

Swanzy Conservation Commission

March 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 (arrived at 7:11); Paul Daniello (left at 9:20), Michael Day (arrived at 7:11), Mike Morrison. Alternates Jane Johnson (left at 9:30). Absent: Barbara Sherman Glidden

Chairman Stepenuck called the meeting to order at 7:05 p.m. Alternate Johnson was seated for Glidden.

GUEST Dan Zeh, Open Space Committee (7:05 – 7:15)

Zeh presented maps of the valley located between Mt. Caesar and Swanzy Lake, indicating NH Wildlife Action Plan (WAP) prioritized habitat, NH WAP habitat, NH WAP unfragmented areas, aquifer transmissivity, and *Plan for the Protection of Open Space* conservation priorities. Zeh explained that floodplain forests are relatively rare in NH and, along with grasslands, receive a higher WAP priority ranking than forests. The WAP scores also factor in attributes such as presence of buffers, history of wetlands permits, known contamination areas and proximity to conservation land. Zeh explained that WAP fragmentation reflects the density of the road network, and said that highest levels of aquifer transmissivity tend to coincide with the river valleys. Zeh said that the Open Space Committee is in the process of revisiting and refining mapped Town conservation priorities.

The group discussed the size of Swanzy Lake relative to the obvious sources of water that fill it. Several members questioned the location of areas in the vicinity of Rabbit Hollow that are identified on the WAP as agricultural fields.

GUESTS Jeffrey M. Kevan, Senior Project Manager, T.F. Moran, and James R. Lamp, P.E., J & Co. Engineering and Development Consultants, representing the “Bardwell Farm” retail development wetlands permit (7:20 – 8:00)

Kevan supplied the SCC with a full set of plans, a stormwater management report, and a copy of the NH-DES dredge and fill application (showing wetlands delineation, transects, site specific soils, function and value analysis), that he will file with the Swanzy Town Clerk on March 11. He supplied drawings showing alternative configurations of the proposed development, prepared in an attempt to avoid filling the 8,775 sf northerly wetland.

Kevan reviewed the overall plan, as described in the January and February SCC meeting minutes. He reviewed the grading plan, which shows a landscaped berm to the north of the structure, a landscaped area adjacent to Route 10, and landscaping within the parking area. SCC members responded favorably to provisions for planting sycamores. Kevan directed the discussion to the now-complete drainage plan, which was unavailable in February, and reviewed the features of the plan. Kevan stated that the State is satisfied with the drainage plan.

SCC members requested inclusion of gas/oil traps in the catch basins. Kevan stated that he is willing to include the traps on the plans, and said that additional drainage structures call for gas-oil separators.

SCC members discussed the size of the long-term detention pond, estimated by SCC members to be approximately twice as large as the 8,775 sf wetland that is proposed to be filled. Kevan predicted that the detention pond will hold 5' of water continuously. In response to discussion

regarding fencing the pond, Lamp advised SCC members that attorneys for the project and town will address issues of liability. Members discussed maintenance of the pond, noting that a detention pond in Keene is full of trash. Kevan stated that drainage operations and maintenance instructions have been prepared for the property owner as part of the plans, and as required by the State. He said that the State could enforce maintenance, but observed that maintenance is in the landowner's best interests.

Day expressed interest in conducting a more complete review of the submitted materials, on personal time.

Kevan presented alternate configurations and locations of structures. He said that supermarket requirements for loading and warehousing lead to uniformity in supermarket design, and make irregular building footprints untenable. Kevan stated that each alternative design destroys the functions and values of the 8,775 sf wetland. Re-positioning the structure in a more northerly location makes traffic access challenging. Crowder stated that Kevan had met the SCC's request to demonstrate consideration of alternative configurations and locations.

Daniello stated that it would be easier for Kevan to obtain positive feedback if the plan called for a pervious parking surface. Kevan stated that developers are reluctant to install the pervious material until it has a proven track record. He stated that every surface behaves as if it is impervious during large storms. Kevan reiterated his response from the January and February presentations to the SCC, and added to the list of challenges of using pervious pavement in the application under discussion: The material is untested in heavy traffic situations with frequent turning movements; snow removal requires a rubber plow blade and an alternative to salt for ice control. Kevan again described construction of the 4' subsurface, which requires 2.5 feet of imported stone to achieve rapid drainage, and a balance of imported material to achieve "reasonably good" drainage. He said that the pervious surface would not necessarily reduce the scope and engineered capacity of the drainage system - many towns, he said, require both "belt and suspenders."

Kevan and Lamp left the meeting at 8:00. SCC members initiated discussion of a SCC response to NH-DES. Members tabled the discussion to address the next agenda item (see GUEST Rob Hitchcock, SVE Associates, below), then resumed discussion of the "Bardwell Farm" retail development wetlands permit in the absence of the developer's agents.

