

Swanzey Conservation Commission

February 10, 2009 meeting minutes

Minutes are not final until reviewed and approved by the Conservation Commission. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Conservation Commission.

ATTENDANCE Steve Stepenuck, Chair; Deb Crowder, Vice Chair; Paul Daniello, Michael Day, Mike Morrison (left at 8:05; returned at 8:20). Alternates Bob Goodrich, Jane Johnson. Excused absence: Jerry Babonis. Absent: Barbara Sherman Glidden

Also present for the second guest speaker on the agenda (until 8:20) were Open Space Committee members Katherine Feist, Jeanne Thieme, Dan Zeh, and Theresa DiLuzio (left at 7:50).

Chairman Stepenuck called the meeting to order at 7:00 p.m.

GUESTS Jeffrey M. Kevan, Senior Project Manager, T.F. Moran, representing the "Bardwell Farm" retail development wetlands permit (7:00 - 7:50)

Kevan stated that the dredge and fill submittal packet is substantially complete, and provided the SCC with application materials. Kevan said that details of the drainage system are still pending, but will be completed within approximately a week. He will contact the SCC after filing the materials. Stepenuck stated that he would schedule Kevan for the March SCC meeting. In March, Kevan will present the final drainage plan, as well as alternatives to the proposed locations of structures.

Kevan recapitulated the development plan, as presented at the January 2009 SCC meeting. He reported that the Swanzey Zoning Board of Adjustment (1/19/09) granted a use variance for the project, and reported meetings with Swanzey and Keene officials regarding public water and sewer service to the site. He stated that he has filed an application to tie into the nearby 8" sewer main, and said that it may be necessary to install a private pump station on the site. Plans call for connecting the project with an extension of the 12" water main from Matthews Road. A utility easement adjacent to Route 10 will extend from the edge of the proposed paved area to the southern property line.

SCC members' questions and discussion focused on

- Consideration of alternative sites and alternative orientation of the buildings and parking.

Kevan stated that he had considered, and rejected as unfeasible, various iterations of the development plan in an attempt avoid the northernmost wetland, proposed to be filled. He stated that structures are proposed for locations on the parcel to minimize impact on wetland areas with the highest values and functions. He said that plans to maintain and annually mow the central field area also minimize impact of the proposed development.

- Restricting future development on the central and southernmost portions of the parcel, currently proposed to contain stormwater management facilities.

Kevan stated that the southernmost portion of the site will be protected against future development by a deed restriction. He said that some excavation and groundwork may be necessary in this portion to increase the land's ability to retain stormwater on site, by means of an open drainage recharge basin. For these purposes he said that it would not be possible to dig deeper than the level of the water table, approximately 2' below surface.

Kevan said that development of central portion of the parcel within 5 years would trigger the need for compensatory wetlands mitigation, along with another set of permits and approvals.

Morrison stated that piecemeal development would denigrate the value of aquifer. Stepenuck noted that the 8,775 sf of proposed impact is close in size to the 10,000 sf that triggers the requirement for compensatory wetlands mitigation, and noted that the central portion of the site is necessary for managing stormwater related to the proposed development. Given these facts, some SCC members asked for a commitment via deed restriction that the central portion of the site - in addition to the southern portion -- be left undeveloped.

- Changing the shape of the building to accommodate the wetland proposed for filling
Kevan stated that internal uses of the building's space drive its exterior shape, and said that reconfiguring industry standards would be a setup for business failure. Citing NH-DES, he stated that paving around the wetland would result in a loss of its values and functions comparable to those that result from filling the wetland.

Crowder advocated for a more interesting shape of the building, and suggested relocating the proposed retail annex.

- Parking lot surface

Daniello asked whether pervious material might be suitable. Kevan stated that the developers had discussed using pervious material, and reiterated the reasons he presented at the January SCC meeting to justify installation of conventional impervious material: potential for pedestrians to trip, excessive wear caused by frequent turning movements of cars, and a required 4' separation from the water table - already high -- that would require significant raising of the parking lot. Kevan stated that oil separators would be installed in the parking areas.

Former SCC member Barbara Skuly presented SCC members with a brochure, "Swanzy Groundwater: Vital, Valuable, Vulnerable," illustrating the aquifer that underlies the site. Skuly reviewed the history of the Melrose application for the parcel, which proposed a theatre complex and extensive parking. She stated that the application was denied by NH-DES on the grounds that the applicant failed to demonstrate that the proposal had the least impact of all possible alternatives. Skuly provided members of the SCC with copies of the Melrose application materials, including the NH-DES letter denying the permit.

