

Swanzy Conservation Commission

January 13, 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 (excused to arrive at 7:24), Michael Day (left at 9:05), Mike Morrison

Alternates Bob Goodrich, Jane Johnson (left at 9:05)

Absent: Jerry Babonis, Barbara Sherman Glidden

Chairman Stepenuck called the meeting to order at 7:04 p.m., and welcomed new alternate member Jane Johnson.

GUEST Dan Zeh, Open Space Committee (OSC) (7:15 – 7:25)

With Chairman Stepenuck's permission, OSC chair Barlow introduced Zeh's project. She said that the work is an outcome of a grant of technical assistance with the NH *Wildlife Action Plan* (WAP) awarded to the OSC from UNH Cooperative Extension. Barlow said that Zeh, a conservation biologist and cartographer, was presenting snapshots of the Town's conservation priority areas to the Planning Board and, if desired, to the SCC. Barlow said that OSC members hope that Planning Board and SCC members who are familiar with these parts of Swanzy will affirm or correct the WAP's predictions, and add observed data to Town maps. The revision of maps in the *Plan for the Protection of Open Space* can contribute to an update of the Town's Master Plan.

Zeh presented an overview of WAP maps posted in Town Hall, explaining the origins of the data, and how to read and interpret the data. He noted that highest ranking habitat in NH almost always follows rivers, and said that highest ranking biological regions often are located in the vicinity of feeder streams. Zeh emphasized the importance of not discounting areas that have no State-assigned rankings – for example, areas in higher levels may also contain important habitat. He said that local citizens are the best source for local data.

Zeh said that the WAP is useful at the Town level because it reveals the presence of plentiful good habitat in Swanzy. However, because much of today's development builds on that which historically took place in river valleys, we can anticipate conflicts of interest.

For the evening's "snapshot," Zeh presented five iterations of data depicting Swanzy Lake and its surroundings. The data show WAP prioritized habitat, WAP habitats, WAP unfragmented areas, aquifer transmissivity, and Swanzy conservation priorities (from the *Plan for the Protection of Open Space*.)

In response to a request for information from the Planning Board, all maps depict a 250' buffer and a 1,000' buffer around Swanzy Lake. Asked by SCC members for his opinion regarding the value of a 1,000' buffer, Zeh stated that, in theory, he would always support wide buffers to help ensure that new development is at an appropriate density. He said that the issue would require an in-depth discussion of merits, but noted that wide buffers can slow the rate of build-out. At Swanzy Lake, Zeh suggested considering a 1,000' buffer in particular areas – to be determined – rather than surrounding the entire lake.

SCC members discussed the geology of Swanzy Lake. Stepenuck reported two sightings of bobcat tracks in the area to the north of the Lake, accessed from Christian Hill Road. Members discussed presence and range of cottontail rabbits.

GUESTS Jeffrey M. Kevan, Senior Project Manager, T.F. Moran and James R. Lamp, P.E., J & Co. Engineering and Development Consultants (7:25 - 8:15)

Kevan and Lamp appeared before the SCC to request SCC support of their requested use variance from Section VII.D. to permit an impact to 8,755 square feet of wetland (The ZBA will hold a public hearing of the application on January 19, 2009.), and to answer questions regarding the application for a State wetlands permit.

The development is proposed for the "Bardwell Farm" property situated off West Swanzey Road in the Commercial/Industrial Zoning District and shown at Tax Map 38, Lots 1 and 1-2. Through its representatives, Swanzey N.H. Development, L.P. requests a State wetlands permit to fill a 8,755 square foot (0.2 acre) wetland on the 18.3 acre site. Kevan said that there are no plans for any additional wetlands impacts within the next 5 years.

Retail development proposed for the parcel includes a 76,500 square foot supermarket and connected retail space, as well as a freestanding pharmacy. Parking for 480 cars is proposed.

Kevan reviewed a map depicting the location of proposed development and location of existing wetlands. Peter Schauer delineated the wetlands, and advised the developer that the wetlands present generally are of low value due to the history of disturbance to the parcel in its agricultural use. The parcel contains several wet areas, but impacts will be limited to a single 8,755 square foot area, which appears to be seasonally wet. Kevan said that his attempts to incorporate the wetland into the design (including re-positioning the proposed construction) had been unsuccessful.