Members discussed SCC response to NH-DES regarding the proposal. Stepenuck explained that the SCC could submit to NH-DES a "placeholder" letter within ten days, reserving the right to comment within 40 days and preventing NH-DES from making a final decision on the application until receipt of SCC comments. If the SCC elected not to respond, Stepenuck explained, NH-DES aims to release decisions within 60 days of receipt of an application. (Ninety days is the maximum allowable time.)

Day said that, in his opinion, the proposal does not qualify as having the least amount of potential impact because the large central area remains available for future development. Based on Kevan's description of the low transmissivity of the parcel's soils - as would be characteristic of hydric soils -- Morrison questioned whether the 8,775 sf wetland proposed for filling might actually be larger, and might trigger the requirement for compensatory wetlands mitigation. SCC members noted that a prior proposal for developing the parcel made no mention of the 8,775 sf wetland.

SCC members discussed a notation on page 9 of the plan that indicates that the central portion of the property "will be maintained as a field until possible future development." Stepenuck stated that the SCC had been refused its several requests that the central portion be protected from

development by a deed restriction. Members discussed drafting a letter to express concern for potential cumulative impacts exceeding 10,000 sf of wetlands.

Motion by Morrison to send a “placeholder” letter to NH-DES, reserving the right to comment within 40 days. Second by Day. SCC members took no action on the motion.

Members discussed retaining an independent soils scientist to delineate the wetland, and agreed not to do so. Members discussed the group’s understanding of “cumulative impact.” Members determined that the proposed drainage system likely will have no effect on the wetland in the southernmost portion of the parcel that will be protected by deed restriction. Crowder stated that the developers had sufficiently addressed all SCC concerns. Members discussed sending a comment letter to NH-DES within 10 days.

Motion by Morrison to authorize Daniello to prepare a draft letter to NH-DES, drawing Agency attention to the notation on page 9 of the plans regarding potential future development of the central portion of the parcel, and indicating that such development could result in cumulative impacts that would trigger the requirement for compensatory mitigation. Second by Day. All in favor.

For information purposes, Daniello said that he will e-mail the draft letter to SCC members prior to submitting it to NH-DES.

GUEST Rob Hitchcock, SVE Associates, representing the Page Homestead senior housing project wetlands permit application re water and sewer lines (8:15 – 9:05)

Hitchcock reviewed recently proposed revisions to the location of water and sewer lines, which would result in moving the lines closer to the Route 12 centerline. Hitchcock said that the revisions are designed to minimize or avoid impacts or disturbance to wetlands, and to eliminate the need for obtaining an easement from an abutter. Lacking State approvals or final cost estimates, Hitchcock said that he was pursuing the revision along with initial plans on a “parallel path.” He said that he hopes to submit the changes as a request for a minimum expedited permit.

Motion by Morrison to approve the revised plans as presented, and to authorize the chair to sign the plans on behalf of the SCC. Second by Day. All in favor.

MINUTES

Motion by Morrison to approve the minutes of February 10, 2009. Second by Crowder. All in favor.

REPORTS

Treasury (Stepenuck) Stepenuck reported January expenditures. Stepenuck will file the treasury report with the minutes of the meeting.

Subcommittee reports

Ashuelot River Local Advisory Committee [ARLAC] (Stepenuck) Stepenuck reported that he met with B. Skuly on March 9 to discuss the schedule for monitoring.

Volunteer River Assessment Program [VRAP] Stepenuck reported that B. Skuly has invited SCC members to become river monitors. NH-DES training is proposed for May 5, from 6:00 to 8:00. Morrison expressed interest in attending. Sampling is tentatively set for May 23 or May 26.

Route 10 bridge Stepenuck reported proposed construction of a new Route 10 bridge over the Ashuelot River near Westport Village. A committee to identify any potential problems associated with the bridge or its construction will meet in Winchester on April 23. Stepenuck said that he has

requested that the design incorporate canoe access, with parking for a few cars. He will inform SCC members via e-mail.

Open Space Committee (Crowder) Crowder reported that the OSC meeting has been rescheduled to March 17, 2009.

SWRPC Natural Resources Advisory Committee (Morrison) Morrison said that Dr. Treadwell (Keene State College) attended the Committee's meeting on February 18, 2009 to discuss biodiesel. He reported that SWRPC will sponsor a workshop on innovative land use planning from 9:00 to 12:00 on March 28 at Bentley Commons.

SCC web page on Town site (Day) Day reported that he has accumulated materials for posting. He will solicit help from Town Planner Carbonneau to resolve difficulties with logging onto the site.

