

Gilford Conservation Commission  
Minutes for May 28, 2009 Meeting

**1. ATTENDANCE**

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

Members Absent: Everett McLaughlin, Larry Routhier, Rudy Lehr and Paula McDonald.

Also Present: Stephanie Verdile Philibotte, Technical Assistant.

Meadows Committee Member-Mark Corry and Sue Green. Appearance by Scott Dunn, Town Administrator.

**Call meeting to order:**

The meeting was called to order by J. Goodhue at 7:00 p.m. He explained the purpose of this meeting is to appeal the Alteration of Terrain Permit that was issued to the School District for the Meadows project.

**Approval of Agenda:**

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

**2. APPLICATIONS:** None at this time.

**3. PRESENTATIONS:** None at this time

**4. MEADOWS PROJECT DISCUSSION: Alteration of Terrain Permit application**

**Discussion:**

J. Goodhue explained the appeal of the Alteration of Terrain Permit because the Commission believes the issues they have repeatedly raised have not been addressed. C. Hall explained any appeal would be brought forward to the Water Council and that the appeal should state that their concerns have not been addressed and a hydrologic study was not submitted. The Commission wants to add the point that the NHDES request a water quality study (hydrologic study) to be done because the School Board has refused the Commission's request to do so.

Motion made by L. Duncan, seconded by T. Drouin, to formally appeal the Alteration of Terrain Permit issued on May 19, 2009, Permit # WPS-8399 to the Water Council of the NHDES.

Discussion on the motion:

The Commissioners discussed the items they would like to identify in the appeal and decided they would use the items in the May 20, 2009 letter to Mr. William Thomas of the NHDES 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 We request the staff from the NHDES conduct a site inspection of the entire site. The Commissioners would be glad to participate in this inspection.
- 1 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 in front of you. 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.
- 1 The project area is prone to flooding and is located within a federally designated floodplain. We feel that 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.

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- The Commissioners decided that a cover letter should accompany the appeal as part of the process and include the following:
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  - “As a party of the application process the Gilford Conservation Commission voted at the May 28, 2009 meeting to appeal the approval of the Alteration of Terrain Permit WPS-8399 issued to the Gilford School SAU#73.”
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  - D. Hill wants the Commission to ask the Board of Selectmen to have Town Counsel represent the Commission if there is hearing based on the appeal.

**Amended Motion** made by L. Duncan, seconded by T. Drouin as follows:

- 1 To formally appeal the Alteration of Terrain Permit issued on May 19, 2009, Permit # WPS-8399 to the Water Council of the NHDES and include the items as presented in the May 19, 2009 letter to Mr. William Thomas of the NHDES.
- 1 To authorize the Chairman, John Goodhue, to sign the formal appeal.
- 1 Include a cover letter stating the Commission voted to appeal the Alteration of Terrain Permit, WPS-8399.
- 1 Ask the Board of Selectmen have Town Counsel represent the Commission if there is a hearing on the appeal.

Motion carried with all in favor.

Scott Dunn, Town Administrator, joined the meeting and gave an update on the Liberty Hill environmental clean up project. He explained National Grid is proposing a 90' deep slurry wall that will include 10 pumps to pump out water out of the wall and be trucked off site. He said the Board of Selectmen is still calling for 100% clean up while; National Grid is calling for 80% cleanup and 20% to remain. He said the Board of Selectmen are requesting more information from National Grid and the financial impacts of the latest proposal.

The Commissioners discussed the appeal of the Alteration of Terrain Permit with S. Dunn and asked if they could request the Board of Selectmen allow the Town Attorney to represent the Commission in regards to the appeal. S. Dunn suggested the attorney representing the town on the Liberty Hill matter would be better suited. The Commissioner's discussed that John Goodhue will attend the Board of Selectmen meeting on June 10, 2009 to request the attorney handling the Liberty Hill matter also represent the Commission regarding the appeal of the AOT permit.

Motion made by T. Drouin, seconded by L. Duncan, to request the Board of Selectmen authorize the attorney that is representing the Town of Gilford in the Liberty Hill matter, represent the Conservation Commission for the formal appeal of the Alteration of Terrain Permit issued to the School District for the Meadows Project.

Motion carried with all in favor.

Motion made by L. Duncan, seconded by T. Drouin, to adjourn at 8:14 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Technical Assistant, Conservation Commission

Department of Planning & Land Use