turtles but, we will continue our studies.

**Detzel Question:** Is the purpose to connect the quarries or merely to create an access connection between the two for vehicles?

**Stevenson Reply:** Purpose is to connect the two excavation areas, eliminate the in-between wetlands and excavate to a common depth.

**Gilday Reply:** Bottom of the West Quarry sits at a 200 ft elevation. The bottom of the North Quarry sits at a 250 elevation. The Wetlands in between sit at a 300-foot elevation. The purpose and need of taking wetlands is to blast and mine the ledge that is underneath and subsequently connect the two excavation areas. This will expand the pits into one big area.

**Gilday question to Stevenson:** How long for this process will it take?

**Stevenson Reply:** The connection could take decades depending upon market demand for crushed stone material.

**Pollack Reply:** To reiterate and clarify, excavating through the wetlands areas is not just to access one active area to another. In terms of which wetland areas we will target, we are going to make the determination based upon the wetland impacts and business needs.

**Sommer Request:** It would be helpful to document the history of the North and West pits. If you could document when those quarries started and possibly when the hydrology had an effect on impacting the proposed wetlands.

**Pollack Reply:** We can look at the elevation at the start of the permits, the depth and how the how topography changed over the years.

**Tilton Question:** What was the time period the wetlands being dewatered and what was the impact of the area shrinking due to blasting.

**Gilday Reply:** We are still studying the wetlands including the shrinking of the wetland area due to hydrology. Even if left undisturbed, these wetlands are likely to continue shrinking. Right now, we are only proposing to impact the ones that have shrunk over time and likely due to the hydrology factor.

**Pollack Reply:** We are proposing to eliminate wetlands that are already shrinking.

### **Document #3 Brox Current TOPO – shared on screen**

**Gilday Summary:** Preliminary calculations have determined that recently flagged wetlands total approximately three acres. We do not want to impact all of the wetland areas we have identified. There are no streams or rivers going into the quarries or attached to these wetlands. Wetlands are situated over 350 feet above in elevation to the Glover Brook area.

**Pollack Reply:** Concerning the 5-6 isolated areas, there is no decision yet about which ones will be proposed for removal. Certainly not the removal of all of them, but we are generally discussing all potential areas of impact today to better understand your concerns and possible implications.

**Tilton Question:** If you are proposing to leave some wetlands intact, please consider the historical review as a result of the dewatering and the historical impact.

**Pollack Reply:** Good point. That will be part of our review process

**Detzel Comment:** Even if you avoid impacting all the wetlands, the result of the blasting activity could have already initiated “after-the-fact” impact as a result of the activity.

### **Document #4 NHB Form – shared on screen**

**Gilday Summary:** Noted correction in the classification change from PFO1E to PSS1E for all the wetlands. Vernal Pool studies started in the spring of 2022 and no primary or secondary habitat species have been documented in the 5-6 wetlands.

You’ll see the NHB forms show no hits in the active excavation areas and shows only hits in the neighborhood backyards surrounding the excavation area. Turtles are definitely using the open body of water and marsh land adjacent to Glover Brook.

**Winters Question:** Blanding’s Turtle doesn’t always comply with NHB maps. If they are found in the area, they utilize the landscape and not just neighbor’s backyards. I have not visited the site nor yet reviewed all the information provided in the packet. Hudson and Litchfield are two communities under intense development pressure right now. The fact that observations have been made and green spaces are shrinking we want to look in the history of the site before providing any real concrete feedback. But I wouldn’t be surprised if turtles use the site to traverse additionally including Eastern Box, Spotted and Wood Turtles.

**Winters to Gilday:** Be sure to review the new rule submittal process that came out in February 2022.

**Pollack question to Winters:** Can you speak generally regarding the mitigation impacts to habitat of the Blanding's Turtles? We understand today's comments are not site specific or binding.

**Winters Reply:** There are 4 turtle species out of 7 that are endangered, threatened, and of special concern. The answer depends on the approach. Hudson/Litchfield are area concerns due to losing a lot of green space in the area. Conservation land from communities has helped. We understand animals are in the project area, we would have concerns with nesting habitats on the site. There are some things that can be done in this area that could offset impacts.

**Gilday Question:** We are continuing to study the wetlands and surrounding areas for for vernal pool habitat. Who is point of contact to coordinate at NHFG?

**Winters Reply:** Continue coordination with me and copy/include Kat and Kevin from my office.

**Gilday:** We currently have a qualified biologist on site working to study the turtles and vernal pools.

**Detzel Question:** I understand there are no proposed vernal pools to be impacted. Correct?

**Gilday Reply:** Correct. We just want to make sure all the wetlands are free of salamanders and other vernal pool species.

## **Federal Agencies**

**Lefebvre Summary:** I suggest the applicant read and understand the 401 Rules and see if the potential work occurs over a specific period that may route into Individual Permit (IP) requirement. Certainly, any impact to an area larger than 3 acres will trigger the need for an IP.

**Pollack Question:** We are likely to avoid certain jurisdictional areas, so the total proposed impact area would be under three acres. If we target 3-4 wetland areas that cumulatively total say 2 acres, would that avoid the need for an IP?

**Lefebvre Reply:** We may still require an IP due to indirect impacts to avoided areas even if the direct impacts are under 3 acres.

**Pollack Question:** Do you know of an audit process whereby the Corps can deviate from the general permit and conduct an independent review?

**Lefebvre Reply:** Have not heard of any audit/opt-out process. We do have discretionary authority to elevate any project to an IP permit review. It's a discretionary review.

