

Gilford Conservation Commission
Minutes for April 17, 2012 Meeting

1. PLEDGE OF ALLIGIANCE

2. ATTENDANCE

Members Present: Chairman- John Goodhue, Vice Chairman-Lee Duncan; Regular Members: Douglas Hill, Everett McLaughlin, Carole Hall and Alternate Members: and Donald Sibson.

Members Absent:

Larry Routhier, John Jude and Tom Drouin

Others in attendance:

Rod Dyer, Bill Stack, Maureen Nix, Thomas Sokoloski, Caleb Perrin

Call meeting to order:

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

Establish a quorum

J. Goodhue announced that a quorum was established.

Approval of Agenda:

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

3. APPLICATIONS:

1. Peter Moses
Wetlands Permit Application, Standard Review, Minor or Major Impact
15 Lockes Island, Tax, Map & Lot 243-017.000
Applicant is proposing to permanently remove an existing 5' x 40' seasonal dock, construct a 37 linear-ft. rock breakwater with attached dock, and dredge to provide sufficient water depths for docking.

Discussion:

J. Goodhue stated that the applicant is in a rough spot when the wind comes out of the East. D. Hall stated that this is a tough site. J. Goodhue didn't see any issues with the application.

C. Hall stated that the only thing she sees as an issue is the temporary stockpile area on the plan and if that is in the water the state won't look fondly upon it. They will probably frown on it. J. Goodhue stated the stockpile should be placed on a barge. Discussion ensued.

D. Sibson was looking at the plan and stated that it looked as though there is another temporary stockpiling, but this one is for rock.

J. Goodhue stated that there will be no stockpiling of spoils or construction material within jurisdiction; he thought that they should be on a barge.

Motion

Motion made by D. Hill, seconded by C. Hall to accept the application with the condition that there shall be no stockpiling of spoils and construction materials within jurisdiction. Motion carried with all in favor.

4. PRESENTATIONS:

WS Development for preliminary discussion with regard to the Wal-Mart Plaza.

Rod Dyer stated that he was the attorney for WS Development, the owners and developers. He stated that this is a preliminary report for the proposed expansion of the Wal-Mart plaza; at this point we have not filed any formal applications with Laconia or Gilford. We thought it would be important to start the process and discuss the wetland impacts that we believe are relevant.

R. Dyer introduced the following people to the Commission:

Caleb Perrin who is the Project Manager for WS Development, Thomas Sokoloski of Schauer Environmental Engineering and Bill Stack the Engineer from Steve Smith & Associates

Caleb Parent of WS Development stated that he just wanted to take a couple of minutes of your time to explain the expansion, remodeling and remerchandising of the Wal-Mart Plaza. What we have with Hannaford's moving into their new location and Wal-Mart's desire to invest in our project with their store is a fantastic opportunity. It is not a wholesale expansion; we aren't looking to add monstrous amounts of retail square footage. We just want to take the existing discount center and make it a super center. The application that will be forthcoming gives us the opportunity to do just that.

Bill Stack from Steve Smith and Associates displayed two plans for the Commission to see. He is the engineer for the project. He stated that they will be submitting their application to the Wetlands Board and to the AOT sometime next week. There will be an expansion to the existing Wal-Mart, which he showed the members. They will be installing a retaining wall and that was shown on the plan to the members as well as the wetland impacts. He discussed the retention basin and the outlet how they will be improved. B. Stack stated that they are here tonight with regard to the wetlands area and to answer any questions that there may be.

Discussion ensued.

E. McLaughlin asked if there was any thought of leaving the wetlands in the back alone and just adding forward. B. Stack stated that they did look at that, but due to the parking requirements, this was the best way.

D. Hill asked if the parking calculations on the table are realistic. B. Stack stated that the parking requirements have changed and it looks like we will meet the current regulations with the expansion they will need to add additional parking spaces. D. Hill asked if there will be a joint meeting between Gilford and Laconia, which is allowed by the statute. R. Dyer replied

that joint meetings don't really work and that frankly he likes getting the feedback with each individual boards concerns separately.

L. Duncan stated that the biggest problem that they are having is water surge because of the terrain, which has created tremendous amount of problems and Black Brook has been wounded terribly by that.

D. Hill wanted to go back to what was said regarding the current retention pond and how it will be retooled to provide storage and treatment. B. Stack explained that they looked at two or three options and he explained these options to the Commission. This of course will be part of the site plan review.

He also explained the pipe sizes, and the changes that would have to be made.

L. Duncan asked if the Department of Transportation will be involved as well. Yes, we do need a new driveway permit, and we are in the process of doing that now replied B. Stack.

C. Hall asked what the type of soils and wetlands are there and will there be any type of mitigation done.

Thomas Sokoloski stated that he is a Wetlands Scientist for Schauer Environmental consulting. He explained the type of wetland and stated that the soils were poorly drained. Essentially from their observations was that there was very little surface water evident in the wetland. He stated that it was a high point on the landscape with no well defined outlet or inlet, basically an isolated forested swamp. It's a fairly small watershed with no runoff coming out of it and it appears to drain mostly to the east and southerly direction.

C. Hall asked if you would have to do any mitigation, just because of the size. Yes, replied T. Sokoloski and we have had some preliminary discussions with the Wetlands Bureau.

C. Hall asked if we could get a copy of the study that will submitted to Laconia. Absolutely, replied T. Sokoloski. D. Hill asked if the project had been assigned to anyone specific at the Wetlands Bureau. T. Sokoloski stated that it would most likely be Bill Thomas, who is handling this region at this point in time.

