

Gilford Conservation Commission  
Minutes for May 15, 2012 Meeting

1. PLEDGE OF ALLIGIANCE

2. ATTENDANCE

Members Present: Chairman- John Goodhue; Regular Members: Douglas Hill, Everett McLaughlin, and Alternate Members: John Jude and Donald Sibson.

Members Absent:

Vice Chairman-Lee Duncan; Regular members Carole Hall, Tom Drouin and Larry Routhier

Others in attendance:

Bill Stack, Caleb Perrin, David Farley, Scott Dunn, John Ayer, John Morgenstern, Thomas Sokoloski,  
Dean Anson and Paul Kiely,

**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 D. Sibson, seconded by E. McLaughlin to approve the agenda as presented.  
Motion carried with all in favor.

3. APPLICATIONS:

1. Joe Turner Trustee of Routes 3 and 25 Nominee Trust  
Wetlands Permit Application, Standard Review, Minor or Major Impact  
16 Mark Island, Tax, Map & Lot 219-006.008  
Application is to construct a perched beach. Install a new piling supported U shaped docking system, with four tie off pilings, 2 ice clusters and seasonal canopy.

**Discussion:**

David Farley of Diversified Marine Construction stated that it's basically permanent piling dock, there are two piers planned that meet all of the regulations for the Department of Environmental Services as far as the length and dimension. There are two fender pilings on each side of the dock, which meet the current rules and two ice protection clusters at the end for the obvious east blow out that can happen sometimes in the spring.

There is also a seasonal canopy on the center slip of the dock.

The rest of the work on the project involves the access road to do the construction on the site and

in that area are disturbed areas, which we are proposing to basically create a perched beach on a portion of the disturbed area on the proposed conditions plan. We chose that location because it is already a disturbed area. Basically this is as a combination to both tidy up the disturbed area and deal with drainage issues etc. to build on an already disturbed area, which are up a little higher and add stairs over the embankment, as opposed to digging in down to the water access area located at the bottom of the access road that currently exists. We've also installed gutters on the house with under drains that will tie into some of the dry well areas on the slope side where the access road is located. Those will have retaining walls with fabric and 1- 1/2" stone areas that will receive the water and native plantings that will prevent any erosion issues into the water.

The road will be restored with that drainage storm water management plan in place and it will take care of any runoff.

E. McLaughlin asked if there were any trees to be removed, no there won't be replied D. Farley.

D. Sibson asked if the proposed pier was a foot shorter than the current one, yes replied D. Farley.

J. Goodhue asked if there were any further questions.

E. McLaughlin asked if there was any view issue with regard to the canopy, not at this location replied J. Goodhue.

J. Goodhue asked if this was pile driven. Yes a piling dock, replied D. Farley.

E. McLaughlin stated that there should be normal siltation and normal turbidity control D. Sibson agreed.

D. Farley stated that they have landscaped and seeded the dry well and then work their way down.

### **Motion**

Motion made by D. Hill, seconded by E. McLaughlin to remove the hold and to recommend the Department of Environmental Service approve the application with normal siltation turbidity controls. Motion carried with all in favor.

2. Gilford Route 11 Realty Trust  
Wetlands Permit Application, Standard Review, Minor or Major Impact  
1458 Lake Shore Rd, Tax, Map & Lot 213-023.000

The project requires the alteration of 31, 391 sq. ft of wetlands (211 sq. ft. in Gilford) mostly involving an isolated, palustrine, forested wetland northwest of the existing Wal-Mart store, with the rest of the consisting of disturbance of 28 linear feet of Black Brook bank in Gilford where an existing failed outlet culvert from a detention basin will be replaced. The forested wetland alteration will involve excavation of 31, 363 sq. ft of wetland, of which 3,108 sq. ft will be temporarily impacted and will be restored upon

completion of a retaining wall to be installed to minimize wetland impacts.

The existing site detention basin, which will receive storm water drainage raising of the existing detention berm, the addition of two sediment forebays and micropool provided improved storm water quality and storage volume.

Caleb Perrin the project manager for WS Development representing the Lakeshore Market Place stated that they have formally filed with Gilford and Laconia.

Bill Stack from Steve Smith & Associates displayed plans for the Commission to view and he referred to sheets 3 & 4 of the plan set. He stated that we met with you on an informal basis a few weeks ago. We have submitted a formal application to the State Wetlands Bureau.