**Brochi Request:** Please provide copies of the vernal pool studies. It would be helpful if you could overlay any vernal pools you identify onto the wetlands

**Gilday Reply:** We can do that.

## **Document #5 Existing Abutting Conservation Land – shared on screen**

**Gilday Summary:** To consider compensatory mitigation on this site, we are looking at all alternatives (creation, restoration, preservation). We don't want to put the mitigation in an area that may be disturbed by Brox in the future.

For the restoration we are looking at replacing an 18" RCP with an open box culvert in the Glover Brook area.

**Sommer Comment:** This could be a form of restoration. I'm just not sure how it compensates for the loss of the wetlands.

**Gilday Summary Cont:** there is the potential for preserving a little under 20 acres of conservation land that directly abuts existing Hudson Conservation Land and would act as a buffer to residential neighbors.

**Detzel & Lefebvre Comment:** Proposing using wetland creation as a mitigation option may not be practicable due to the altered terrain and the impact of the excavation depth on the surrounding hydrology.

**Gilday Summary Cont:** We will be meeting with Town of Hudson reps to discuss their "mitigation priority list". In particular, tying into the Town's abutting conservation land.

**Detzel Question:** Did you consider ILF (In Lieu Fee) as an option.

**Gilday Reply & Question:** Yes. Can we do a combination of ILF and preservation?

**Sommer Reply:** Yes. That is acceptable.

**Detzel Summary:** Thank you to Bruce & Brox team. This is a project of significant concern. I recommend a site visit and site inspection with a minimum of representatives from DES Wetland's Bureau as well as any other folks who would like to join. After reviewing the site, we could have a second pre-application meeting.

Having likely more than a one-acre impact, I anticipate this meets the threshold for a public hearing before a permit can be issued.

A function and value assessment of the wetlands is part of the process and will better inform the state review process.

What's your timeframe?

**Gilday Reply:** Slow. We do not want to rush the studies and want to evaluate the right way to avoid and minimize wetland impacts. Pollack and Stevenson concurred there is no rush on this project.

**Detzel and Gilday will coordinate site walk.**

**Sommers:** Suggested given the hydrology of the area, it may be helpful to engage Water Quality Assurance (James Tilly) prior to the next meeting. **Detzel** will be sure to include him on the site visit. It may also help to have a hydrology study. There is another excavation area application that performed a hydrology study that you may consider.

**Pollack Summary:** The Brox Team extends thank you's to all state and federal reps. There are a number of options and decisions that need to be made. We appreciate the coordination and clarity of feedback.

Virtual meeting concluded within one hour (approximately).



**Pre- Application Virtual Meeting for  
Brox Industries, Inc Mitigation Project in Hudson NH  
1 December 2022**

**Present:**

**State of NH Representatives**

Kendall Fiorvante – Wetland Mitigation Coordinator (DES) (via Zoom)

Seta Detzel – Permitting Specialist (DES)

Mary Ann Tilton, Asst Bureau Administrator (DES)

Melissa Winters – Certified Wildlife Biologist (NHFG) (via Zoom)

Kat Wadiak – Certified Wildlife Biologist (NHFG) (via Zoom)

Kevin Newton – Certified Wildlife Biologist (NHFG) (via Zoom)

**Federal Representatives**

Lindsey Lefebvre - Army Corp of Engineers; Concord MA (via Zoom)

Jean Brochi – US EPA; Boston MA (via Zoom)

**Applicant – Brox Industries, Inc. Representatives**

Erik Stevenson, VP of Real Estate, Brox Industries, Inc.

Scott Rielly, Hudson Plant Manager, Brox Industries, Inc.

Ari Pollack, Esq. – Gallagher, Callahan & Gartrell; Concord, NH

Bruce Gilday – BAG Land Consultants; Concord, NH

MaryAnn Manoogian - BAG Land Consultants; Concord, NH

**Background:** Most of the parties present participated in the June 2, 2022, Pre-pre application Zoom meeting and August 2, 2022 Site Walk. Prior to the start of the meeting KN and MW asked if there has been consultation w/NHFG. Melissa Winters acknowledged that she had a scheduling conflict and would need to leave in approximately 15-20 minutes. Consequently, BAG shifted the NHFG concerns to the beginning of the summary.

**Gilday Summary:** The proposed applicant, Brox Industries Inc. (Brox) has a 600+ acre parcel situated east of Greeley Street and north of Barrett Hill Road in Hudson NH.

Our wildlife diligence process started in March 2022 with an NHB database check. Our NHB data research [NHB22-1081] indicates only one species, Blanding's Turtle, in the vicinity to the Brox property, but no records of sightings on site. Blanding's turtles have been observed in surrounding residential backyards in 2009, 2013, 2014 and they certainly are associated with the Glover Brook marsh lands. Our qualified biologist, Cheryl Bentley, has been studying the site for any potential Blanding's turtle activity and she will include her findings in her report to be submitted with the application.

BAG Land Consultants identified and delineated (flagged) wetlands which were subsequently located and plotted by Hayner- Swanson Engineering.

Gilday conducted two vernal pool studies, the first on April 22<sup>nd</sup> and the second was May 17<sup>th</sup> of this year. The intent was to study the pools prior to the submission of the application.

**Lefebvre Question:** Army Corps sheets will need to be provided as well as NH F&G.

**Gilday Reply:** Yes, data sheets will be included with the application.

**HANDOUT #1 – BROX INDUSTRIES, INC. WETLAND TABLE (also available electronically)**

**Gilday Summary Cont:** This is an active excavation area that includes mining, crushing, and processing of bedrock resource materials on site. Brox has been a good steward of the land and maintains a positive relationship with the Town of Hudson. There have been no wetland violations to date on this Brox property.