Kevan said that seven acres are proposed for development - the northernmost 5.3 acres of the parcel that are in Swanzey, and 1.3 acres of the parcel that are north of the Swanzey-Keene line. Kevan said that stormwater treatment facilities likely also will be contained within the 5.3 acre area. Kevan discussed State requirements for stormwater treatment, and said that the proposal would use a variety of systems for treatment, recharge and infiltration. The parking areas will have sumps and gas/oil separators for pre-treatment.

Kevan presented photographs of the parcels taken after summer mowing in 2008. Crowder reported identifying loosestrife, sensitive fern and sedges in an enlarged version of a photo.

In response to a question from the SCC, Lamp said that a pervious parking lot might be appropriate in some areas of the parking lot, but might deteriorate to create trip hazards in high-use areas. Longevity of the surface also is an issue, as well as the required 4' depth of pervious material for a foundation.

Lamp noted that industry standards for parking lot size have changed: Formerly, 550 spaces would have been recommended for a retail use of the proposed size.

Lamp said that approximately 3' of fill will be required to create the required grades.

Kevan said that the project would extend public water and sewer lines to the southern edge of the construction area, and would allow an easement for future extension of utilities heading south on Route 10. NH-DOT will require roadway improvements to Route 10, including a center left turn lane, but will not permit installation of a traffic signal. The proposed exit from the parking area is situated to provide for a long stacking distance for left turns onto Route 10.

SCC members discussed the condition of Winchester Street in Keene, and potential for future development off Route 10 south of the proposal. Members discussed representing the character of the former farm with the proposed development.

SCC members discussed permanent protection of the 5.4 acres that are not intended for development, to retain the potential for future agricultural uses such as haying or even community gardens. Kevan stated that the developers want to retain the option of future development of the several-acre section of the parcel located to the south of the proposed parking area and to the north of the proposed stormwater treatment basin. Lamp said that stormwater management facilities and the DES permit likely will preclude development of the remainder of the parcel. Kevan offered

to incorporate a deed restriction to protect the undeveloped land, and to maintain a fall cut in the area that will not be used for stormwater treatment. Lamp offered to find out whether W. Bardwell would like to continue haying the undeveloped portion of the parcel.

Kevan said that Bruce Bohannon had recommended that the plan accommodate a travel corridor for snowmobilers.

Crowder concluded that, in principal, the SCC opposes any proposals to fill wetlands. However, she said, the size of the proposed impact - under 10,000 square feet -- prevents the SCC from opposing the project. She noted that the affected wetlands are not prime wetlands, and said that SCC members will not attend the ZBA public hearing.

Kevan said that he will add a note to the approval plans calling for twice-annual mowing. At Kevan's request, Chairman Stepenuck said he will schedule Kevan's presentation of the completed wetlands permit application for the February 10, 2009 SCC meeting to help resolve any outstanding questions in a timely manner.

MINUTES

Stepenuck proposed the following amendments to the minutes of December 9, 2008:

Correct first paragraph, page 1, to read:

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

Correct attendance section to read:

ATTENDANCE

Present: Steve Stepenuck, Chair; Jerry Babonis, Paul Daniello, Michael Day, Mike Morrison, Alternate Bob Goodrich

Excused: Deb Crowder, Jane Johnson

Absent: Barbara Sherman Glidden

Chairman Stepenuck called the meeting to order at 7:04 p.m., and welcomed new alternate member Jane Johnson (in absentia, since she had a prior commitment).

GUEST Dan Zeh, Open Space Committee (OSC)

. . . Zeh began his presentation with a brief overview of GIS technology, and said that the State is in the process of moving the State-wide WAP data down into communities so that local citizens can correct and ~~made~~ make additions to the WAP. . .

Move page break to precede the title, "Subcommittee reports," and add underlined text:

Subcommittee reports

Ashuelot River Local Advisory Committee [ARLAC] (Stepenuck) Stepenuck read from a report submitted by ARLAC, noting several items, viz.