He explained the expansion of the building, moving utilities, water, sewer and drainage from the site.

There are two areas of drainage on the site today and it all drains to the retention basin on the South East side and the small area basin. He displayed the impact areas on the plans to the Commission.

At the result of the last meeting it was evident that the board was concerned about drainage. Our intention is to collect the water in the same fashion as we do today, we will divert the water around the building. He explained the process. As part of that process our survey crew noticed that the pipes didn't seem to be working. What we did is looked at that and we found that a major outlet pipe to the pond had deteriorated and because that happened it wasn't functioning right and was seeping around the pipe itself. Last fall we decided to temporarily repair that pipe and it seems to be functioning well. Knowing that this project was coming down the road we figured that we would do it all in one shot.

He then referred to sheet # 7 on the plan. He explained what they were planning to do on the site.

J. Goodhue asked if a 4" pipe was going to handle this, yes replied B. Stack.

B. Stack stated that the only issue is that it isn't functioning the way it should be and that it should hold the water longer than it does.

D. Anson asked what storm was this designed for. B. Stack replied that we designed this based on the states requirements for a 2 year, 10 year and a 50 year storm.

D. Hill asked if he could explain what happens in a 50 year storm event. B. Stack stated that it would just barely go out over the top of the riser overflow.

D. Anson asked what would happen if we have a storm like we did 5 years ago. J. Goodhue stated that it was a 500 year event. B. Stack stated that it would go up to the top, the riser couldn't handle it and it would go to the overflow spillway, which is what it is designed to do.

J. Jude asked about a maintenance plan down the road. B. Stack explained that there will be a regular routine maintenance, which is in our AOT application. J. Goodhue asked who would do that. The owners, replied B. Stack. E. McLaughlin asked who would actually check that to make sure that the maintenance is being done. J. Ayer stated that the town doesn't typically check on that. Well how do we make sure that it is being maintained asked E. McLaughlin.

D. Hill stated that it would be a legitimate condition to require periodic reports in that respect. Considering the history of this it would be in the best interest of the owner to maintain these things.

C. Perrin stated that 22 years ago maintenance wasn't required for permits, but things have modernized over the last few years. Those are fantastic suggestions and we are willing to work with the town. He stated that usually the town places it as a condition of their site plan approval. He stated that they could have log books twice a year for maintenance purposes.

D. Anson stated that he didn't think that it should be the town or the city's responsibility to be on top of this, it should be the owners responsibility for maintaining the systems. D. Anson asked about the proposed the system and expressed his concerns. C. Perrin addressed some of his concerns and stated that they would gladly work with the town and the city on an acceptable program for maintenance.

D. Hill asked what could be done to design the spill way so that it can take a very high volume of water, because potentially that's the place where a whole lot of siltation will be generated. What can happen is it starts to erode and where it ends up is at Spinnaker Cove. So, what's the remedy to that?

B. Stack stated that this pond is designed to handle an overflow and his feeling is that it can handle the whole thing and that it is more than adequate.

J. Goodhue stated that Black Brook has taken a lot of heat in both Laconia and Gilford. It's probably a mile long from Lily Pond to Burger King and all there is on each side is sheet run off.

D. Anson asked if they had looked at Black Brook to see what would happen if we have this 5 year storm. B. Stack stated that they have looked and at their contribution and no we haven't analyzed the entire brook system.

D. Hill stated that we realize that you don't have any rights to do anything to that stream when it goes off of your property. But when we get into DES mitigation process, we need to be as creative as possible. They will exact mitigation money from you guys and that money will go in a black hole someplace or we can put on a conservative community effort perhaps with some legislators help to try and turn that money around and try to do something in the Black Brook watershed with it.

D. Hill stated he has been doing permitting and planning work for about 20 years and there has never been a real concrete maintenance schedule that was part of a site plan approval. That's going to be the case here for sure and you're going to want to do that, because you're not going

to want to suffer the consequences if it isn't maintained.

B. Stack stated that the AOT requests that we do maintenance, and we have submitted that application with the maintenance program attached to that application.

J. Goodhue asked J. Morgenstern if we could require a bond to guarantee that if there is a failure that it can be dealt with. J. Morgenstern of the Gilford Planning Board stated that he would like to look into that.