The first quarry on the site walk was North Quarry that connects to two other quarries. The intent of Brox is to connect the two separate excavation areas (North & West Quarries).

**Rielly:** Both North and West Quarries are currently operational.

**Detzel Question:** When were wetlands impacted?

**Gilday Reply:** There has been no direct impact to wetlands withing the past 5 years that the current AoT 1033 was issued.

The group then walked to #2 location. We thought there was a vernal pool and started scouring the banks since August was a very dry month. However no secondary indicators were present.

#3 looked at vegetations and holes as reflected in AC data sheets.

**Detzel Question:** Was this for all wetlands or only ones impacted? Will there be a date sheet on only #3?

**Gilday Reply:** No, we looked at data on all. Initially 3.11 acres were proposed for potential impacts. After the Pre-pre-application meeting, and as discussed during the site visit, questions and concerns were taken into consideration, and the applicant revisited the project. Now only 0.89 acres are proposed for impact – about 29% of original proposal.

**Detzel Question:** 38,857 square feet was discussed at the site visit.

**Gilday Reply:** Has not changed – 0.89 acres.

**Gilday cont:** Wetland J, approximately 40,402 square feet will be avoided. Wetland B, 3,054 square feet will be taken.

Scott Rielly can let Gilday know if any Blanding's turtles are identified during day-to-day operations. Gilday, in turn, will contact NHFG. Synthetics or plastics will not be used on this project.

**Tilton Question:** What is the anticipated impact to remaining wetlands? Does it duplicate what AoT says?

**Pollack & Stevenson Reply:** No impact proposed within 50-foot setback area and existing erosion control barriers will be maintained. The remaining wetlands should not be impacted.

**Tilton Question:** Any indirect impact? Should hydrology data be included?

**Gilday Reply:** We don't anticipate any indirect impact. There may be isolated pockets of standing water but are not of significance even with winter runoff and heavy rains.

**Winters comment:** There was a request for consultation with NHFG. Our agency would like vernal pool information as well as results for Blanding's Turtles & Spotted Turtles. Kevin Newton and Kat Wadiak would be a part of the conversations. NHFG is interested in participating in discussions on mitigation with DES including land available for mitigation in Hudson. Looking forward to receiving additional information including meeting notes.

**Gilday Reply:** To clarify NHFG wants to receive the Vernal Pool Study; Study conducted by qualified biologist; and to be a part of mitigation discussions.

**Winters Reply:** Clarifies that F+G is interested in a plan that includes enhancements, land conservation as well as identification of individual habitat loss. Gilday should submit information to Kim Snyder who in turn will distribute it to relevant NHFG parties.

**Gilday Question:** Will this be a team effort or only one point of contact?

**Winters Reply:** Kevin Newton & Kat Wadiak will lead the review. I will stay in the queue because of potential habitat loss.

Note: Winters left the meeting at approximately 11:00 a.m.

**Gilday resumed:** Indirect impact that Mary Ann Tilton referenced earlier and not necessary to have hydrology data. Gilday worked on another site where hydrology monitoring wells were utilized.

**Detzel Comment:** On our site walk, we dug to 20" and there was no moisture and nothing right next to it even looking at the cut of the slope.

**Stevenson comment:** There were no signs of weeping evident from the quarry faces.

**Detzel comment:** Wetlands looked bizarre; very eerie. Is this typical? What is historical data?

**Gilday Reply:** I have seen this before on another site. I can attest that I was conservative in my approach here and that all the areas I flagged meet the criteria to be classified as wetlands.

**Detzel Question:** How deep was the cut?

**Stevenson Reply:** Less than 100 feet. For the life of the project, one can anticipate a 300 ft cut +/- all to be consistent with the issued AoT, updated every 5-years.

**Detzel Comment:** DES review will need to include plans w/a finished grade.

**Stevenson Question:** Benched slope?

**Detzel Reply:** Will go up to 50 feet.

**Detzel Comment:** We will need a baseline for water levels including groundwater levels. This will need to be monitored pre-construction to ensure that dewatering is not occurring. If that is the case, then mitigation will need to occur. Monitoring wells will need to be established.

**Pollack Question:** Will this be a condition for approval? Is this specific to the Wetlands Bureau?

**Detzel:** Yes, the Wetlands Bureau will want this and I expect the Army Corps as well.

**Gilday:** In the interest of time, are there any other questions?

**Lefebvre Question:** Do I understand that 38,857 square feet is projected impact?

**Gilday Reply:** 38,857 square feet impact for compensatory mitigation. Does the 20:1 ratio apply for Army Corps?

**Lefebvre Reply:** That is correct.

**Gilday:** We are talking about 17.8 acres which should satisfy Corps ratio requirements. On the site walk there was discussion about ARM funds and mitigation efforts combined.

Looking at the rectangle on the plan - this area abuts existing conservation land in the Town of Hudson. This land includes a heron rookery.

Looking to present a combined package to DES and Army Corps with a monetary contribution to the Aquatic Resource Mitigation fund as well as a credit for conservation land.

Gilday and Brox Representatives met with Hudson Town officials and presented before the Hudson Con Comm. The town engineer during Nov 29<sup>th</sup> telephone conversation with Gilday expressed high interest from Hudson in acquiring property. The town is also interested in support with another Shoreland Protection project that abuts the Merrimack River.