1. The coal tar removal project on Mill Creek and the Ashuelot River in Keene will take two summers, starting in 2009. The river will be diverted so the impacted bottom can be removed, dewatered, and trucked to appropriate disposal sites. Water will be treated prior to discharge to the Keene municipal system. Over 600 truckloads of river bottom will be removed. Remaining tar-impacted sediment will be capped with a suitable membrane or reactive-type barrier.

2. Connecticut River Watershed Council's [CRWC's] October River clean-up: 204 volunteers picked up 3976 pounds of trash, 25 shopping carts, and a kitchen sink.

3. Matthews Rd: Emile Legere's project is not functioning as planned. Cars are able to access the rail trail, and there is erosion and knotweed growth.

4. A new power line is also coming up near the river from Winchester.

5. The NH River Council has prepared a brochure on the new CSPA [Comprehensive Shoreland Protection Act].

6. The Ashuelot Pond drawdown study has been completed, and peer reviews accomplished. The comment period has been extended to January 2009.

Mt. Cresson Conservation Area (Stepenuck) Stepenuck reported an increase in vehicular traffic and an apparent increase in trash at the area since the signs were erected.

LCIP annual monitoring Stepenuck reported that Crowder conducted the annual monitoring of Honey Hill trails, and that he would write the report on the Mt. Cresson area.

2008 Annual Report due December 19 Stepenuck said that he will submit the SCC's report to S. Page by December 19, 2008. In addition to activities and topics included in the 2007 report, Morrison recommended the addition of Ben Crawford's bank stabilization project; Day recommended the addition of sponsorship and help with the CRWC's river cleanup. Stepenuck had noted that new items this year were re-erection of the sign at the Muster property, some clearing there, and new signs, parking area, and a loop trail laid out at the Mt. Cresson conservation area.

SCC October 2008 meeting Stepenuck discussed the appropriateness and timing of ~~a request by Open Space Committee chair Barlow's scheduling of a speaker to address to invite a member of the public to attend~~ the SCC meeting.

Unified format for Town signs Day proposed identifying Town-owned properties with signs of the same format as that used at the ball fields, sewage treatment plant, and other Town facilities. SCC members discussed where such signs might be located. Stepenuck suggested compiling a list of possible sign locations, and recommended contacting DPW Director Dunham to determine the source of the Town facility signs. He also cautioned that some lands were acquired with state help, and that the state-provided signs are appropriate for those.

Phosphate levels Babonis inquired whether Stepenuck had drawn conclusions from river monitoring results. Stepenuck said that he will analyze the data in preparation for a report of 2008 monitoring results to the January meeting of the River ~~Advisory Commission~~ Committee.

Motion by Crowder to approve, as corrected, the minutes of December 9, 2008. Second by Day. All in favor.

REPORTS

Treasury (Stepenuck)

Stepenuck reviewed 2008 expenses as detailed in the SCC's Detail Statement of Accounts (Expenditure, Itemized Appropriation, Expenditure and Encumbrance Transactions). He stated that the SCC's Citizens Investment account has a balance of approximately \$110,000, and the checking account has a balance of approximately \$1,500. Stepenuck will file the treasury report with the minutes of the meeting.

Subcommittee reports

Ashuelot River Local Advisory Committee [ARLAC] (Stepenuck) Stepenuck stated that he e-mailed the ARLAC annual report to SCC members. Stepenuck will file the annual report with the minutes of the meeting.

Stepenuck said that he will present findings of Ashuelot River monitoring to the ARLAC on January 20, from 7:00 to 8:00, at the Keene Public Library. Stepenuck said that he will make the full PowerPoint presentation available to SCC members on CD. SCC members discussed effectiveness of methods for publicizing the presentation, including use of letters to the Keene *Sentinel*.

Stepenuck reported September 2008 Ashuelot River monitoring results, which document high coliform counts starting at the Cresson Bridge and continuing to the Thompson Bridge. Stepenuck will file the monitoring results with the minutes of the meeting.