J. Morgenstern stated that as he listened to the discussion it occurred to him that if we really want to look at the impact to Black Brook, we may have to get the town and the city's engineers to look at that per the applicant.

D. Hill stated that it may be in the applicant's interest to see if the two municipalities retain the same engineer to do the municipal review. As an applicant you're going to want that, so that you don't get two different conclusions and may it be cheaper to have one engineer do the review.

D. Anson stated that Laconia does have petition to the State to turn that money around and put it right back into Black Brook. The water quality has some issues and one is we don't think you need to use any phosphorus containing fertilizers, because there is enough naturally occurring in the soils around here. As part of the Lake Winnepesaukee Watershed Management Plan we have been sampling Black Brook for a variety of different perimeters.

D. Anson stated that if they were going to put salt in the parking lot, they don't want that in Black Brook.

E. McLaughlin asked about the parking spaces out back, and why not avoid going back there and just going forward with the building. B. Stack explained the parking, both existing and proposed.

D. Anson asked if they could put in a green roof to store the water on it and vegetation. Thomas Sokoloski of Schauer Environmental Consulting explained that the green roof does not have anything to do with storm water storage it is a way to improve runoff. Water quality improvement was discussed.

T. Sokoloski stated that his thoughts for mitigation is primarily through the community and he suggested that both communities get together and petition the DES that they would like to see funds specifically directed to this basin. They then discussed the Arm Fund.

D. Anson stated that both Conservation Commissions need to sit down and talk about a project with regard to discussions that we have had about Spinnaker Cove. They have a tremendous amount of milfoil that goes up Black Brook and goes as far as the Union Avenue Bridge. We were in conversation with Lori Summer about doing something with regard to the saw dust pile and Irwin owns it and we talked to them and they were amenable to doing something and to help pay for it, but they had demands that Laconia couldn't meet because they were on the

Gilford side. There is an opportunity to put in a water retention area just where the Black Brook daylight after Lowes, but that's a different conversation.

J. Morgenstern stated that he would like to see that portion of Black Brook which runs from this project down in front of Lowes that needs to be addressed as well in concert with that because if only the retention pond is done that ignores that and then we'll have problems with that.

C. Perrin explained what will occur before and during the demolition and construction of the project. He stated that their intention is to keep the Walmart store open and operating during the time that they are doing the work. They have looked at several alternatives over the past few years and this is the best thought out plan for the center.

J. Goodhue asked if there was any further discussion.

E. McLaughlin stated making sure that someone in the town should be notified that the maintenance has been done and what has been done. B. Stack stated that should be fine.

C. Perrin stated that it would be about 18-24 months for the project to be complete and they anticipate starting work in early fall.

### **Motion**

Motion made by D. Hill, seconded by E. McLaughlin to table the application to the June 5, 2012 meeting. Motion carried with all in favor.

### **4. PRESENTATIONS:** none

### **5. OTHER BUSINESS:** General Business Discussion

1) Scott Dunn, Town Administrator stated that he was here representing the Board of Selectmen with regard to Lincoln Park, which the Town owns. It has about 300 ft. of shore front and due to various & regulations changes and some uncertainty on how to apply those regulations

The Town of Gilford acquired this land in 1925 from Mr. Lincoln in his will.

Over the 7 or 8 years the Department of Public Works stopped maintaining the shore land, because of the uncertainty in the regulations and also from time to time they would call DES and they received a variety of conflicting advice of what can and can't be done there. So, he became involved and he read the regulations and thinks that they are cut and dry and it says that if it has been maintained as a beach or as a park then you are entitled to continue to do so, but because we haven't done so in 7 years now seems to be hurting us. In that the state says that it depends on your condition today, and someone from the State has taken the position that the town can't remove those trees.

Our goal was to remove the trees and leave the stumps and roots in place and reopen the vistas and restore the view of the lake from the park, which at this time is non-existent from the lower level. We wrote to the State who replied that you can't do that you have to by the rules,

which is to measure the diameters of the trees and that you're limited to 20 % of the trees that can be cut.

What the selectmen would like to do is to apply to Department of Environmental Services for a waiver of the regulations based on the previous condition of the park and they have asked S. Dunn to come here tonight and seek your blessing in that application.

