

JOINT BOARD MEETING

MARCH 7, 2007

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Planning Board at their next meeting.

Planning Board Members Present: Linda Welch, Peter Keene, Bob Anderson, Ken Jacques, Andy D'Amico and Darrin Patten. Kevin Lee arrived a few minutes late. Andy stepped down. Absent: Ernie Mills.

Zoning Board Members Present: B. Manning, Andy D'Amico, John Graham, Gene Hayes. Absent: Mark O'Halloran and Cynthia Hayes. B. Manning and Andy D'Amico stepped down.

Conservation Commission Present: John Trachy, Todd Richardson, Dick Currier, Ken Jacques, Cynthia Bruss, Bob Anderson.

Other Town Representatives: Brad Butcher, Road Agent; Tim Julian, Police Chief; Ross Stevens; Engineer overseeing project, and Peter Schauer, Wetlands Specialist representing the Town.

Matarazzo Representatives: George & Patricia Matarazzo, Peter Blakeman, Engineer; and Bruce Gilday, Soils Scientist.

In Kevin's absence, Darrin Patten, Planning Board Vice-Chairman called the meeting to order. Darrin asked for input from Ken Jacques as Darrin had not been at the February 15 Planning Board Meeting when this special meeting was scheduled.

Ken explained a proposal for subdivision has been in the design review stages with the Planning Board for quite some time now. The changes that took place with the Zoning Ordinance last March now require a Special Exception when roads and driveways are being proposed for wetlands in a Conservation Overlay District. In order for Mr. Matarazzo to move forward with the Planning Board, the project needed to go before the ZBA to seek a Special Exception. A site visit was held with joint boards, (Planning, Zoning, and Conservation) as well as specialists and town employees on December 9, 2006.

Mr. Matarazzo has been meeting with the ZBA since January. The ZBA raised questions regarding 7 items in the Zoning Ordinance as the purpose of a Wetlands Overlay District.

WETLANDS CONSERVATION OVERLAY DISTRICT Purpose:

Wetlands are extremely important to the Town as they provide area for floodwater storage, wildlife habitat and groundwater recharge. It is intended that this Overlay District shall:

- 1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances;*
- 2. Prevent destruction of or significant changes to natural wetlands which provide flood protection;*
- 3. Protect unique, rare and valuable natural areas;*
- 4. Protect wildlife habitat and maintain ecological balance;*
- 5. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;*
- 6. Prevent expenditure of municipals funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result or misuse or abuse of wetlands;*
- 7. Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands.*

The ZBA has asked for input from the Conservation Commission relative to the above 7 items. The Conservation Commission wetlands subcommittee met and agreed that they did not have the technical expertise to give good advice to the ZBA regarding these issues. In a request to the Planning Board, they asked for permission to meet with Ross Stevens and Peter Schauer, Engineers who have walked the site and are representing the Town in this proposal. The Planning Board felt that a joint work session with all Boards present, as well as other technical representatives would allow questions to be asked by anyone, with all members at one place and time.

B. stated, he has been stepping down during the Zoning hearings as an abutter, but Mr. Matarazzo had been asked to come up with a package addressing what the Board has been looking for.

After discussion, Board members agreed that Mr. Matarazzo should be allowed to present his response to the 7 items, questions could be asked, and Ross and Peter could be allowed to respond.

Mr. Matarazzo presented his response to the 7 areas of concern and presented mapping to show wetlands crossings, buffers, setbacks, and has proposed an area for a wildlife corridor. The wildlife corridor areas will be shown as deed restrictions. Mr. Matarazzo's written response to the 7 above concerns are as follows:

Matarazzo Land Planning Consultants Inc.

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1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances;

Response:

There will be no structures such as buildings or sheds located in the 100 foot wetland buffers where the wetland exceeds 10,000 square feet. All septic systems will be no closer than 125 feet from any and all wetlands no matter the size.

We will further agree to minimize the impervious surface on each lot, except in the clustered lots, to not to exceed 20% of the lot area.

2. Prevent destruction of or significant changes to natural wetlands which provide flood protection;

Response:

No destruction of or significant changes will be made to the wetlands. We will design and build natural drainage systems for the site including vegetative swales and natural detention areas in accordance with all the state standards for drainage and runoff. We will not impact the wetland with additional runoff that will reduce its capacity for flood storage.