B. Stack stated that he had forgotten to mention that they are going to add a micro pool, which is part of using a detention pond as a treatment facility and that was an element that AOT had suggested.

D. Hill stated Laconia and Gilford as well will be pleased to see the mitigation fund try to do something for the benefit of Black Brook, because it has been hit really hard. Wouldn't be nice if we could get some influence on what happens to that and see if there is something downstream that could be done constructively. Maybe you don't want to have your eyes closed at the boundary maybe part of getting the project through efficiently is to try to figure whether through the mitigation process and working with the City and Town that something downstream that could be done. D. Stack stated that he appreciates what has been said. Further discussion ensued.

J. Goodhue asked if they were going to the Laconia Conservation Commission on Thursday. Yes, replied B. Stack. J. Goodhue stated that maybe he will go to that meeting on Thursday.

5. OTHER BUSINESS

Discussion:

1. Maureen Nix, LLS stated that she was here to explain the Gail Pike Tracy property. E. McLaughlin stated that this is in regard to the 14-acre parcel.

D. Hill stated that when we signed a contract we decided that because we knew that it was complex, M. Nix was hired to do the title. D. Hill stated that his understanding is that Gail Pike Tracy obtained a bunch of deeds from relatives bringing those interests into her, but the title is defective historically because of the failure to bring probate proceedings in other places. There was never any proper opening of probate or filing of documents in New Hampshire to establish the change of title here.

D. Hill stated that what we need to do is listen to M. Nix and make a judgment as to whether we want to do more or proceed with what we have and what we know.

M. Nix stated that she was from the Law Office of Stephan Nix and that she is a title abstractor and she conducted the title research on the Gail Pike Tracy property. The property is off of Young Rd and Swain Rd and has been in the Tracy's family for a long time as far back as 1909. She explained the research that she had done with regard to the family and the property.

The one item she took exception to in the report was the lack of right of access to the property. In the deed it is land locked property and the deed does not include access rights to get to it. If the town were to purchase it there is another town-owned property abutting it, so that will become a non issue at that point.

M. Nix stated that at this stage of the game she doesn't know what is available at Worcester County probate in Massachusetts and if she can get there she will try to verify that the probate is correct.

E. McLaughlin asked if we could get a copy of this information. Yes, no problem replied M. Nix.

D. Hill asked what would be the rough estimate of the cost to do the research in Worcester County and M. Nix stated that her guess would be a couple hundred dollars. D. Hill asked when M. Nix was going down to Worcester county and M. Nix stated that she would head down there within a couple of weeks.

M. Nix stated that there was a plan and she displayed the plan to the Commission for their review, and she will scan it in and e-mail the information.

D. Hill stated that all of this stuff is pretty old and is probably not fatal in any way. It's simply a

bit of a maze of inheritances to make sure that all the pieces come back together. It would be great if M. Nix could research this information, but he believes that the Commission should go ahead with this transaction. We are dealing with a piece of property that hasn't any competing claims and with the plan we now have a better description. We are paying a price that reflects that it's wet and it has no apparent deeded access to a public way. It's a judgment that we the Commission will have to make.

The best thing to do is to make a record of it here in New Hampshire stated D. Hill.

J. Goodhue replied let's just get it done.

E. McLaughlin stated that they would have to go before the selectmen. D. Hill stated that when we go before the selectmen and explain what we have done and what conclusion the Conservation Commission came to, they won't second guess us, because we will be purchasing 14 Acres for \$8,000.

D. Hill stated that we make a reasonable effort to get copies and get them to the town and possibly to the registry of deeds. In the deed we can make reference to copies available at the Selectmen's office.

Motion

Motion made by C. Hall, seconded by L. Duncan to have the necessary research done by Maureen Nix for approximately \$200.00. Motion carried with all in favor.

2. J. Goodhue stated that he met with the Selectmen and Scott Dunn with regard to the Land Use Boards and what was going on, how things were going and what they may need. J. Goodhue stated that currently we have 9 members and we may have up to 11. Everyone we have here contributes to the Commission and that's what we need, someone that will contribute. J. Goodhue explained that S. Dunn told him that Paul Kiely was interested in becoming a member of the Conservation Commission. We should invite P. Kiely to the next meeting suggested C. Hall. J. Goodhue stated that he would talk to S. Dunn about inviting P. Kiely to the May 1st meeting.

3. L. Duncan, E. McLaughlin and D. Hill went to the Saving Special Places SPNHF event. D. Hill stated that it was a good program and a very cost effective way to talk to people who know a lot. There were 3 sessions for each person. One of the speakers was the CEO of Eastern Mountain sports and they are trying to encourage land protection. Overall it was a great event and is recommended to all.

6. THE MCLAUGHLIN REPORT-by Everett McLaughlin:

Motion made by Doug Hill, seconded by L. Duncan to go into Non Public Session Per RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Roll call vote was unanimous.

Motion made by C. Hall, seconded by L. Duncan to come out of the non-public session. Roll

call vote was unanimous.

7. STUDY REVIEW-By Carol Hall

C. Hall stated that there was nothing on the agenda, but she would like the members to e-mail her with any comments for the Wal-Mart, so that she may have them for the next meeting.

8. MINUTES: April 3, 2012

Motion made by D. Hill, seconded by C. Hall, to approve the minutes from April 3, 2012 as amended. Motion carried with all in favor.

9. ADJOURNMENT

Motion made by C. Hall, seconded by L. Duncan to adjourn at 8:57 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart
Secretary