J. Goodhue stated he was under the assumption everything less than 4" could be cut as long as the root system was left intact. D. Hill replied that it depends on who you talk to at Department of Environmental Services.

S. Dunn stated that the town wants to be good and not in violation of the regulations. There is a process in place to request a waiver and they want to know if the Conservation Commission would support this or what you think we should do there.

J. Goodhue stated that it used to be every 3 years or so and they would cut down the brush and keep the root system intact. It seemed as though the Department of Public Works would keep the brush at a level for a view while sitting at the picnic tables and we've never had any issues in the past. S. Dunn stated that the problem is that we stopped doing maintenance, over concerns of complying with the regulations and we were misinformed.

D. Hill asked if S. Dunn could come up with a plan to leave a few clumps in place, apply to clear the rest of it and plant a border of dense vegetation that would have the effect of intercepting the run off probably better than what is there now.

D. Hill stated that a plan to make it better and express environmental concerns, in his experience the Department Environmental Service will at least listen to that argument.

J. Goodhue stated that one of the reasons it was let go was that we were having issues with people swimming there and there were safety concerns. As long as the root system is there and a vegetative buffer is created we can probably work with DES.

S. Dunn stated that he could come back with a plan with professional assistance and you can review it and you can recommend approval or ask us to modify the plans. D. Hill stated that he's entirely in favor of the idea.

E. McLaughlin asked if there was a deed with regard to the view. There is no deed, it's entirely referenced in the will replied S. Dunn.

D. Hill asked if there were any specifics in the will as to the park. S. Dunn stated that the will states that it was one of his favorite places in the world and he wanted it made available to the public.

J. Goodhue stated that the biggest single part of it is to be able to sit there and look at the mountains and the lake and you can't do that now.

S. Dunn stated that he will be back at the next meeting.

2) Paul Kiely

J. Goodhue stated that P. Kiely requested to be part of the Conservation Commission about a month ago and his opinion would be that he would be a great asset to us.

E. McLaughlin asked why P. Kiely was interested in the Conservation Commission.

P. Kiely presented himself to the board.

### **Motion**

Motion made by D. Hill, seconded by D. Sibson that the Board of Selectmen approve the request for P. Kiely to become a member of the Conservation Commission. Motion carried with all in favor.

3) D. Hill discussed Maureen Nix's e-mail. He stated that the Commission requested M. Nix to do some research and she did, he then discussed the report. D. Hill's view is that since this is all 35 years old that it doesn't significantly concern the Commission and it is adequate and that we should go ahead and close and get this project finished. He asked everyone to read Maureen's report.

E. McLaughlin asked if we need to read it or should we go to the Selectmen about it. D. Hill stated that he thinks that we should just go to the Selectmen.

### **Motion**

Motion made by E. McLaughlin, seconded by D. Hill to proceed with the recommendation to the Selectmen that they approve the acquisition. Motion carried with all in favor.

4) J. Goodhue stated that he received a request from Al Kirkman, the Executive Director of Lake Shore Park for milfoil. The Milfoil Committee will probably take that up. D. Sibson stated that last year we gave them \$3,500. Yes, that's correct and we have done that for the last 4 or 5 years replied, J. Goodhue. J. Goodhue stated that he had no issues with it and that the Conservation Commission does oversee the Milfoil Committee and it's in our budget. He'll handle that and he'll talk it over with Pete Morrissette and Joe Paterno.

5) J. Goodhue stated that he would like to go to the Laconia Airport Advisory Committee Meetings.

### **6. THE MCLAUGHLIN REPORT-by Everett McLaughlin:**

Nothing reported at this meeting.

### **7. STUDY REVIEW - By John Jude**

J. Jude stated that everything from the Site Study Committee meeting was just discussed and that he had nothing further to add. J. Goodhue asked what J. Jude thought of the Site Study

Committee meeting? It was good stated J. Jude. Well, how would you like to be the permanent alternate for the Site Study Committee meeting? Yes, that would be fine, replied J. Jude.

**8. MINUTES:** April 17, 2012

Motion made by D. Hill, seconded by E. McLaughlin, to approve the minutes from April 17, 2012 as amended. Motion carried with J. Jude abstaining.

**9. ADJOURNMENT**

Motion made by J. Goodhue, seconded by J. Jude to adjourn at 9:17 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart  
Secretary