**HANDOUT #2 – EXISTING HUDSON CONSERVATION LAND & PRESERVATION LAND BEING OFFERED FROM BROX INDUSTRIES, INC.**

**Tilton Question:** The conservation land being offered includes water?

**Detzel Reply:** Yes.

**Stevenson Reply:** Approximately 70% water/30% upland.

**Detzel:** It really is more of a Shoreland Protection project.

**Gilday Reply:** Hudson Con Com wants it protected. It will add an additional buffer for existing conservation land.

**Detzel:** On the site walk there appeared to be an ATV trail. Is that active and is it on Brox property or Town? Or Both?

**Stevenson Reply:** It is on both. There has been an endless effort including signage, posting, etc. Both the Town and Brox are having a hard time despite our efforts.

**Detzel Question:** So this Town is looking to take the Brox property and add it to their Stewardship Plan?

**Gilday Reply:** Yes, but that is not definite yet.

**Detzel Comment:** This alone does not meet mitigation requirements for DES or Army Corps. Given this may provide some protection for the Blanding's Turtle that Melissa has indicated is of importance, it may bump up a bit but only if the Corp is amenable. Melissa Winters also would have to weigh in.

**Gilday Reply:** Understood.

**Newton Comment:** It does offer some habitat for Blanding's, but we would also be interested in the Mushquash Conservation area that abuts Londonderry.

**BAG Reply:** We will ask the town if Mushquash has potential for more preservation.

**Tilton Comment:** We will need to look at the numbers; how many credits in lieu of fee payments are being proposed; what are the threats to land and habitat; we also will have concern about the impact of the amount of ATV traffic on the land and the inability to control it at this time.

**Gilday Reply:** We will focus on the 6 acres and also ask the Town about the Mushquash area. I understand that it is a problem in Londonderry and perhaps in Litchfield too.

**Newton Comment:** Mushquash is problematic in Londonderry. I am not sure about Litchfield. It is a good idea to talk with the town.

**Brochi Comment:** Anything you can provide in terms of land offerings and options will be helpful. For EPA at the federal level, our efforts will be coordinated through Lyndsey.

**Detzel Comment:** We understand your plan is to submit the application within the next month given the mitigation and that there is a lot to be done. We will need to see a draft of deed language as well as baseline documentation in the application.

**Pollack Question:** We are trying to do our homework before final submission and provide you with as much information as possible to get a sense as to what will be acceptable. If there were to be another offer of Wildlife Preservation and ARM funds, what is the ratio you are looking for? Finally, when such a proposal comes forward, who in the regulatory community is the final decision maker?

**Tilton Reply:** What's been presented thus far, we do have concerns about the ATV traffic, and the vast majority of what is being offered is open water.

**Gilday Comment:** Water that includes a Beaver Pond, Herron Rookery and Headway to Glover Brook.

**Tilton Comment:** That is not what we typically see in a preservation parcel.

**Gilday:** There is an existing housing development there and the town is looking for a bigger buffer to protect the Heron Rookery.

**Tilton Reply:** Don't typically see this in an offering. Corps is moving towards preservation.

**Gilday Comment:** We will talk with the Town. They have already submitted another project under the Shoreland Protection and are shovel ready. They want to stabilize the banks of the Merrimack River.

**Lefebvre Comment:** Need to leave the call now. But the Shoreland Protection does not qualify as an in lieu of fee for Corps.

**Note:** At approximately 11:30 Lindsey Lefebvre left the call.

**Pollack Comment:** So, we are talking about an ARM fund payment plus protection of conservation land.

**Detzel Comment:** Fish & Game really have a high value under threat.

**Pollack Question:** Which regulatory agency will be making the final decision?

**Tilton Reply:** I recognize there is a disconnect between the agencies and we are working on trying to remedy this situation.

**Pollack Question:** So, if we offer a dedicated 6 acres, will the difference be comprised of contribution to the ARM fund?

**Tilton Reply:** We may want to wait to see how Lindsey gets back to you on this one after you have provided us with more information on the 6 acres.

**Pollack Question:** And who will be the decision maker for DES given Lori Summer's departure? Kendall, is that you? (Left meeting due to scheduling conflict).

**Tilton Reply:** We are in a transition phase right now. Both Kendall and I are overlapping while we complete the DES transitions. We will both be a part of the process.

From: Town of Hudson Conservation Commission  
12 School Street  
Hudson NH, 03051

To: Seta Detzel, Wetland Specialist  
Wetland Bureau, land Resource Management  
NH Dept. of Environmental Service  
29 Hazen Drive  
Concord, NH 03302-0095

Reference: Brox Industries Dredge and Fill Permit Application  
NHDES File Number; 2023-00753

Dear Seta,

On April 13, 2023 members of the Hudson Conservation Commission took part in a site walk of Brox Industries, 85 Greeley Street, Hudson to view proposed wetland impacts and wetland avoidance areas listed in Standard Dredge and Fill Application dated 3/15/23. Commission members viewed impact areas E, F and H and agree that these areas have a lower wetland value in regards to support of local wildlife and plant species and most likely provide limited ground water recharge and serve to convey excess storm water off property. We on the commission find that the applicant's proposed mitigation in the form of land preservation would satisfy requirements set forth by NHDES to compensate for these impacts.

With regards to the avoidance areas (A and J) we on the commission did observe standing water at both locations along with a healthy growth of wetland plant species and various animal tracks indicating a very diverse ecosystem. With these observation noted commission members share the concerns of NHDES that indirect impacts may occur due to the close proximity of the mining operations to these two areas. As a preemptive measure it was suggested by BAG Consultants in a memo dated March 17, 2023 and again during the site review that surface and subsurface water levels could be monitored in avoidance areas A and J to gauge the effects of nearby blasting. Members of the Conservation Commission find this suggestion to be a desirable step for early detection of inadvertent wetland impacts. If monitoring is stipulated as part of the Dredge and Fill permitting process we would ask that the monitored areas also be checked after heavy or prolonged rain events to evaluate ground water recharge rates and include this information in any reports prepared by the applicant. Lastly, if monitoring is implemented the Town of Hudson, Engineering Department, should also receive copies of all reports filed with NHDES that pertain to this application.