UNFINISHED BUSINESS

Projects

Filing cabinets SCC members discussed re-scheduling the work session intended for February, the volume of material intended for storage, and transporting materials to Town Hall. Members suggested employing an organizer to sort and scan the materials to create computer archives. Members discussed the need to stay current with evolving computer technology. Members considered purchasing additional filing cabinets, or storing materials in boxes in the Town Hall attic. Members toured the attic.

Stepenuck will talk to Carbonneau about use of the attic space, and about whether to purchase storage boxes or additional filing cabinets. He recommended including the topic on the April agenda.

Roadside cleanup, April 25, 9:00 - 12:00 SCC members reviewed designated responsibilities. Day reported that he has written letters to solicit donations from local fast food restaurants, and will purchase gloves from donated money. Stepenuck reported that he has contacted DPW Director Dunham to requisition bags. Morrison will arrange for disposal of recyclables.

SCC canoe trip Stepenuck recommended using the Mill K canoe launch for the SCC canoe trip.

Permits - none presented

Miscellaneous

SCC membership, election of officers SCC members determined that Stepenuck no longer wishes to continue as chair, and encouraged him to continue as a regular member of the Commission. Stepenuck said that he does not know about leaving; two years remain in his term.

The group determined that the term filled by Babonis has expired, as have the positions held by Glidden, Day, and alternate Johnson. Day reported that he has written to the Board of Selectmen to express his desire to be re-appointed.

Motion by Morrison to nominate Day for SCC chair, and postpone selection of vice-chair until the April meeting. Second by Stepenuck. All in favor.

To consider new approaches, Day said that he plans to schedule an informal meeting (with formal notice) at a location other than Town Hall. Day expressed his desire to encourage the Commission to take advantage of members' special interests and areas of expertise, both to spread the workload and to make SCC work rewarding for members. Day said that he is good at organization, and asked for help with getting up to speed on regulations. Morrison expressed interest in issues related to botany; Crowder said that she would like to specialize in shorelands protection

Resignation of Jerry Babonis SCC members expressed gratitude to Babonis for his service to the Town. Stepenuck said that he will compose and send to Babonis a letter of appreciation.

CCCD survey SCC members reviewed the survey and determined that members' relatively equal ranking of all items makes it difficult to execute the survey. Members decided to individually complete and submit the form.

NEW BUSINESS

Permit/variance applications, complaints, and appeals

Sharon and Ed Thomas, Fast Friends - alteration of terrain permit issued. Stepenuck reported issuance of the permit. The group discussed the location of the development.

Mill K plantings Morrison reported that he has reviewed Jim Phippard's list of proposed plants. Morrison has researched the availability of the revisions to the list that he requests (below). Morrison located the plants at the State nursery, at a cost of approximately \$80/hundred, and asked that they be placed on hold for Phippard. Morrison recommended against planting the proposed *Ilex verticillata* (winterberry holly), stating that male and female plants are required for fruit set. He said that Eastern white pines are temporary, shade-intolerant early successional species that have limited potential for supporting wildlife.

200 *Acer saccharium* (silver maple)

100 *Cornus stolonifera* (red osier dogwood)

100 *C. amomum* (silky dogwood)

100 *Viburnum cassinoides* (Northern wild raisin)

100 *V. lentago* (nannyberry)

100 *V. trilobum* (highbush cranberry)

100 *Pinus strobes* (Eastern white pine), to be planted only in upland areas

Motion by Morrison to recommend the listed plants. Second by Crowder. All in favor.

Miscellaneous

Mail Stepenuck reported receipt of the following:

- SWRPC Innovative Land Use workshop, March 28, 9:00 – 12:00, Bentley Commons
- UNH 4H camp: golf tournament, camper sponsorship form. Morrison reported knowledge of two candidates. Crowder requested copies of applications when they become available, to aid in recruiting campers.
- NH-DES *The Source* newsletter
- NH Community and forestry Advisory Council – Newsletter

Other business as might arise

Gocht application for area variance, scheduled for ZBA hearing on March 16 Commission members discussed previous proposals for developing the parcel. Stepenuck stated that the current proposal represents an increase in impervious surface. Crowder stated that the SCC has consistently been in support of no expansion of uses on Swanze Lake. Stepenuck welcomed SCC members to attend the ZBA hearing to represent SCC concerns.

Invasive insects Stepenuck alerted SCC members to species of concern, and noted opportunities to participate in training programs in identification and response to the location of new populations.

ADJOURNMENT

Motion to adjourn by Morrison. Second by Crowder. All in favor. The meeting adjourned at 10:15.

Respectfully submitted,

Victoria Reck Barlow
Recording Secretary