Skuly discussed the functions and values of the wet meadow, and the value of aesthetics and wildlife habitat. She stated that NH-DES regulations call for development within the capacity of a parcel, avoidance and minimization of impacts to wetlands, and require consideration of quality and quantity of surface waters. She asked for demonstration that the proposed plan has the least amount of impact relative to alternative plans.

Skuly suggested changing the shape of the building as a way to retain the wetland proposed for filling. She advocated for preservation of the wetland, stating that it would function as a filter.

SCC members advised Kevan of their primary desires to protect the underlying aquifer, and to encourage the most environmentally sensitive plan for the parcel.

GUEST Ryan Owens, Executive Director, Monadnock Conservancy; Johnson Farm easement project (7:53 - 8:15)

Owens appeared before the SCC to request SCC participation in the bargain purchase of the Johnson farm conservation easement.

Owens outlined the history of the project, a collaboration between the Monadnock Conservancy, Open Space Committee, Town of Swanzey, and Moore Nanotechnology Systems, LLC, through its compensatory wetlands mitigation permit. Owens requested a \$16,375 contribution from the Conservation Fund to complete the bargain easement purchase.

Owens listed the unique qualities of the parcel that justify public investment: As a three-generation working farm with diverse agricultural operations, he said that the farm is the embodiment of Swanzey's rural character, and is treasured by families whose children have grown up visiting the farm and taking part in farm activities. The *Plan for the Protection of Open Space* identifies the farm as a priority conservation area. By virtue of supporting inclusion of the farm in the Moore Nanotechnology mitigation permit, NH-DES also recognizes the values of the parcel.

Owens stated that public benefits of the land itself include protection of:

- Water -- the majority of the farm lies over an aquifer. The farm contains approximately 2,500' of shoreline of the South Branch (one of the most important waterway in Swanzey), along with approximately 4,000' of tributaries.
- Ten acres of riparian floodplain forest, one of the most rare natural habitats in the State
- Open grasslands, another relatively rare natural habitat
- Ecological values - 70% of the farm is in highest tier of the *Wildlife Action Plan*.
- Rare species - including documented populations of wood turtles
- Wildlife corridors - the farm abuts an 8,000 acre block of unfragmented forest

Owens stated that the requested collaboration follows a classic regional and State model for the most effective way to accomplish conservation goals. He said that the easement purchase represents an opportunity for a great bargain.

In response to a question, Owens outlined the function of exclusion areas in conservation easements. He said that the limitations and restrictions of easements could be onerous in a built-up area where daily living activities take place. Exclusion areas are designed to provide relief from these restrictions.

Motion by Morrison to donate \$16,375 from the Conservation Fund to the Monadnock Conservancy for the purpose of contributing to the bargain purchase of the Johnson farm conservation easement. Second by Day. All in favor.

MINUTES

By e-mail, Daniello proposed the following amendments to the minutes of January 13, 2009: Page 2, last paragraph: ~~Kevan~~ Lamb said that he will add a note to the approval plans calling for ~~twice~~-annual mowing.

Page 5, Date for Roadside Cleanup: **Motion** by ~~Daniel~~ Daniello to conduct the roadside cleanup on Saturday, April 25, 2009 . . .

By e-mail, Crowder proposed the following amendment to the minutes of January 13, 2009: Page 5, **Miscellaneous** NHACC: *Land protection purchase authorization warrant article* Add: Crowder will write a letter to the Sentinel in support of passage of the warrant articles.

By e-mail, Stepenuck proposed the following amendment to the minutes of January 13, 2009: Page 6, Other business as might arise *Detail of SCC minutes* . . . extensively detailed when warranted. Second by Morrison. All in favor. ~~All in favor.~~

Motion by Day to approve, as corrected, the minutes of January 13, 2009. Second by Crowder. All in favor.

REPORTS

Treasury (Stepenuck) Stepenuck reported January expenditures, and received SCC authorization to pay \$275 annual dues to the NH Association of Conservation Commissions. Stepenuck will file the treasury report with the minutes of the meeting.

Subcommittee reports

Ashuelot River Local Advisory Committee [ARLAC] (Stepenuck) As a summary of his January 20, 2009 presentation of Ashuelot River monitoring findings to ARLAC members, Stepenuck distributed ARLAC meeting minutes prepared by B. Skuly. Stepenuck provided the full PowerPoint presentation on CD to SCC members who requested it.