Thank you for your time. Please feel free to reach out to me if you have any questions or concerns.

Sincerely,

Bill Collins, Chairman  
Hudson Conservation Commission  
Hudson, NH 03051  
Cc: Bruce Gilday BAG Consultants, Elvis Dhima Town of Hudson, Engineering



Expenditure Report - Including Carry Forward Activity  
Conservation Committee  
Town of Hudson, NH  
As Of: April 2023, GL Year 2023

Account Number	Budget	Prior Year Encumbered	Budget & PY Adjustments	Net Budget	MTD Exp	YTD Exp	Encumbered	Balance Available	% Used
<b>Conservation Fund</b>									
06-4619-5586-202-000	2,300.00	0.00	0.00	2,300.00	0.00	799.92	0.00	1,500.08	34.779
	Conserv Comm, Sm. Equipment Mtce								
	0.00	0.00	0.00	0.00	0.00	29.10	0.00	-29.10	0.000
	Conserv Comm, Notices, News Ads								
06-4619-5586-214-000	1,327.00	0.00	0.00	1,327.00	0.00	1,405.00	0.00	-78.00	105.878
	Conserv Comm, Assoc Dues/Fees								
06-4619-5586-217-000	500.00	0.00	0.00	500.00	0.00	180.00	0.00	320.00	36.000
	Conserv Comm, Registration Fees								
06-4619-5586-235-000	48,626.00	39,155.00	-12,700.00	75,081.00	0.00	26,260.20	39,211.00	9,609.80	87.201
	Conserv Comm, Prof Services								
<b>Total Conservation Fund</b>									
Selected Year	52,753.00	0.00	0.00	52,753.00	0.00	5,630.22	35,800.00	11,322.78	78.536
Prior Year	0.00	39,155.00	-12,700.00	26,455.00	0.00	23,044.00	3,411.00	0.00	100.000
Sort Total	52,753.00	39,155.00	-12,700.00	79,208.00	0.00	28,674.22	39,211.00	11,322.78	85.705

Expenditure Report - Including Carry Forward Activity  
 Conservation Committee  
 Town of Hudson, NH  
 As Of: April 2023, GL Year 2023

Account Number	Budget	Prior Year Encumbered	Budget & PY Adjustments	Net Budget	MTD Exp	YTD Exp	Encumbered	Balance Available	%Used
Selected Year	52,753.00	0.00	0.00	52,753.00	0.00	5,630.22	35,800.00	11,322.78	78.536
Prior Year	0.00	39,155.00	-12,700.00	26,455.00	0.00	23,044.00	3,411.00	0.00	100.000
Grand Total	52,753.00	39,155.00	-12,700.00	79,208.00	0.00	28,674.22	39,211.00	11,322.78	85.705

**Town of Hudson, NH  
Conservation Cash Flow  
Fiscal Year 2023**

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Conservation Beginning Bal.	749,266.97	749,737.67	750,390.25	751,037.85	751,973.46	753,126.14	754,520.56	756,129.65	757,614.56	759,261.80	760,932.17	-
Income												
Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Interest	470.70	652.58	647.60	935.61	1,152.68	1,394.42	1,609.09	1,484.91	1,647.24	1,670.37	-	-
Total Income	470.70	652.58	647.60	935.61	1,152.68	1,394.42	1,609.09	1,484.91	1,647.24	1,670.37	-	-
Expenditures												
Expenditures	-	-	-	-	-	-	-	-	-	-	-	-
Bank Charges	-	-	-	-	-	-	-	-	-	-	-	-
Total Expend.	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	749,737.67	750,390.25	751,037.85	751,973.46	753,126.14	754,520.56	756,129.65	757,614.56	759,261.80	760,932.17	760,932.17	-

I don't see why we cant advertise for this at the kiosks

E

*Elvis Dhima, P.E.  
Town Engineer*

12 School Street  
Hudson, NH 03051  
Phone: (603) 886-6008  
Mobile: (603) 318-8286

**From:** Glenn and Jane Bowles <[glennabowles@yahoo.com](mailto:glennabowles@yahoo.com)>  
**Sent:** Wednesday, April 26, 2023 9:23 AM  
**To:** Dhima, Elvis <[edhima@hudsonnh.gov](mailto:edhima@hudsonnh.gov)>; Stickney, Doreena <[dstickney@hudsonnh.gov](mailto:dstickney@hudsonnh.gov)>; Sandra Rumbaugh <[svrumbaugh@comcast.net](mailto:svrumbaugh@comcast.net)>  
**Subject:** Ottarnic Pond - VLAP sampling - VOLUNTEER MONITOR NEEDED

**EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.**

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To: Elvis Dhima, Doreena, Sandra Rumbaugh  
Please forward to: Conservation Commission  
From: Jane Bowles, VLAP co-ordinator for Robinson Pond

I have been notified by the VLAP Monitor for Ottarnic Pond that he is not able to conduct VLAP sampling this season (and quite possibly not in future years either). He could probably train his replacement.

Is it possible for the Town to Post this volunteer position ? and be the Contact Person for interested volunteers?

Perhaps it could be posted on the Ottarnic Pond Kiosk?

I have reached out to the most recent Ottarnic Lake Host co-ordinator for her suggestions.

Our first VLAP sampling for both ponds is scheduled for May 15 & May 16.