Open Space Committee (Crowder) Crowder said that the OSC talked about the 2009 workplan, and invites SCC members to the following events:

- April 6, 2009: "Reading the Forested Landscape" walk with Tom Wessels, at the invitation of Cynthia Richards, on her land, 9:00 - 12:00.
- April 21, 2009: Easement celebration party, Keene State College camp, 4:00 - 6:00.
- May 30, 2009: "Swanzey Rural Character - The Movie" (working title) premiere, MRHS auditorium, showings at 4:00 and 7:00.

SWRPC Natural Resources Advisory Committee (Morrison) Morrison said that the Committee is scheduled to meet on February 28, 2009.

SCC web page on Town site (Day) Day reported that he is gathering information.

UNFINISHED BUSINESS

Projects

Mt. Cresson Conservation Area (Stepenuck) Stepenuck reported his discovery of wet areas in the vicinity of the new trail during a December walk. He stated that he felt that the amount of water in the vicinity of the trail is not major, and said that he felt that a bridge would not be necessary. Stepenuck stated that he has determined that DES does not require bridges or other devices for trail crossings of intermittent streams. If a bridge is desired, the SCC can apply for a \$25 recreational trail permit.

Filing cabinets SCC members discussed steps required to locate, organize and file SCC archives, estimated by Stepenuck to be a 50-hour task. The group agreed to further discuss the topic at the February meeting.

Miscellaneous

NHACC: Land protection purchase authorization warrant article Stepenuck reported that he submitted the article (supported for inclusion by an October 2008 SCC vote) to Town Administrator Fox, and asked SCC members to double check the warrant to make sure the article has been included.

SCC members discussed whether to promote the article with publicity and public education, and concluded that members will not prepare posters or staff an information table at the polls. Crowder will compose a letter to the Keene *Sentinel* to advocate for the article.

Morrison will contact Carol Andrews, NHACC, to discuss approaching the *Sentinel* environmental editor to print a story about the article.

MC Land Conservation Summit Stepenuck reported that January 16 is the registration deadline.

Non-game and Endangered Species Program Stepenuck noted that the SCC made two contributions to the program in 2008.

NEW BUSINESS

Permit/variance applications, complaints, and appeals

Thomas transportation: Alteration of Terrain Permit, M/L 38/18 Stepenuck read from a 12/22/08 letter from NH-DES regarding DES File # 081219-06. SCC members discussed the letter, and determined that no SCC action is required at this time.

Dillant-Hopkins Airport: Alteration of Terrain permit extended and amended. Stepenuck read from a 12/30/08 letter from NH-DES to Dillant-Hopkins Airport Manager Ed Mattern regarding Alteration of Terrain Permit WPS-7547A. SCC members discussed the letter, and determined that no SCC action is required at this time.

Beauregard property subdivision: Taft Road/Flat Roof Mill Road, M/L 12/21 The SCC reviewed the location of the proposed 7-lot subdivision of the 13.99 acre parcel. The proposed lots will be 1.01, 1.11, 1.02, 1.05, 1.00, 2.65 and 6.08 acres. SCC members discussed locations of septic systems and wells relative to delineated wetlands, and locations of driveways relative to lot lines.

Stepenuck will write a letter to the Planning Board reporting SCC concerns that the leach field for proposed Lot 5 seems to be less than 125' from the wetland shown on proposed Lot 6. The letter also will report a concern regarding proximity of the driveway for proposed Lot 7 to the

property line of existing Lot 20, and the possibility of impinging upon a wetland if the driveway is relocated.

Meadows End Logging permit: Franklin Mountain, Rattlesnake Mtn., M/L 90/2. Several pole fords. Stepenuck reported receipt of a 12/29/08 letter from NH-DES regarding File #2008-02785, Complete Forestry Notification. SCC members discussed the location of the logging operation, and pole ford locations. Members discussed clear-cutting, restrictions on clear-cutting, and reports of lack of enforcement actions against logging within 25' of brooks. Members discussed the upgrade of the Class VI portion of Atkinson Hill Road, and its possible implications. Members determined that no SCC action is required at this time.

