

DRAFT
Conservation Commission
May 13, 2008

Members Present: Kathryn Holmes, Vice-Chair; Bill Annable; Chuck Crickman; Deane Geddes, Alternate; Suzanne Levine; Eric Unger

Ms. Holmes called the meeting to order at 7:10 p.m.

ELECTIONS

Ms. Levine nominated Ms. Holmes to be the Chair of the Conservation Commission. Mr. Crickman seconded the nomination. All in favor.

Mr. Geddes nominated Mr. Unger to be the Vice-Chair of the Conservation Commission. Mr. Annable seconded the nomination. All in favor.

MINUTES

The Board reviewed the minutes of April 8, 2008.

Ms. Levine made a motion to approve the minutes of April 8, 2008 as submitted. Mr. Unger seconded the motion. All in favor.

The Board reviewed the minutes of April 29, 2008.

Mr. Unger made a motion to approve the minutes of April 29, 2008 as submitted. Mr. Annable seconded the motion. All in favor.

The Board will review the minutes of March 13, 2008 at the June 10, 2008 meeting.

INTENTS TO CUT

There were no intents to cut reported

WETLANDS

The Board reviewed three Wetlands Board Applications.

1. Bell Excavation – Minimum Impact Expedited Application for property located off Chalk Pond Road, tax map/lot number 039/726-204 to install a 4' x 30' culvert through a wet, slow moving catch area at a narrow point needed

for access to build a road for harvesting areas and will impact about 800 sq. ft., per the application. Wetlands Board File #2008-00658

On April 29, 2008, the Wetlands Board issued a Notice of Administratively Incomplete Minimum Impact Expedited Application. In it's letter, the Wetlands Board asked for the following items:

- Plan, showing overhead view and cross section, to scale or with all dimensions clearly labeled of project
- Photos of the impact area not taken in the winter
- Information from the DRED Natural Heritage Bureau regarding endangered or threatened species or exemplary natural communities.

The Wetlands Bureau advised Mr. Bell that once the Bureau receives all the items listed above, the application will be accepted as administratively complete and assigned to an inspector for technical review. Copies of the administratively incomplete letter were sent to Shaun Hathaway of Lost Cloud Management (Contractor for the project), Newbury Conservation Commission, and the Municipal Clerk.

Ms. Holmes informed the Board that there were several letters received from abutters expressing objection and concern to this project including a letter from Robert Wood, Watershed Steward and Associate Executive Director of the Lake Sunapee Protective Association and Steve Russell, Environmental Chair of the Sunapee Hills Association. The concerns were for the protection of the wetland and natural habitat and the impact on water quality. Additionally, the access is sited in a dangerous location due to the speed and sight distance on Chalk Pond Road. Objections to the application were because the placement of the culvert is in a wetland and a natural wildlife corridor, which includes a deer wintering yard, and the size of the culvert is excessive. Also consistently mentioned in the letters is the lack of clarity in the specific location of activity and the lack of delineation of soils and wetlands. All letters are on file with the Conservation Commission.

Mr. Annable, Mr. Unger and Ms. Levine all made a site review and are not in favor of this project on this site.

Ms. Holmes addressed the members of the public in attendance and clarified that the Conservation Commission is an Advisory Board only. It is not a legislative board and has no decision-making authority on granting or denying a Wetlands Board Application.

Mr. Dietrich asked Ms. Holmes who the contact person at the Wetlands Board is so that others abutters and concerned parties may send letters.

Ms. Holmes gave the following information: Kiristen Pulkkinen, NHDES, PO Box 95, Concord, NH 03302. Fax #271-6588.

Steve Russell, Sunapee Hills Associate, asked if there was an intent to cut filed on this property.

Mr. Unger advised him that he has not been notified of an Intent to Cut at this time.