**The duties/requirements would be minimal since the Robinson Pond VLAP Team provides the equipment & sampling bottles, schedules the dates, and delivers the samples to DES for analysis.**

**The VLAP monitor would need a boat to access the Deep Spot and several tributaries.** Sampling Techniques Training could probably be provided.

Here is the VLAP fact sheet <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/bb-26.pdf>

## **New Hampshire Volunteer Lake Assessment Program (VLAP)**

### **The Role of the Volunteer Monitor:**

- Schedule sampling dates with NHDES. **(Done by Robinson Pond VLAP Team)**
- Schedule equipment and bottle pick-up. **(Done by Robinson Pond VLAP Team)**
- **Collect water samples (typically once per month during the summer). Requires a boat.**
- Deliver collected water samples to the laboratory within 24 hours of sample collection. **(Done by RP Team)**
- Provide minimal financial support for sample analysis. **(Done by Conservation Commission)**
- Report on potential water quality issues to NHDES when necessary.
- Pass on water quality information to associations, community, and/or town officials. **(Done by DES)**

### **The Role of NHDES:**

- Teach principles of lake ecology.
- **Train volunteers how to collect samples.**
- Provide sampling equipment.
- Conduct sampling audits.
- **Analyze samples in the laboratory.**
- Interpret and publish data in annual reports.
- **Provide technical/educational materials.**
- Provide notifications of workshop opportunities.
- Investigate water quality complaints.
- Assist communities in addressing concerns.
- Incorporate data collected by volunteer monitors into state water quality reports.

## Stickney, Doreena

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**From:** Kat @ NH LAKES <kkelleher@nhlakes.org>  
**Sent:** Wednesday, April 19, 2023 11:48 AM  
**To:** Stickney, Doreena; mgquinlan@comcast.net  
**Cc:** kkelleher@nhlakes.org  
**Subject:** Lake Host Payroll Award Notification (Town of Hudson Conservation Commission)

**EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.**

Dear Lake Host Team,

Congratulations! I am pleased to inform you that NH LAKES has approved the **Town of Hudson Conservation Commission** to receive a payroll award for participating in our 2023 Lake Host Program for aquatic invasive species education and prevention!

Your payroll award is \$0 to place Lake Host Inspectors at **1 ramp(s)**.

Please use this link to sign your Payroll Award Agreement:

[su.vc/awardnotification?cf1=Town%20of%20Hudson%20Conservation%20Commission&cf2=Town%20of%20Hudson%20Conservation%20Commission&cf3=1&cf2=0](https://su.vc/awardnotification?cf1=Town%20of%20Hudson%20Conservation%20Commission&cf2=Town%20of%20Hudson%20Conservation%20Commission&cf3=1&cf2=0)

**At this time, we ask that you please:**

- Digitally sign your Payroll Award Agreement using the link provided above.
- Recruit your team of Lake Host employees and volunteers!
  - Submit employee information through the [Hire Request Form](#), and employees will be invited by email to their online HR portal to fill out their hiring paperwork.
  - Complete the [Federal I-9 Form](#) for each of your paid Lake Hosts. I-9s can be sent digitally or by mail.
  - Fill out your [Volunteer Information Form](#) (and make sure the rest of your volunteers do too!)
  - When recruiting, feel free to use the following:
    - The [Lake Host Inquiry Form](#) will automatically email you information for prospective Lake Hosts.
    - This "[Help Wanted](#)" flier is available to attract volunteers. Post it around town!
- Get everyone signed up for training (recordings will be available after):
  - Lake Host Program Administration: April 20 from 6:00—8:00 p.m.
    - Required for Local Coordinators—[Register here](#)
  - Fundraising for your Lake Host Program: April 27 from 7:00—8:00 p.m.
    - Encouraged for Local Coordinators—[Register here](#)
  - How to Lake Host: May 4 from 6:00—8:00 p.m.
    - Required for Lake Hosts—[Register here](#)
- Provide uniforms and materials for your Lake Host team!
  - The self-service pick-up station at the NH LAKES office will open on May 1, 2023.
    - Address: 17 Chenell Drive, Suite One, in Concord.
    - Hours: Monday-Friday, from 10:00 a.m. to 4:00 p.m.

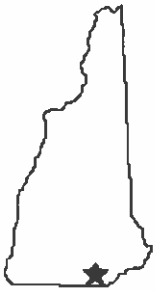
- o Please call the NH LAKES office at 603.226.0299 before planning your trip to confirm that office staff is in the building. We can only ensure access to the service station if you inform us at least 24 hours in advance.

Find more 2023 Lake Host Season resources on our website at [nhlakes.org/lake-host](https://nhlakes.org/lake-host) or go directly to [tinyurl.com/nhlakehost](https://tinyurl.com/nhlakehost)

If you have any questions, please reach out to [lakehost@nhlakes.org](mailto:lakehost@nhlakes.org). Congratulations again! We are looking forward to working with you and your group this summer!

Thank you,

Kat



# TOWN OF HUDSON

## Conservation Commission



William Collins, Chairman

Dave Morin, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-816-1291

**DATE: April 10, 2023**

MEETING MINUTES: 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.