3. Protect unique, rare and valuable natural areas;

Response:

I refer to a letter from the New Hampshire Natural Heritage Bureau to BAG Land Consultants references this site date August 2^P 2006; "We currently have no recorded occurrences for sensitive species near this project area".

I must remind the boards that this property was logged about ten years ago and a

considerable amount of the land was cleared and disturbed, especially in the areas where the skidders moved through the site. Since the logging many of these areas have grown-in with balsam and other native species.

We will take special care to develop plans for landscaping the areas disturbed by the road crossings of the wetlands and the wetland buffer. We will plan to plant the disturbed slopes with grasses and shrubs that are indigenous to the area and will help to reestablish the landscape.

4. Protect wildlife habitat and maintain ecological balance;

Response:

Our proposed residential development and specifically the road through the buffer will not adversely affect the wildlife habitat. In the area where the road crosses the wetland stream and buffer, we will use a box culvert that will allow for the natural flow of the intermittent stream. In the other crossing which is also an intermittent stream close to Four Corner Road, with a very small drainage area, a standard 24" culvert will be used. Where the buffers are disturbed by the road, we will plant grasses and shrubs that will enhance the existing wildlife habitat. We will also agree to establish a wildlife corridor through the site with specific requirement of no fencing and controlled clearing.

5. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas.

Response:

Existing and proposed water supplies (wells) and existing aquifers will be protected with protective setbacks and properly designed storm water runoff structures. The propose site plan showing 26 home sites is well with in the allowable density for the site. The total acreage for the property is 125 acres, which translates into an average of 4.8 acre for the overall development, well above the minimum lot size allowed of 1.5 acres.

6. Prevent expenditure of municipals funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result or misuse or abuse of wetlands;

Response:

It is our intents that all cost expenditures for maintaining and monitoring the protection of natural wetlands before, during and after construction activities will be borne by the applicant.

7. Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands.

Response:

We have designed the road to have a minor impact on the wetland crossing. The road crosses the wetlands at the narrowest points on the site. In those areas where we cross the wetlands and buffer with the roads and driveways we will grade and plant the disturbed areas with a variety of plant material that will be harmoniously, appropriately and safely located in the wetland areas.

Mr. Matarazzo stated that in working with the Planning Board, they have eliminated a wetlands crossing off Town Farm Road, and will only be crossing the buffer in that area.

Lot 16 has been redesigned to eliminate a wetlands crossing for the driveway. The Special Exception is to address the road issues only. The ZBA needs to determine if the criteria for the Special Exception for this plan fits in with the Master Plan of the Town. Bruce Gilday indicated the impact is classified as a minimum.

Kevin asked Ross Stevens for his comments. Ross stated their trying to rationalize the impact on the wetlands buffer, and their commitment to establishing and deeding a wildlife corridor is a substantial mitigation. They have tried to make the road crossings in areas of least impact. Kevin questioned whether the narrowest wetlands crossing are always the area of least impact. Where they have designed the crossings at the narrowest places, are these the best locations. Peter stated having viewed and tested the site; he has a very good confidence level that the road crossings are delineated correctly. He has not walked all the backs of the lots to determine the wetlands on the back of those properties. Peter stated his concentration has been on the roadway impact and any place on the lots where wetlands may be affected.

Kevin asked if anyone had further questions of Mr. Matarazzo's team. There being none, Kevin turned the questioning over to the Conservation Commission, with John Trachy raising questions on behalf of the Board.

John: Questioned if Peter had an opportunity to walk the site? Prior to snowfall?

Peter: He has walked the site, there was a small amount of snowfall but they were able to drill test holes and do soil analysis.

John: What is degree of confidence that all of the wetlands have been identified and delineated? Peter: Cannot say with assurance that all the wetlands are delineated but he has followed the road path where it crossed any of the wetlands, and has looked at the roadway crossing, and have a very good confidence level that they are delineated correctly. He has not walked the backs of the lots, he has concentrated on the roadway crossings and any place on the lots where wetlands may be impacted.

Ross stated he asked Peter to come to the site following one of his visits, when he questioned some of the wetlands delineation. He stated that neither one of them has combed every square foot of that site. They rely on the consultants of the project.

John asked whether Peter had an opportunity to look at the soils identification of the aquifer? Peter: Only in the wetland area.

John: Have you contrasted those with the NCRS Maps? Peter: NCRS maps are too general. Some of these wetlands won't show up on the maps. Many of these areas are isolated wetlands that can only be identified on the site.