Mr. Russell thanked the Board members who went to the site and expressed appreciation for the Commission's due diligence. He commented that 50% of Sunapee Hills Association's budget goes to protecting the water shed of Chalk Pond, and the Sunapee Hills Association considers environmental protection as one of its top priorities.

Robert Wood, LSPA Associate, commented that this application does not show any attempt to minimize impact on the wetlands as required.

The Board agreed that Ms. Holmes should send a letter to the Wetlands Board expressing their concerns regarding the environmental impacts and recommendations to send a Field Scientist to examine the site and require impact studies.

2. Joan Wight - Minimum Impact Expedited Application for property located at Idlehurst off Grace Hill to repair an existing dock due to ice damage. No change in size, location or configuration is proposed. Tax Map/Lot #16A/351-060.
3. David Jenkins - Permit by Notification for property located at 20 Jenkins Road to replace two existing cribs and straighten and level the dock/deck. Tax Map/Lot #007/119-336.

The Board continued discussion of the Standard Dredge and Fill Application filed by the State of NH, Department of Resources and Economic Development to reconstruct/upgrade existing drainage areas and repair erosion damage including shoreline embankment, installation and end section and riprap and temporary erosion control measures during construction. Total wetland impact = 18,555 SF with 1,540 SF permanent impact and 17,015 SF temporary impact during construction including 6,600 SF temporary FEMA Disaster Area impact.

Seth Prescott, Project Manager for DRED, was present to answer questions to the Board and the public regarding their application. He showed a map of the proposed paved area. He explained that the existing conditions pitches in two directions, which creates a problem with erosion and run-off control. The objective of the application is to direct the run-off and modify the wetlands so that they can better receive and treat the run-off before it erodes the shoreline and gets to the lake. This repair and upgrading project, as well as four other sites in the State, has been made possible by funds received from FEMA as a result of the 2006 floods which washed turf, sand and debris into the water. Mr. Prescott explained that maintenance of the existing area is not included in the designation of the FEMA funds, and therefore, dredging of the canal is not part of this plan. That would be a separate Dredge and Fill Application to the Wetlands Board. The only work done to the existing boat launch is to put stone in to slow the wash from the parking area. By paving the parking area, the hope is to keep the fines from washing in

and filling the wetlands. Blueberry bushes and other natural vegetation, not rip rap, will be used for stabilization. There is an area near the existing boat launch, which has an erosion problem. Modifications will be made to direct runoff into a catch basin followed by a culvert, which will deliver the runoff back toward the wetland for natural processing.

Ms. Holmes asked if there was any work planned to be done near the cooling towers.

Mr. Prescott stated that the plan near the cooling towers is to dig some of the material out, cut out some of the smaller vegetation and install check dams to slow the water down so that it does not shoot out into the lake.

Bruce Pariseau, abutter, commented that he is witness to five or six cars or trailers each year that get stuck due to falling off the edge of the ramp due to the large hole. He stated that anything larger than a moderate rainfall results in erosion into the lake.

Ms. Holmes asked Mr. Prescott to explain how the application of hot top will slow the velocity of the runoff.

Mr. Prescott commented that currently most of the flow goes to the boat launch and erodes into the channel. The modifications will create only a small amount of runoff that will go down the boat launch ramp because there is a channel along the side of the parking lot headed in the opposite direction. The runoff is then directed into a level spreader, then into the wetland to be naturally treated. It will then flow along with the rest of the natural wetland waters easily into Chandler Brook near the pump house.

Mr. Prescott explained that the islands in the parking area will remain, but some of the trees will be removed as a necessity for realigning the handicap accessibility. The row of maple trees is being left alone.

Scott Messenger, abutter, asked Mr. Prescott what the elevation of the parking area will be after the proposed upgrade.

Mr. Prescott stated that the existing elevation is 100.56 at the centerline and will be 101.5 based on the new plan. There will be no trees cut near the Chandler Brook wetland because the root systems are important to keep for stabilization.