In attendance = X Alternates Seated = S Partial Attendance = P Excused Absence = E

William Collins  
Chairman  X

Carl Murphy  
Vice-Chair  X

Ken Dickinson  
Clerk  X

Brian Pinsonneault  
Member  X

Sandra Rumbaugh  
Member  X

Linda Krisciunas  
Alternate  E

Open Seat  
Alternate      

David Morin  
Selectman Rep  E

Elvis Dhima  
Town Rep  X

.....  
CALL TO ORDER BY CHAIRPERSON AT 07:01 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

SEATING OF ALTERNATES:

Public Input Related to Non-Agenda Items: None

### I. New Business

- a. S.L. Chasse – Conditional Use Permit Review: re-designing without impact (Withdrawn)



## II. Old Business

- a. Brox Industries, Inc. Expansion Project – NHDES Dredge & Fill Application Review:**  
Bruce Gilday of BAG Land Consultants presented project along with Scott Rielly, Brox Plant Manager and Erik Stevenson, V.P. of Real Estate Operations for Brox Industries, Inc. Purpose is to connect their North area and West area quarry operations. Two of the larger wetland areas will be avoided/protected and three wetland areas of lesser rank will be impacted. Site walks with NHDES, NHFG, EPA, and ACOE have already been conducted. 38,758 SF of wetland impact proposed (70% reduction of the initial request of 3 AC). Proposed 6 AC mitigation parcel was recently accepted by the BOS and is now under review by NHDES. No vernal pools are present. Wetlands show signs of shrinkage due to previous land modification uphill found outside of the wetland buffer area. A site walk was scheduled for Thursday, April 13, 6:00 pm meeting at the Greeley Road access gate located across from Sousa Blvd. Mrs. Rumbaugh asked if there were meeting minutes from previous NHDES Wetlands Bureau site walks. Chairman Collins will obtain NHDES meeting minutes prior to our site walk. Site walk TBD for the mitigation parcel. No endangered species are present in the proposed quarry expansion area. Protection fencing will be installed outside 50 ft buffer, therefore a local Conditional Use Permit is not required.
- b. NRPC Trail Mapping Update:**  
Chairman Collins presented three kiosk maps as created by Ryan Friedman (NRPC) for Kimball Hill Town Forest, Colburn Town Forest, and Pelham Rd. Conservation Area and asked for comments. Mr. Friedman is continuing to work on the other maps. Chairman Collins will coordinate with Crissy Peterson, Recreation Dept. Director, regarding Robinson Pond Recreation Area and John Madden, Benson Park Committee Chairman, in effort to reconfirm map graphics for both areas. Mrs. Rumbaugh asked several questions which were answered by Chairman Collins, i.e. addition of QR code for cell phone usage. Mr. Dickinson stated that he had several comments on each graphic. He will provide a separate memo to Mr. Collins to forward to NRPC staff for their consideration. Mr. Murphy commented on the future trail extension that is shown on the Kimball Hill Town Forest Map. Chairman Collins replied that we would perform the proposed trail work soon.
- c. Merrill Park Kayak and Canoe Launch Update:**  
Mr. Dhima, Town Engineer, stated that the grant has been awarded. Project cost is \$34,000. approx. (80% state funded of which HCC provides \$7000. commitment). Governor Sununu signs the award on May 27<sup>th</sup>; therefore the project is due to move forward in June. Chairman Collins inquired about selected local contractors. Mr. Dhima positively responded that Kennedy Excavation was awarded the construction portion of the project. Tree clearing will be performed by Town of Hudson Public Works Dept. Chairman Collins inquired about a potential late June completion date. Mr. Dhima will request an early June project start from the BOS on May 25<sup>th</sup> and setup a groundbreaking event. He anticipates that the project will be completed in July at the latest. More details to follow. A brief discussion followed regarding potential submittal for another NHDES project within this grant period, i.e. 2023 design and planning grant for Robinson Pond launch improvements.

**d. Robinson Pond Watershed Protection:**

Mr. Dhima, Town Engineer, provided an update to activities required to meet the federal MS4 General Stormwater Permit. He stated that Town staff recently conducted their annual training day, i.e. clean street sweeping. BOS approved \$30,000 for cleaning out catch basins around Robinson Pond in effort to reduce high phosphorus levels. He presented VHB consultant recommendations to increase the buffer zone around Robinson Pond further regulating construction activities. A warrant article is intended to be on the 2024 Town Ballot to adopt a Robinson Pond Overlay District. In effort to coordinate with the Planning Board, Chairman Collins intends to add this item for discussion during our upcoming regular meeting in May or June. A brief discussion followed regarding the amount developable land around Robinson Pond, zoning enforcement challenges, and the need to create an overlay district to satisfy the MS4 permit. Mr. Dickinson asked his fellow commissioners for their opinion regarding the “Other Consideration” portion of VHB document. As an example, Mr. Dickinson stated that a lesser slope requirement should be considered in effort to protect a greater area of steeper slopes around Robinson Pond. Mr. Collins stated that the proposed foundation location should be required on a Conditional Use Permit application. Mr. Dickinson asked if a HCC workshop is needed and/or joint workshops with ZBA and Planning Boards. Mr. Collins asked everyone to read our packet material in preparation to discuss regulations at our next regular meeting. Mr. Collins thought that September would be the appropriate timeframe for joint board workshops. Mr. Dickinson stated that two workshops would most likely be needed to draft the proposed regulation language.

**e. Maintenance and Tree Harvest Signs:**

Mr. Murphy presented revised signs to post at future timber harvests and trail work days. Trail work/maintenance signs would be double sided corrugated plastic with aluminum stakes. Four for \$65. Timber harvest signs could be laminated, however Chairman Collins asked Mr. Murphy to explore the additional cost to obtain reusable plastic signs. Mr. Murphy stated that of \$150.00 is a reasonable budget for all signs. Mr. Pinsonneault made a motion to expend upto \$150.00 for the purchase of at least 4 trail work signs and more durable timber harvest signs. Mrs. Rumbaugh seconded the motion. Motion Carried 5/0/0

**f. Land Access Application:**

Chairman Collins stated that Mrs. Rumbaugh has finalized the application and it is now on file.

