

Gilford Conservation Commission
Minutes for May 19, 2009 Meeting

1. ATTENDANCE

Members Present: Chairman- John Goodhue; Vice-Chairman, Lee Duncan; Everett McLaughlin; Tom Drouin; Larry Routhier; Douglas Hill; Chuck Coons; Carole Hall and Donald Sibson.

Members Absent: Rudy Lehr, Paula McDonald, Terry Stewart.

Also Present: Nancy Rendall, Blue Moon Environmental Services; Stephanie Verdile Philibotte, Technical Assistant; Sue Green-resident and Michael Kitch of the Daily Sun Newspaper.

Call meeting to order:

The meeting was called to order by J. Goodhue at 7:00 p.m.

Approval of Agenda:

Motion made by T. Drouin, seconded by L. Duncan, to approve the agenda as presented.
Motion carried with all in favor.

2. APPLICATIONS:

1 **Shoreline Permit application, Merrill Fay, Fay's Boat Yard, 71 Varney Point Rd., Gilford Tax Map & Lot #223-498.000**

Applicant proposes to upgrade existing piping to dock fuel dispenser to a double wall and add dispenser pumps to conform to current AST regulations.

Approximately 4 linear feet of shoreline will be disturbed, located at 71 Varney Point Rd.

Discussion:

J. Goodhue said he has reviewed the application and said there are issues with the fuel pumps on site that have to be fixed. C. Coons said there was a repair done 20 years ago so this repair is to replace that tank system and dispensing equipment. He said the NHDES will inspect the project throughout the construction process.

Motion: Motion made by D. Sibson, seconded by L. Routhier, to recommend approval of the application with the following conditions:

1. Normal Siltation devices in place along the disturbed shoreline.

Motion carried with all in favor.

2 **Standard Dredge & Fill application, Gilford SAU #73, Intervale Rd./Route 11B, Gilford Tax Map & Lot #224-018.000**

Applicant proposes to impact a total of 12,398 temporary and permanent wetland impacts in order to develop 17 contiguous acres of 61.9 acres into athletic fields located at Intervale Rd. and NH Route 11B.

Discussion:

The Commissioners reviewed the plan submitted on May 8, 2009 and tried to determine the boundary of the wetlands. L. Duncan reviewed the description of the proposal to develop 17 acres of the 61.9 acres of the site into athletic fields. He said there is no mitigation in place at this time. The School claims it is prepared to put the remaining land into a conservation easement. L. Duncan repeated the concern that the delineation of the Prime Wetland on site is not correct nor are the other wetland delineations.

D. Hill spoke about the applicant should adopt and incorporate the Prime Wetland map the Town of Gilford approved and lay it over the plan to include the 100' buffer.

The Commission asked N. Rendall her opinion about Barry Keith's wetland report and if the Prime Wetland was located correctly on the current plans. She said B. Keith did not go to the site and revise the location of the Prime Wetland. She said she compared the School's current plans to the Town of Gilford's established location of the Prime Wetland and on the School's plans, the location of the Prime Wetland is not correct. She explained the reset of the wetlands on site cannot be properly located because they did not do any well monitoring.

The Commissioners discussed they are disputing the location of the Prime Wetland as well as the location of additional wetlands on site.

M. Rendall will write a letter to the NHDES outlining the concerns of the Conservation Commission after reviewing the Standard Dredge & Fill application. She requested the Commission submit a cover letter to the NHDES that includes the "carry over" of their concerns from the AOT permit and the Standard Dredge & Fill application.

- The Commission discussed their concerns as follows:
- - 1 The Prime Wetland Boundary, including the location of its required 100 foot buffer and the boundaries of additional on-site wetlands must be properly identified and delineated before this project moves forward.
 - 1 The Conservation Commission believes the on-site monitoring wells should be monitored for an entire growing season (April-October) in order to determine the water levels on site. We respectfully request the NHDES require the Gilford School Board to monitor the on-site wells for an entire growing season. The Commission had requested the School Board do this but they refused. Since we are in the middle of a growing season, we suggest the application be put on hold until the applicant can provide data from the site for an entire growing season. We believe without that information, the Standard Dredge & Fill application should be considered incomplete.
 - 1 A "function and value" assessment was not completed by the applicant's wetland scientist in regards to Wt-700-Prime Wetland rules.
 - 1 The Commission requests a Public Hearing is held regarding this project due to the involvement of an identified Prime Wetland, its buffer and the fact this project carries with it a significant amount of public interest to the community and the abutters.

- 1 The Commission requests the staff from the NHDES conduct a site inspection of the entire site. The Commissioners would be glad to participate in this inspection.
- 6 We ask the NHDES staff to review the 1989 NHDES Carye application. The application was made by Raymond and Barbara Carye for a sheep farm. That application met the requirements of a major project and a public hearing was held. That wetlands delineation from that application differs from the current application. While we understand methodologies identifying wetland boundaries have changed over the years, the site has remained unused. Therefore, we request an explanation of these differences in order to understand how the boundaries of wetlands have changed.
- 6 The project area is prone to flooding and is located within a federally designated floodplain. Given the area's history of severe flooding, that the issue of the site flooding should be thoroughly reviewed and the submission of a hydrological study should be considered.
 - 8 We believe elevations as depicted on the application for the low lying areas on-site are of the same elevation as nearby Lake Winnepesaukee and the Adder Hole, which can back flush onto the site.

Motion made by D. Hill, seconded by D. Sibson, to send a letter to the NHDES regarding the eight issues of concern over the School's Standard Dredge & Fill application.

Motion carried with all in favor.

3. PRESENTATIONS-

Nancy Rendall, Natural Resource Inventory update

Discussion:

N. Rendall said she has organized all of the deeds for the Conservation lands and was able to create a new map that will be available on line. She is concerned there may be missing information on some properties and if all the information they have is correct.

She created a drop site on the internet where the Commissioners can access the information and upload documents. She will double check that all the conservation properties are correctly located on the tax maps. She suggested applicants could be required to complete a natural resource inventory review to make sure they are not impacting a conservation easement property. She said there would be a summary for the NRI from the survey that was handed out on Election Day to the residents,

The Commissioners recommend having the conservation properties on the tax maps.

5. MEADOWS PROJECT DISCUSSION: Alteration of Terrain Permit application

Discussion:

C. Hall spoke about sending another letter. N. Rendall said as of May 7, 2009, the application

was pending with the NHDES.

Discussion ensued on sending a follow up letter to the Alteration of Terrain department of the NHDES mentioning that the Commissioners are in receipt of Paul Fluet's response to the NHDES January 22, 2009 letter requesting more information and the Commissioners request that the NHDES follow through with the School Board and request they complete a hydrologic study according to the current regulations.

Motion made by T. Drouin, seconded by D. Sibson to send the letter as discussed. Motion carried with all in favor.

6. THE MCLAUGHLIN REPORT-by Everett McLaughlin

7. MINUTES- May 5, 2009 meeting

Motion made by T. Drouin, seconded by D. Sibson, to approve the minutes from May 5, 2009 as amended. Motion carried with E. McLaughlin abstaining.

8. OTHER BUSINESS Lake Host Program

Motion made by C. Coons, seconded by T. Drouin, to expend one-thousand dollars (\$1,000.00) to help fund the Lake Host program. Motion carried with all in favor.

9. ADJOURNMENT

Motion made by T. Drouin, seconded by D. Sibson, to adjourn at 8:50 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant, Conservation Commission
Department of Planning & Land Use