Mr. Messenger commented that the wetland near Chandler Brook will be receiving water flow from opposite directions, one off the Mountain and the other off the parking area as proposed, which may create turbidity within the wetland. He asked if there is any work or modifications planned for the wetlands beside the pump house.

Mr. Prescott stated that the wetlands beside the pump house will remain the same. He commented that in a disaster situation, the directional flow from the parking area will not work as designed because there will be much more volume and velocity coming down off the Mountain.

Mr. Messenger commented that the embankment has water cresting over it in the spring. In a heavy rain, the water has gone over the parking area. He stated that he is concerned that if the elevation of the parking area is raised and that flood relief is not there, the nearby homeowners will be swamped. He stated that he is only 8" above the existing parking area.

Mr. Prescott commented that the parking area is only proposed to be raised less than 1" and will not be enough to swamp out the nearby homeowners.

Deb Benjamin, President of the LSPA, asked Mr. Prescott what type of material is going to be used for the underlayment.

Mr. Prescott stated that there will be a vegetative swale constructed approximately 30 ft. from the boat launch.

June Fichter, LSPA Associate, commented that there was no mention of paving in the application submitted to the Wetlands Board. She asked Mr. Prescott who will be responsible for maintaining the culverts that are installed and how will the treatment of pavement runoffs that contain gas and oils from vehicles be handled. Additionally, she commented that one of the statements in the application was to support and maintain open and full public access of the Lake. She pointed out that the improvements are coming very close to improving the boat access, but not going far enough to make a difference.

Mr. Prescott advised Ms. Fichter that the State will be responsible for maintaining the culverts, and the pavement runoff will be treated through the natural filtration of the wetlands as directed by the Wetlands Board. He stated that the project's objective is to repair and stabilize the parking area and erosion of the embankments and has nothing to do with the boat launch itself.

Mr. Russell pointed out that there are paving options available that can absorb water, and Ms. Holmes presented a piece of grassy paver as an example of a permeable paving surface.

Joe Goodnough commented that Fish and Game is planning to use the grassy paving in many of their project locations.

Mr. Prescott commented that regular asphalt will be used for paving. He stated that they will look into pervious pavement, but that is not planned. He commented that the parking area would have to be 4 ft. above seasonal high water in order to use the pervious pavement and the State Beach site is too close to the water table to make it work.

Mr. Pariseau stated that Chandler Brook is getting shallower and shallower due to runoff carrying fines into the channel. If Chandler Brook is not cleaned out, it is going to become a sand bar and hold the water back from flowing into the Lake, thereby swamping the residents along the Brook. He stated that he would like to see the State

remove the sand and silt from the bottom of Chandler Brook to get the depth back a level where a boat can be safely launched.

Mr. Goodnough asked why the sand and silt could not be dredged from the bottom of Chandler Brook and be used elsewhere onsite, thereby avoiding the expense of trucking in fill.

Mr. Prescott commented that that might be possible in some instances, but in this case a different kind of material is needed that will compact well. Sand and silt will not compact well.

Robert Wood, LSPA Associate, asked Mr. Prescott if DRED has ever considered dredging the boat launch site, and if not, would they ever consider dredging it in the future. He also asked who is responsible for maintaining the public access to the Lake.

Mr. Prescott stated that he does not know if dredging Chandler Brook at the boat launch site has ever been proposed to DRED, but that it would be a questions for the Director of Parks and Recreation. He commented that he is not sure what the deed covenants are and what the legislative body would allow DRED to do. They are trying to maintain the park and keep it accessible to the public. Right now, DRED is trying to stabilize what they already have. A proposal for dredging Chandler Brook would have to be put in the budget and sent to the Governor's Council for approval. There was \$997,000 granted for five projects. Sunapee State Park is included in those five. DRED is responsible for maintaining the public access to Lake Sunapee.

Mr. Messenger asked if the parking area is going to be expanded in size from its current dimensions.

Mr. Prescott said no.

James Wilson submitted a letter expressing concern regarding tree cutting.

