

Barrington Planning Board Meeting
May 28, 2009 - 7:00 PM
Land Use Office, Town Administration Building
Conference with Peter Daigle, Gerrior Land Trust & Roger Roy, BMS Engineering

Members present: Chairman John Huckins
David Vincent
Michael Clark
David Mott
Alan Kelley (Alt)
Dawn Hatch (Alt)

Guests present: Peter Daigle – Gerrior Lane Trust
Roger Roy – BJS Engineering, PC
David Smith – Graystone Builders
Stephen & Ellen Conklin

Chairman Huckins opened the meeting to a discussion with Peter Daigle and Roger Roy concerning the status and where the applicant was going with the Gerrior Lane Trust subdivision. Roger Roy started the discussion. He said they were working with David Smith, Graystone Builders on the project. He said they were working on the Alteration of Terrain permit which needed several corrections. He said he had met with the Conklin's at their home.

Roy said that the detention pond expansion on the site had not been completed. He said they had 3 bids in and were waiting for 2 more. Once these were received they would select a contractor to finish the work. Roy said the original pond was not built out enough. He showed on the plan what the water level would be.

Roy said the north-westerly side would be expanded because to toe in on the road side would be closer to the pond than designed for. He said the intent of the pond was for volume storage. He said that St Matthews Drive where it entered the road was not a problem. He said the stock pile of material was stable. He said a concern in the Alteration of Terrain permit was the bare spots. He said they would be scare-fared and seeded. Roy said the invert was stable now.

Roy said the Alteration of Terrain was viewed late last year into the winter. He said DES wanted pictures of the site. He said the swale was now stable. Roy said the DES had given them 90 days to July 16 to fix the detention pond and come into compliance. Roy said that siltation had been toed into the slope.

Roy said there were 4 lots in Barrington, 3 were building lots and the fourth had a house on it. He said that the issues that needed to be addressed were bare spot diversion swale channeled to a rip-rap swale in a controlled manner that to the pond. Vincent asked where the water would go. Roy said that the disturbed area would go to the pond.

Roy said that they could have run a model but because it was not developed the areas were not impervious. He said there should be no increase in the run-off post development. Roy described the flow and the detention outlet behind the house lot which would flow to the same area. He said there was 1000 cubic yards of material that would be removed. Mott asked if the pond would be constructed as designed. Roy said

the engineers had stopped short of designing the pond to its actual size that was needed. He said the correct size and design would be completed in July. Roy said all permits would be in place. He said they had asked for continuance of the Alteration Of Terrain permit. He said they had requested an extension which was pending.

Roy said the 200 foot swale was not vegetated nor control dams installed. He said this would not be discharged into the wetlands. He said they would address this issue. He said they hoped to get all of the items done before July 16. Roy said that they were up against time.

Roy said there was a significant amount of work done. He said it was fair to say they had a vested interest. Daigle spoke on the bonding. Roy said he had talked with Joe Lowry of the Berger Group. He said they understood that Berger would oversee the construction and determine that it was done right as the Town's engineers.

Roy said they would need to develop the construction value of the undeveloped portion of the roadway. He said there would be 2 parts, the outstanding work on the existing roadway bond and maintenance bond and the second phase of the proposal. Daigle said the bond would be for the remaining work and maintenance on phase 1. He said they wanted to hold off on the second phase bonding until the economy improves. He said he had no intentions of developing the second phase in the near future.

Huckins said that the second phase would need to be fully bonded and a bond held by the Town before any construction was started. Huckins said that we needed to decide now on what would be required concerning phase 2. He said we could look at the phase in 2 years. He said the detention pond needed to be addressed and corrected to the satisfaction of DES.

Huckins said that Berger may have a different checklist. He said Daigle should put the work estimate together including complete monumentation and send it to Berger. He said when Berger gets the material concerning what they would be overseeing they would submit an estimate for this to the Board. Hatch said if the applicant agreed to the amount he would initial the estimate which would be returned to Berger giving him the go ahead to proceed.

Huckins said that Berger would take a look at everything to see if it was on track. This could also include the issues before DES. Hatch said Peter Cook the Road Agent would also be included in the inspections.

Huckins said we would get feedback for the phase 2 work for our attorney. Kelley said if the costs went over the work to be done he assumed that we would work with the developer. Roy said at present there was about 2 to 3 weeks of work to be done. He said they had 90 days to complete it and when completed and inspected the cease and desist could be removed by DES.

Roy said they would forward the information to the Berger Group for phase 1. This would include the through road and the 4 lots along it, the roadway infrastructure, bond and maintenance bond. He said there was a \$65,000 construction bond and a \$24,000.00 maintenance bond in place in Nottingham that had been updated this Spring.

Daigle said he felt that he had vested interest in the subdivision as the road was built through. Mott said it might be vested for phase 1 but not 2. He said this was why we do not grant phased subdivisions as a regular practice. Huckins said that phase 1 meets the zoning and Subdivision Regulations. He said the bond would not be for the

second phase. Daigle said if phase 2 was never developed it would not matter. Huckins asked Hatch to check with Attorney Whitelaw concerning phase 2.