John: What is the hydrological (?)connectivity of the various wetlands, are they perched wetlands, subsurface wetlands, surface types? Peter: In the isolated wetlands they are perched wetlands, they are sitting on top of hardpan soils. In the stream channels and where they have the boxed culverts, and the first and second stream crossing, those are groundwater discharge. The site engineer has adequately addressed the connectivity of the site by allowing for boxed culverts and the 24" culvert at the entrance.

John: Is the horizontal groundwater flow between two perched isolated wetlands, does that make them connected as one wetland rather than 2? Peter: No, not a surface connection, it is a subsurface connection which takes it away from the wetlands criteria. Ross stated the key is the wetlands delineation criteria, is the guideline for the mapping and analysis and the regulatory network.

John: Does hydrological (?) connectivity affect habitat? Peter stated he is not a hydrologist and does not feel he can adequately address that.

Ken asked Peter Schauer if he thought where the project was at this point in their plans to cross in these areas, have they done the best job in mitigating the amount of impact they would have on the wetlands. Peter: Yes. Looking at the plan you might say no, but walking the site and looking at the topography they are addressing there is no way to avoid wetland impacts. He feels they have done due diligence in trying to avoid wetland impact. There is no way to avoid buffer impacts without increasing wetlands. Ross stated they have avoided steep slopes in wetlands areas.

Ken: Questions have arisen regarding the aquifer. Have they addressed drainage and storm water issues based on the impact from the road on the entire site, is it the least impact? Ross stated they are in the process of designing storm water mitigation plans, and will adequately handle the run off from the developed areas, specifically roads, driveways. Peter Blakeman stated, the State sets the standards and will involve an alteration of terrain permit from the State which will look at the storm water impacts, quantity and quality, and also the erosion control during construction. Peter Schauer stated this is not in a ground water recharge area.

Bruce stated he has presented the research to the ZBA in January. This plan is not in a ground water aquifer. There is a very low yielding aquifer in the area of Four Corner's Road.

John stated that one of the comments made was that there would be no net increase in run off, he asked Peter Schauer if he could comment with respect to the maximum flow during storm events, and what the impact would be to the wetlands? Peter stated he was not able to answer that.

John stated where the concern would be would be onsite ponding, though drainage designs the flow would perhaps not be increased, but the problem that might occur is

because of the impervious areas they would be looking at a larger flow over a shorter period of time which may lead to stream bed erosion, sedimentation etc. from the residences? Peter Blakeman stated this was something the alteration of terrain would look at very closely. The storms looked at for the stream bed for the long term is the smaller storms. The more frequent storms. They are looked at for their impact on the stream beds and for the water quality. Then the longer storms are looked at for overall run off.

Ross asked Peter Blakeman to speak to the issue of what happens when the water runs off the road surface, collects in a ditch and then there is a high concentration of water moving fast over that portion of the site? Peter stated the water is brought away from the road and treated in some fashion either through a grass treatment swale and then a level spread to take a concentrated flow and spread it out over more area. The intent is to capture as much as you can to stop uncontrolled run off. Bruce stated that there are also check dams to decrease the velocity which would be part of the erosion control plan, to decrease the water flow and release the water properly. Peter stated there are very many practices available through the State for this. Ross stated the State takes a very close look at these issues through the alteration of terrain and site specific review process.

John stated if the purpose of the 100' buffer is to protect these wetlands, and running roadways through these buffers with slopes, if that is done the capability of that buffer is reduced to protect the wetlands because it is creating additional run off within the buffer, not outside the buffer. Ross stated it is incumbent upon Peter's techniques to avoid degradation of surface and groundwater quality in their design.

Bruce stated in the design of these plans you try to minimize the impacts to the wetlands and the buffers. If you look at these plans, the landowner would be denied access to his land if you eliminate going through the buffer. The impacts have been minimized. The design of the erosion control plan will also minimize it to the best ability.

John stated the applicant has stated that the maintenance and monitoring of the wetlands before, during and after constructions will be done by the applicant. At what point does the applicant no longer have that responsibility? Peter Blakeman stated when the site is stabilized. When vegetation is fully established on the sides of the road, all the disturbed areas are stabilized. A construction monitoring permit is also required through the EPA for a storm water prevention plan, which is a separate notification requiring monitoring erosion control practices. Ross stated the Town would evaluate the integrity of the road and the integrity of the erosion control, and stabilization before the Town would agree to take over the road. The Town Engineer would be overseeing this for the Town. Ross stated the erosion control issues should be considered for long-term maintenance, making provisions for the maintenance of these sedimentation areas.

Ken asked what types of maintenance issues do these require? Peter Blakeman stated these do not have high levels of maintenance, but would require periodic checking of sedimentation and sediment removal as required.

Ken: Does the Army Corp of Engineer's get involved in a project like this? Peter Schauer stated they review every project over 3,000 square feet, and follow the State permitting process.

John: Mr. Matarazzo has given indication of a wild life corridor and indicated this would not adversely affect the wildlife habitat. Absent of a natural resources inventory how do you base that? The land has been significantly cut; there is also a recreation trail there that has to affect wildlife. The density is low, the setbacks on the site are significant, and for those reasons the impact to wild life has been minimized. There is no guarantee the wild life will use the corridor, but there are areas provided for wildlife.

Gene Hayes: What measures are in place to limit the amount of cutting that would go on? George stated there could be deed restrictions to limit the amount of impervious surface on each lot. Kevin stated there are no regulations to prohibit land clearing. Peter Blakeman stated if George had wanted to do this he probably would have come in and cleared the site before proposing development. The lots are proposed to limit the amount of open land to minimize the impact between the residences.

Peter Schauer stated that homeowners have a lot of potential for impact to the wetlands, while the developer is monitored throughout the entire process.

John asked Peter to comment on the degree of impervious surface when a newly installed lawn goes in how long it lasts? Peter Schauer stated a lawn is not considered an impervious surface.

Kevin asked if there were any other questions.

George wanted to know where he goes from here?

Kevin stated the application for a Special Exception has been made to the ZBA. He questioned if there was a time line the ZBA needed to follow? B. stated the applicant has been to the ZBA twice. The first time they were referred back to the ZBA for the Hazzard Road issue, the second was for the Conservation Commission for their input. They are to come back to the ZBA on April 3, and he thinks they would like to make their presentation over the 7 points. He thinks they would like an answer from the ZBA and meets with the Planning after and he thinks the applicant would like to know how to proceed. Kevin stated he can't speak for zoning for them to make a decision but he doesn't know what the time constraints are for acting on an application. Are there any time limits for the Board to make a decision? B. stated he did not know if there was any statute to limit the ZBA from requesting more information, he did not know how long the

process of having the applicants return with more information can go on. B. stated it would appear that if they had the information and the input from Ross and Peter Schauer, it would seem that they would have enough information to make a decision

Bob asked John if the Conservation Commission would be able to answer the Zoning Board's request at the March 8th meeting. Board members discussed whether they felt they had enough information to make a decision. George questioned whether this could be considered a meeting of the Conservation Commission? John stated this was a meeting.

Kevin asked if the Zoning members present had any other questions they needed to have clarified or answered by George and his consultants or the Ross and Peter Schauer at this time. This was part of the reason for having the meeting to ask both teams of consultants so that everyone is exposed to the answers by Mr. Matarazzo's and the Town's consultants, so the process works and everyone has the answers to the question they have.

Bob Anderson questioned whether the Conservation Commission should have Mr. Matarazzo come back tomorrow night or did Commission members have enough information so there are not any more delays. Conservation members agreed they had enough information.

John asked Board members whether there was an interest in having Mr. Matarazzo present this again tomorrow night. Board members did not feel that he needed to meet with the Conservation Commission on March 8th.

Kevin asked if the Conservation Commission felt they had enough information to respond to the Zoning Boards request?

Kevin asked if the ZBA felt they needed any more information? B. stated he thought Ross should write a letter to the ZBA indicating that he concurs that Four Corner's Road access is the most appropriate location to the property, and he has reviewed the wetlands crossings on the road and his and Peter's opinion on this matter. B. stated all the ZBA is dealing with encroachment on the road crossings not the buffer. Gene agreed that written comments from Ross would be a good idea.

Ross stated he has other concerns from an engineering standpoint in the overall planning perspective.

Planning Board members did not have any other questions.

Conservation Commission members voted to adjourn their meeting.

Ken moved to adjourn the Planning Board Joint Work Session at 8:45 p.m.

Respectfully Submitted,

Janet Roberts,
Recording Secretary.