Mr. Prescott stated that the plan is to cut out the small vegetation, remove the foreign siltation and then replant.

Ms. Fichter asked if the drainage systems were designed for the 20-year storm guidelines and how much volume of water was the drainage system designed for.

Mr. Prescott commented that Nobis Engineering did the soil and drainage plan for DRED. The storm water from the parking area will not be an issue.

Ms. Fichter commented that of the \$997,000 was evenly split, there would be approximately \$180,000 allotted to paving at the Sunapee State Park site and dredging Chandler Brook so that the water would flow more efficiently.

Mr. Prescott explained that the plans are designed to meet FEMA requirements for hazard mitigation to prevent the problems from happening again. FEMA does not grant money to make structural improvements beyond hazard prevention.

Mr. Messenger asked who determined that the wetland will be able to handle the additional runoff from the parking area.

Mr. Prescott stated that the engineers and soil scientists determined that the wetland can handle the runoff sufficiently.

Nancy Marashio commented that years ago, there was only one privately owned beach in that area until the State filled in and built the State Beach. Prior to that, the flow of water mitigated itself well through the wetland.

Mr. Messenger asked if any work or changes will be made to the rail road bed.

Mr. Prescott said the rail road bed will remain the same since it is under private ownership.

Jay Gamble, Mt. Sunapee Associate, suggested that perhaps the idea of dredging Chandler Brook near the boat launch has not gotten enough attention in the Commissioner's Office to reach the right person or persons to make it happen.

Mr. Prescott commented that he is not sure how projects "get to the top of the list", but he explained that there is a budget that has to be spread out among many very needy projects. If dredging Chandler Brook is a priority, then it probably should be moved up, but he stated that he is not the person to do it. Additionally, there are rules and processes for dredging applications. It cannot be done on a whim for a change of plans.

Ms. Benjamin asked Mr. Prescott what is the right avenue to elevate this issue on the radar screen.

Mr. Prescott advised talking to DES first.

Ms. Marashio commented that when the beach and the boat launch was first built, it was supposed to be the 'primary boat launch.' Fifteen years ago when Wilbur LePage was in office, it was still supposed to be the primary boat launch, and therefore, should be maintained as such.

Mr. Prescott commented that he cannot address that issue, but he can carry back the sentiments of this meeting to the Commissioner's Office.

Mr. Gamble commented that based on his experience up at Mt. Sunapee, the level spreaders and check dams will work well as long as they are maintained, which sometimes is necessary after every storm. That detail should also be brought back to the Commissioner's Office.

Mr. Wood asked Mr. Prescott what is the status of the project at this point in time.

Mr. Prescott stated that the project has been accepted by the Wetlands Bureau as Administratively Complete. There is currently an archeological study taking place. When the Wetlands Board Application is approved, it will then go to the Governor's Council for approval. Any issues may be addressed to George Hall, Director of Parks, PO Box 1856, Concord, NH 03302. This project may be able to begin this fall, 2008.

Consensus of the Conservation Commission was that the Commission should draft a letter to the Wetlands Board consisting of it's opinion(s), requests and recommendations.

COMMUNICATIONS

A letter of complaint was received from an abutter of Bob Bell's on Greystone Lane. The abutter is concerned with a large amount of sand being dumped in on a steep slope next to his lot. The abutter had not gotten a satisfactory response from the Building Inspector, so Ms. Holmes directed him to the Board of Selectmen. At this time, she has not heard a response from the Town Administrator.

OLD BUSINESS

The Conservation Plan is in the process of being printed.

NEW BUSINESS

Town Sidewalk

Mr. Geddes will report on the Application to the Wetlands Board by the Town of Newbury for the sidewalk project at the next meeting.

Next Meeting

Tuesday, June 10, 2008 @ 7:00 p.m.

Ms. Levine made a motion to adjourn. Mr. Unger seconded the motion. All in favor.
Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary

