

**Hooksett Conservation Commission
Meeting Minutes
September 7, 2010**

Call Meeting to Order: 7:02pm

Attendance: Cindy Robertson member, James Walter member, Steve Couture vice-chair, Phil Fitanides alt-member, John Turbyne alt-member excused, Rob Duhaime Planning Board Rep, David Hess member

Public Input: N/A

Meeting Minutes: Cindy Robertson motioned to table the meeting minutes from August 3, 2010 Jim Walter seconded voted unanimously.

Appointments:

Stillwater Properties – Fred Weston – Quimby Mountain Easement

No representative was present

AutoZone – 1279 Hooksett Road – Conditional Use Permit – Update

Peter Schauer – Wetland scientist – I am here to address the issues that were addressed in your letter to the planning board.

Erin McCloskey – I took the existing elevations and compared them to the proposed. As you can see we do have a few elevations that are higher than the existing but the higher elevations are no more than .3ft higher.

James Walter – What you are saying is that the water will not back up on to the Kmart Plaza property.

Erin McClosky – Yes.

Peter Schauer – As you had requested the wetland scientist has done the flagging of this property. The bank is not wetland but it is jurisdictional according to the state. Another issue as per your letter was the proper delineation as according to the Army Corps of engineers and this has been done. The final issue was the fill located at the bottom of the property. On the plan from 1973 there is a fill line that means fill was placed on the site. The fill was not placed on the property by the applicant.

Rob Duhaime – The fill line goes to the east not the west. They are talking about the fill on the property line. The fill line cannot go over the wetlands.

Peter Schauer – As for fill being in the wetland there is old existing fill that was placed there before Kmart was built.

Phil Fitanides – There was an issue of water in that restaurant that you will be tearing down and I am not sure how much water exactly was in that building and I am concerned that there is no jurisdiction of wetlands right there.

Peter Schauer – I believe that was due to the culvert being backed up but there is no jurisdiction of wetlands in that area.

Rob Duhaime – There is wetland delineation on the north side of the property is that correct? They were in front of the planning board last month. I asked what the reduction would be to the permeable soil. There is a pipe under this property.

James Walter – Have you considered any different kinds of pavement that would help with the run off?

Erin McClosky – With the wetland delineation we have lost a parking space and the curb line shifted down 10 feet.

Phil Fitanides – I believe they would have to put a pump system to take care of the water issue if there is flooding. If it has to be pumped out where would they pump it too?

Rob Duhaime – There is a meeting that is attempting to be set up between all parties involved. There are issues that need to be addressed in order to solve all of the water problems in that area.

Jim Walter - It seems that the first two issues have been addressed but is the third issue regarding the fill been addressed.

Peter Schauer – Yes the third issue had been placed prior to the Kmart Plaza being built.

Jim Walter – Have you been contacted by the state in regards to solving the water issue. So you do not feel that this side of the building has anything to do with the flooding.

Peter Schauer – No the brook is the issue not this area. As far as influencing the flooding I do not feel the improvements would affect the flooding now. We would like you to remove #3 of your letter in regards to the fill as this was not put here by the applicant.

Steve Couture – Any other question or comments? They are still looking for an approval by this commission for the Conditional Use Permit. As for the third they have shown that the fill line existed in 1973.

Jim Walter – They have definitely addressed the first two issues but as for the third I do not know.

David Hess – If the commission is not satisfied that third item on the letter has been addressed then maybe we could defer it to the Planning Board for approval of that item.

Phil Fitanides – But you did say that you could not find any drainage pipes under that fill?

David Hess motioned to accept the first two issues have been addressed and solved and we defer the third issue with regards to removing the fill to the Planning Board for a decision when and if the Planning Board accepts the issues has been resolved then the commission will approve the Conditional Use Permit. Jim Walter seconded

Steve Couture – I have an issue as it is up to us to recommend and not defer to the Planning Board. I believe that this sets a bad precedent. The other concern is if this was such an issue for RK Associates then why are they not here. Were they in attendance at the Planning Board Meeting?

Rob Duhaime – Yes they were.

Cindy Robertson – If RK had not raised the issue would we even be worried about this? From a conservation commission point of view this does not concern us.

Steve Couture – I don't know.

Peter Schauer – I believe this is a civil matter as it was not in the wetlands delineation.

Jim Walter removes his second to the original motion so motion dies

David Hess – What I remember from the discussion from the last meeting was this fill was impeding the flow of the wetlands. I am not sure if that recollection matches everyone else's

Steve Couture – We can ask the applicant to put their findings in writing and we can attach it to our approval for the conditional use permit.

Peter Schauer - The applicant would like to make it clear that the applicant did not place the fill on the Kmart property.

Jim Walter motioned to accept that the first two items on the letter have been addressed and the third issue is being addressed in writing from the applicant, upon receipt of the letter from the applicant we will send a letter of approval for the conditional use permit to the planning board Steve Couture seconded

Rob Duhaime – This happens a lot at the Planning Board. We are supposed to catch these things before the plan is signed.

Phil Fitanides – How much more information does the commission need to approve this?

Rob Duhaime – I am curious to know what they are referring to with regards to this fill.

David Hess the purpose of my motion was due to the fact we are unsure as to who has the right to enforce this.

Steve Couture – We would only be responsible if the fill was in the wetlands. If this is not in the wetlands then who is responsible for enforcing the cleanup of this fill?

Cindy Robertson – Is it your position under no circumstances will you remove the fill unless it holds up the project?

Peter- I cannot say definitely but possible yes.

Phil Fitanides – If this fill was removed would it increase the water in the spring.

Peter Schauer – Removing the fill that RK is referring to would not change the situation at all.

Cindy Robertson – Is it your position is completely on RK's property?

Peter Schauer – Yes it is we know exactly where the lot line is we have verified it with property pins. This is not jurisdictional issue it is civil one. We would like the record to reflect that the Sydney's did not place the fill onto RK Associates property

Rob Duhaime – How far is the pavement line from the wetland buffer.

Peter – 5ft at edge of pavement from the top of the bank.

Steve Couture – Within Dalton Brook was there any evidence of snowplowing marks or anything else that may have caused the fill to be there?

Peter Schauer - No

David Hess – Does the plans from 1973 show elevations?

Peter Schauer – Yes it does.

Motions carries 4-1 vote

Commission Reports:

1. **Open Space Subcommittee** – N/A

Correspondence:

All correspondence was reviewed

Other:

1. **CIP** – Rob Duhaime – Any major purchase should be included in the CIP requests. Steve Couture motioned to submit a \$50,000 request for land purchased seconded by Cindy Robertson voted unanimously

Non-public under RSA 91-A: 3, II, d

Jim Walter motioned to enter into non-public under RSA 91-A: 3, II, d David Hess seconded voted unanimously

Cindy Robertson voted to exit non public Steve Couture seconded voted unanimously

Steve Couture motioned to seal the minute on the nonpublic session David Hess seconded voted unanimously

Adjournment – Jim Walter motioned Cindy Robertson seconded voted unanimously