Broadest Properties, Arrowcrest Road: Lot line adjustment and 2-lot subdivision. SCC members reviewed the proposed changes, and determined that no SCC action is required at this time.

Fenton boundary adjustment plan The boundary line adjustment between Tax Map 3, Lots 42 & 44 and Tax Map 15, Lot 11 seeks to add a total of .75 acres to Tax Map 3, Lot 44.

Tax Map 3, Lot 42 is owned by Willard H. & Molly D. Thompson; Tax Map 3, Lot 44 is owned by William Fenton; and Tax Map 15, Lot 11 is owned by Kate Donovan, LLC. The properties are situated off Massey Hill Road and Route 12 and located in the Business Zoning District.

SCC members also discussed the proposed construction of additional parking (77 new spaces) for the existing business at 591 Monadnock Highway and shown at Tax Map 3, Lot 44 situated in the Business Zoning District

Members discussed the location of the proposals and the proposals, and were unable to determine from the provided materials whether there will be an impact to wetlands.

Project

Date for Roadside Cleanup

Motion by Daniell to conduct the roadside cleanup on Saturday, April 25, 2009, rain or shine. Second by Morrison. All in favor.

MISCELLANEOUS

Ashuelot Rail/Trail: "Town of Swanzey" project: Keene – Swanzey bed packing. Stepenuck read portions of a 1/6/09 letter from TF Moran soliciting SCC comments regarding Ashuelot rail/trail improvements. SCC members discussed the letter, and recommended that the engineers consult maps and follow best management practices for road building. Stepenuck will file the letter with the minutes of the meeting

Pullen easement, and others: "Purposes," as well as "Reserved rights," etc., Stepenuck presented definitions of the phrase "passive recreation" he has located via an Internet search, and discussed his concerns with use of the phrase in conservation easements.

Mail Stepenuck reported receipt of *Land and People* [from the Trust for Public Land]

Other business as might arise

Detail of SCC minutes SCC members discussed their preferences regarding the level of detail reported in SCC minutes, and determined that the minutes should reflect who was present, topics of discussion, general details of discussion, decisions made, and motions and their outcome.

SCC members discussed use of minutes by the public and by SCC members. Members discussed the need for public awareness, public concern and participation. Members discussed televising SCC meetings, and posting reports on the website.

Motion by Crowder that the level of detail represented in the Planning Board minutes of August 7, 2008 reflect the appropriate level of detail for SCC minutes, and that important discussions should be more extensively detailed when warranted. Second by Morrison. All in favor. All in favor.

Crowder asked that SCC members present brief summaries of information contained in reports, letters, etc., and the material itself be copied and filed with the minutes rather than read at meetings.

Motion by Morrison to file reports with minutes in the SCC filing cabinet. Second by Daniello. All in favor.

Reporting attendance in SCC minutes Stepenuck stated his preference to differentiate between notified absences ("excused") and absences for which the Chair receives no notification ("absent"). SCC members supported Stepenuck's preference.

Longstanding absence of Commission member Glidden Crowder requested a determination of Glidden's status for the February agenda. Stepenuck said that he will write to Glidden.

Moose sightings Johnson reported that a moose passed through her property twice in the fall of 2008. Goodrich reported that, in November, a female moose was struck by a car on Route 12 near the Fairgrounds.

Complaint regarding snow dumping in the river SCC members discussed a complaint of snow dumping across Sawyer Brook Crossing from the Rymes fuel farm. Members who had inspected the location determined that they discovered no evidence of the reported activity.

Possible snow dumping in South Branch Daniello reported that he has photographed a location in the vicinity of the bridge on South Road near Farwell Farm where Town plows have pushed snow to the bank of the river. Crowder advised Daniello to inform Town Administrator Fox. Stepenuck advised people who see similar activity to contact him or Barbara Skuly, either of whom will forward the report to the proper authority in Concord.

ADJOURNMENT

Motion to adjourn by Morrison. Second by Goodrich. All in favor. The meeting adjourned at 10:16.

Respectfully submitted,

Victoria Reck Barlow
Recording Secretary