Daigle said the association was in place and he was the owner at this time. He said that he also does the plowing and road maintenance. Daigle said they would come up with the bonding figures that would be covered by him.

Roy said he had met with the Conklin's at their home to look at their concerns. Huckins asked Conklin if he wanted to speak. Conklin thanked Roy for coming to their home and looking at their site. He said Daigle and Roy should review the written record. He said he would be glad to spend more time with Roy to get the project done and meet the requirements.

Roy said he had read the letters from Berger and Appledore concerning the downstream flooding and nutrients. He said the Berger report was used to provide the flood data. He said he had reviewed all of the data in the office and found no letters that stated information for downstream flooding from Appledore. Roy said Berger had recommended approval of the drainage design. He said Nottingham used different criteria. He said DES now requires HISS mapping. Roy said the approval was based on the recommendations of the Berger Group.

Conklin stated his concerns. He said it would be a good idea to trust the reviews of the engineers. Conklin said that the drainage in Nottingham created a greater effect and increase in the size of the pond and culverts. He said that the last letter from Berger Group said that there would be a minimal increase in peak runoff.

Conklin said that he would provide Roy and Daigle a copy of the letter addressing the drainage from Appledore. He said that Appledore did the design. He said that the conditional approval and work was not done with due diligence. Conklin said since the Board approval the applicant had done work resulting in unsatisfactory conditions.

Conklin said that there was good flow data of Wood Road Brook. E. Conklin asked what justified changing the number of culverts from 3 to 5. She said there was 1 culvert for the undeveloped land. Conklin said that St Matthews was constructed before Gerrior Lane so it made no contribution to the water activity.

Conklin said Ridgley Mauck, DES told him that he would be the one reviewing the corrections. He said he had suggested that Mauck look at the numbers to see if they work with the design. Conklin said this was a unique situation and the existing numbers should be used to see what was going on with the brook.

Roy asked if Conklin was referring the flooding. Conklin said he was referring to the 75 feet of water that came across his driveway. He pointed out that there was a boulder in the pond extension that was shown in the pictures that were taken with the water going over it. Conklin said that the water was diverted as the road acted as a dam.

Roy said that there was no much difference then than what existed before. He said there were 3 storms over a 3 day period. Roy said that there had been a couple of years with disaster situation. He said there was a small piece of the water shed that went under the driveway. He said that the flow through the woods was greater than a 3 foot culvert could handle. The drainage was operating as designed which had had a great impact of back to back rains.

Roy said the water shed was 400 acres with the Gerrior subdivision 10% of the flooding. E. Conklin said that there was a high point in the road with 50% of the

drainage down the ditch. She said that the water had been diverted to Wood Road Brook instead of to the detention pond.

Conklin said the 2007 data had not been accepted. He said that 2008 data had been collected for the flooding. He said they were getting high water potential of accepting additional water. Conklin said this flow had been handled by 2 12 inch culverts and he had installed a 3 foot culvert. He said they had taken into consideration that there was more data to work with. He asked if the information from Appledore had been satisfactory. Conklin said that the non-compliance must be resolved. He said that what was going on needed to be documented. He said he was looking for an answer.

Conklin said after the plan had been approved they sat back and did nothing until the flooding occurred. He said that the Mendums Pond Study had been completed and everything that had been collected up front. He said this document made it easier to communicate with what needed to be done. He said it was available for all to read.

Conklin said that he took acceptance that Roy felt that the documentation did not support that the Gerrior development was the source of the flooding. Roy said in his opinion the development did not result in affecting Conklin's driveway. E. Conklin said their driveway had never flooded before. She referenced the Mother's Day flood. Huckins said that the State would look at all the documentation and if there was a problem they would address it.

Conklin said the document showed that there was additional pollution into the lake. He said this was not a spike, it was believed to come from the raw soil. Conklin said that the pollution was not fertilizer related. Roy said that minimal stabilization would take care of this problem.

Roy said that they were trying to get the vegetation better established. He said that fertilizer had been applied which would help build up the soil. Vincent said that the review would be in DES hands. Conklin said DES would like the Town to take care of the problem in-house. He said that Mauck had held off on any decision. He said that an as-built should be done where the pond was concerned. The volume calculations and stabilization should be reviewed.

Conklin said that the former subdivision had not affected his land. He said he built his home in 1985. Conklin said he understood the modeling of design for better runoff. He said that the plan went from 1 culvert to 6. Conklin said that one should not expect that the flow from 6 culverts could be handled by 2.

Daigle said the bonding, maintenance bond, Berger's costs, and the second phase figures would be presented. Huckins said that the information from the Code Enforcement Officer should be included. Conklin said a time frame should be set. Roy said that the time frame was July 16.

Hatch will contact the Attorney concerning the second phase of the development and bonding. This item will be discussed on June 11. The minutes of May 7, May 14, and May 21 were approved with minor changes, motion by Vincent, seconded by Clark, all in favor. The meeting adjourned at 9:15, motion by Vincent, seconded by Mott, all in favor. The next meeting of the Board will be held on June 4 with applicants. **The July meeting with applicants will be held on July 9 as the first week in July is the week of the 4th.**

Dawn Hatch, Clerk