Stepenuck reported highlights of monitoring results, and discussed possible sources of contamination. SCC members discussed Keene wastewater treatment plant operations, possible changes to operations, and possible sources of water contamination in various parts of Swanzey.

Stepenuck will file the monitoring results with the minutes of the meeting, and suggested posting the results on the SCC website. SCC members discussed publishing the results in the Keene *Sentinel*. Crowder recommended sending a letter to the newspaper.

Open Space Committee (Crowder) Crowder reported that the February OSC meeting was devoted to debriefing following the Monadnock Conservancy Land Summit, and to consideration of more active pursuit of parcels with high conservation priority.

SWRPC Natural Resources Advisory Committee (Morrison) Morrison said that the Committee is scheduled to meet on February 18, 2009.

SCC web page on Town site (Day) Day reported no activity.

UNFINISHED BUSINESS

Projects

Filing cabinets SCC members discussed scheduling and staffing a work session to organize and file SCC records. Members selected Tuesday, February 24, from 1:00 - 3:00 to conduct the work. Discussion included the filing system to use (possibly by tax map and lot number, as recommended by Town Planner Carbonneau).

Roadside cleanup, April 25, 9:00 - 12:00 SCC members designated responsibilities:

- Publicity - Crowder will handle posters; Daniello will handle the media.
- Bags - Stepenuck will collaborate with DPW Director Dunham to procure 500 bags.
- Gloves - Day will procure, perhaps seeking a donation from a fast food restaurant. SCC members encouraged making the request through a letter, and allowing ample time for response.
- Water - Stepenuck will contact the Board of Selectmen about a donation.
- Town Hall - Goodrich will remain at Town Hall for general supervision. Stepenuck will welcome volunteers and speak about safety, as well as ensure that volunteers sign a safety waiver. Johnson will assist with collecting waiver signatures.
- Other - SCC members discussed soliciting the involvement of school groups, and discussed who might be appropriate contacts.
- Future plans - SCC members discussed encouraging Town organizations to adopt Town roads for on-going cleanup. Members discussed ways to place more of the responsibility for cleanup on fast food restaurants, seen by Commission members as the primary generators of trash that most frequently results in litter.

Permits

Beauregard property subdivision: Taft Road/Flat Roof Mill Road, M/L 12/21 Day reported that he attended the latter portion of the Planning Board's site walk. Goodrich reported neighbors' concerns regarding rubbish on the property. Crowder said that all lots have been checked for compliance with State subdivision regulations. SCC members discussed the possible presence of a permanent brook.

Miscellaneous

SCC membership, term limits, appointment of officers SCC members discussed term lengths, and determined that the terms of Glidden, Babonis, and Day will expire in March 2009, along with that of alternate Johnson. Crowder will contact Glidden. Babonis has expressed his intention to not continue his membership. Stepenuck will ask Town Administrator Fox to advertise vacancies.

Stepenuck advised members that all offices expire in March.

NEW BUSINESS

Permit/variance applications, complaints, and appeals

None presented.

Miscellaneous

Mail Stepenuck reported receipt of the following:

- SWRPC public meetings workshop, February 17
- NH Fish and Game Department non-game wildlife program thank-you for contribution
- NH Fish and Game Department conservation camp thank-you for support; notification of price increase
- NH-DES letter of compliance - Maynard (Tax Map 84, Lot 1). Areas of deficiency have been addressed.
- NH Audubon and other organizations; "Conservation Opportunities in the Connecticut Valley," to discuss a more unified approach to bird conservation, habitat improvement and floodplain protection in the valley, March 27, 9:30 - 3:30 at Walpole Town Hall.

Report of deliberative session Stepenuck reported on public comment at the annual deliberative session. Members discussed preparing a poster or staffing a table at Town voting to encourage support of Warrant Articles 6 and 7, and determined that a letter to the Keene *Sentinel* would be adequate.

Conservation Camp Morrison advised members that he knows of a candidate for SCC sponsorship.

Other business as might arise

Canoe trip Members set May 16, from 9:00 to 1:00, as the date and time for the annual trip from Martel Court to the Thompson covered bridge. Crowder will prepare and post posters.

Rubbish on Muster Field Stepenuck advised members of a report of trash, and said he will write to DPW Dunham and Recycling Center Manager Krisch to request that the trash be removed after snow-melt.

ADJOURNMENT

Motion to adjourn by Daniello. Second by Crowder. All in favor. The meeting adjourned at 9:33.

Respectfully submitted,

Victoria Reck Barlow
Recording Secretary