**III. Other Business**

**a. Trail Work Day:**

The conservation commission will hold a trail work day on Saturday, May 13, 2023 from 9 AM – 12 PM with meeting point TBD. The public is welcome to attend.

**b. Trail Work Log:**

No new blowdowns were reported. Mr. Dickinson will review and update the trail work log for our May meeting. Brief discussion continued regarding plans for Colburn Conservation Area workday on Sunday, April 16<sup>th</sup>.

**c. “No-Motorized Vehicle” Sign Donation Request:**

A sign donation request, as written by Corey Jimmo was reviewed. Mr. Jimmo proposes to laminate and donate 10 “No-Motorized Vehicle” signs to the HCC. Mr. Pinsonneault made a motion to accept this donation. Mr. Murphy seconded the motion. Motion Carried 5/0/0

**IV. Financial Status:**

Warrant Article for Town Forest passed during our March 2023 Annual Town Vote. An account line item is to be added by the Finance Director on our future Monthly Financial Reports. \$1,780. expended since March 13 for professional services and \$355. expended for Association Dues/Fees. Approx. 78% of overall budget has been expended. Conservation Fund = \$757,615.

**V. Correspondence:**

The Chairman reviewed the correspondence which included the following:

140 Kimball Hill Rd. Zoning Enforcement progress: Memos and Notice of Violation, as issued by Town of Hudson Zoning Administrator, Bruce Buttrick. Mr. Dhima noted that the owner is currently addressing their violation in the wetland buffer area. Mrs. Rumbaugh raised questions regarding process of enforcement for similar violations. Mr. Collins stated that fines can be imposed. Mr. Dhima added that the Town can pursue litigation and there is a continuing wetland buffer violation on Highland St. that is currently in legal process. Wetland buffers are ultimately required to be restored. Most cases do not typically require litigation.

Chairman Collins provided an update to HB 2. Chairman Collins signed a support letter submitted by NHACC chair, Barbara Richter. The bill language has subsequently been revised to continue professional licensure/certification requirements for Foresters and Wetland Scientists.

NHACC Wetlands Training Series: April 14, May 19, June 2 (Friday PM) also on youtube.com

**VI. Approval of Minutes:**

Mr. Pinsonneault moved to approve the regular meeting minutes for March 13, 2023. Mr. Murphy seconded the motion. Motion Carried 5/0/0

**VII. Commissioner’s Comments:**

Mr. Pinsonneault reminded everyone that May 1 is the start of spring turkey hunting season.

Mr. Murphy asked if the Town had interest in documenting the process of naturalizing the golf course into a wetland restoration area at the Hillwood Development (Target Distribution Center) project. Mr. Dhima explained that Town will be monitoring the entire project during the construction phase via drone footage with monthly flyovers on standard routes to supplement on-site construction monitoring. No pre-construction meetings were conducted yet, however Town will have a construction trailer (temp office) located on-site (TBD). Chairman Collins concurred that it would be a good idea to obtain photo documentation of existing conditions prior to

construction. Mr. Dhima asked for specific areas to be identified, i.e. proposed wetland crossing areas, riverfront area and sound berm area. Mr. Dickinson requested if the consultant monitoring reports can be provided digitally and/or posted to our website. Mr. Dhima informed everyone that this will be a multi-year project.

Mrs. Rumbaugh inquired regarding status of abutter notification for timber harvest notification. Abutter letters were sent out recently. Mr. Dhima will follow up to see if there were any concerns.

Mr. Collins informed everyone that the seasonal Lake Host positions at both Robinson Pond and Ottarnic Pond Boat Launches remains open. An alternate position on the HCC also is vacant.

**VIII. Motion to adjourn:**

Mr. Pinsonneault moved to adjourn our regular meeting at 8:58 PM; seconded by Mr. Murphy.  
Motion Carried 5-0-0

Ken Dickinson

Ken Dickinson, Clerk



# TOWN OF HUDSON

## Conservation Commission



William Collins, Chairman

Dave Morin, Selectmen Liaison

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12 School Street • Hudson, New Hampshire 03051 • TCI: 603-886-6008 • Fax: 603-816-1291

DATE: April 13, 2023

**SITE WALK (MEETING MINUTES):** 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. 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.).

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Location: Brox Industries, Inc., 85 Greeley St. (Area of Proposed Expansion)

Start: 6:05 P.M.      End: 7:15 P.M.

Attendance: Bill Collins, Carl Murphy, Brian Pinsonneault, Linda Krisciunas, Sandra Rumbaugh and Ken Dickinson (arrived 6:35 pm).

Applicant Representatives: Bruce Gilday, CWS, CSS of BAG Land Consultants;

Scott Rielly, Brox Plant Manager; Erik Stevenson, V.P. of Real Estate Operations, Brox Industries, Inc.

Summary:

The purpose of the site walk was to view four proposed wetland impact areas and two wetland areas to be protected (as discussed at our regular meeting on April 10, 2023). The two wetland areas to be protected both had standing water and are classified as PSSIE (Paulstrine Deciduous Scrub-Shurb Seasonally Flooded /Saturated). Wetland areas in proposed quarry expansion area appeared to be previously excavated, modified and/or created by gravel access road construction. We discussed the effects of previous land modification due east of Greeley St. that has potentially affected the lack of saturation in the other wetland areas of proposed impact. Monitoring wells may be installed in effort to further study water levels in the proposed area of wetland protection. The applicant explained that erosion control barriers and/or berm would be established outside the 50 ft wetland buffer.

No decision or motions were made during this field work day.

Ken Dickinson

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