

Town of Farmington
Conservation Commission Meeting Minutes
Wednesday, April 12, 2017

Commission Members Present:

David Connolly, Chairman
Randy Orvis, Vice Chairman
Bill Fisher
Laura Bogardus
John Law
Patience Taylor

Commission Members Absent:

Richard Ballou
Charlie King, Selectmen's Rep.

Others Present:

Barry Keith, BH Keith Associates
Scott Lawler, Norway Plains Assoc.
Resident Tom Sorenson

1). Call to Order:

Chairman Connolly called the meeting to order at 6:05 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Welcome New Member:

Chairman Connolly welcomed new member John Law to the Commission.
Patience Taylor was switched from an alternate member to a regular member.
There are 3 alternate positions open on the Commission. Interested residents should contact the Selectmen's Secretary for information on becoming an alternate member.

4). Public Comment: None.

5). Election of Commission Positions:

Chairman Connolly asked for nominations for the following positions:

Chairman-

Motion: (Orvis, second Fisher) to nominate Dave Connolly for Chairman passed unanimously.

Vice Chairman-

Motion: (Bogardus, second Connolly) to nominate Randy Orvis for Vice Chairman passed unanimously.

Secretary-

Motion: (Bogardus, second Connolly) to nominate Laura Bogardus for Secretary passed unanimously.

6). BH Keith Associates:

Barry Keith came before the Commission to discuss the status of the contracts and future work plans for the French, Dubois and Town Forest properties. He said the contract agreements for the French and Dubois lots are contained in one contract and

that the Commission had approved a 1 year extension that expired in December 2016. The contract for the Town Forest expires on June 1, 2017 he said.

A). Dubois/French Work Contract Extension

Mr. Keith then outlined the work plan for each of the properties.

Dubois Lot- To focus on walking the lot in the spring and look for any concerns; review the wildlife opening which was cut back last year; conduct fertilization in May; participate in the state easement monitoring and be available for Cons Com meetings and site walks as needed.

French Lot- To conduct the annual site/trail inspection in the spring; look for any problems/concerns; participate in the state easement monitoring site walk/meeting and be available for Con Com meetings and site walks as needed

Chairman Connolly then suggested the members consider one contract at a time and asked if it is legal to extend a contract that has expired.

After a brief discussion, the following motion was made:

Motion: (Orvis, second Bogardus) to renew the contract with BH Keith Associates for the French and Dubois properties effective April 12, 2017 for one year;

Discussion: Mr. Law asked if the Commission would delay the vote to allow the new members more time to review the contracts and the work plans as he did not want to vote on something he is not familiar with.

Chairman Connolly said the members could postpone the vote and added that if the members approve any contracts with Mr. Keith the contracts must then go to the Board of Selectmen for final approval.

Mr. Law asked if Con Com members were allowed to attend the state easement monitoring walks.

Chairman Connolly said members are encouraged to attend the site walks.

Ms. Bogardus asked if there was anything that must be attended to before the next meeting.

Mr. Keith said the items on the work plan could wait until next month.

Vote- The motion failed 2-3-1(Law abstained).

B).Town Forest Work Contract Extension

Mr. Keith said some of work approved last year will be carried over into this year's work plan that includes meeting with the DPW Director to assess the parking lot expansion, forest management, obtain additional fill from the DPW for the access road, locate a potential second access for a logging off Bay Road, locate possible future trail locations in the Waldron's Grant section, potential future timber sales in the Abbott's Grant portion and attend Con Com meetings and site walks as needed.

Mr. Keith said that this contract is still valid and he could meet with the Deputy DPW Director at the site and review the work plans with him.

Chairman Connolly said the contract extensions will be revisited at the May meeting. He asked if there would be any benefit to applying for Tree Farm status at the Town

Forest.

Mr. Keith said he didn't think there would be much value to applying for that status. He asked if the Commission would like him to explore available grants for various projects.

Mr. Connolly said they have been considering educational possibilities on the 46 acre piece of Town Forest which has no restrictions on it except that the land is only to be used for conservation purposes.

Mr. Keith said he will look into the availability of grants for educational purposes and bring the results to the Commission for consideration.

C). ARM Fund Grant

Mr. Connolly asked about the Aquatic Resource Mitigation Fund grant.

Mr. Keith said this grant is not available this year and the flyer Mr. Connolly received is dated for March 2018. He said it was his understanding that the state has so many grants in process that they are trying to close the loop on some grants, are reworking the rules and didn't want to spend the money this year.

Mr. Keith explained that this grant is a big process with a massive paper trail and not worth it for small projects. He said these funds are usually used to buy land, a land trust, an easement or for restoration purposes.

D). Ronci Update

Scott Lawler joined the discussion with Mr. Keith.

Mr. Connolly said the project is close to expending the amount of money approved to explore the potential for a handicapped fishing platform/access and asked for a status report.

Mr. Keith presented a parcel sketch of the River Road property showing the initial work done at the site which centered on the topography, the wetlands areas and the flood plains which was used to form a base plan for the site. The reverse of the sketch showed the preliminary feasibility plan depicting more detail of the area.

Mr. Lawler said Mr. Keith delineated the wetlands, the stream channels and flagged the areas to show which areas are within the jurisdictional wetlands. They took that data and tied it into the state flood plain coordinates system to see where this parcel fell on the FEMA 100 year flood plain maps. This area of the Mad River has flood zones designated AE (high risk of annual flooding) as well as additional flood plain areas within the 100 year flood zone he said.

He said they looked for potentially suitable places for a walkway, trail or platform and flat areas for parking with access off River Road. He said care must be taken as to the choice of a location for the fishing access as they can't fill in the flood zones and any work in the wetlands areas would require a state permit.

Mr. Lawler said they first walked the section of the parcel closest to town as a potential access to the bend in the Mad River but found that a good portion of the bend area is located within the flood zone.

He said they then when a little further away from town to section BB which was found to be a little more plausible as an access to the river but it is still within the floodway and the 100 year flood zone. He said that essentially the entire parcel is covered by floodways or the 100 year flood zone.

Mr. Keith said he saw a lot of ice scarring on trees and there is an area where the ice dams broke loose and carved out a new water channel which is shown as an "intermittent stream" on the sketch.

He said the river is appropriately named and that he has observed it at different times and noted its extreme high and low flows. He said that during the summer drought the water level is so low that he doubted that any fish could survive there.

Mr. Lawler said he looked at the Americans with Disabilities Act (ADA) guidelines and listed some of the ADA requirements on the plan. He said to make the access/platform completely ADA compliant is going to be an extreme challenge given the nature of the flood plains and the elevations. He proposed they produce a quick sketch depicting a more plausible solution of a gravel parking area just off River Road and a stone dust walkway. It would be a hard surface, not necessarily wheelchair accessible, but would be accessible to others with walking mobility. The path would run to the river and end in a "T" configuration approx. 50 to 75 feet in length each way and would be easier to maintain than a wood structure he said.

Mr. Keith added that trying to get to the bend in the river would involve impacting the floodway and that he did not think NH Dept. of Environmental Services (DES) would allow it.

Mr. Law said he lived on River Road for 8 years and agreed the Mad River is river of extremes- all or nothing. He said he could attest to the ice scarring and that some of the ice dams get to be 8-10 feet high. He asked if the fishing access has to be located on this side of the River Road Bridge.

Mr. Connolly said the Town has allowed the Commission to try to do something with the 3 acre parcel and that Mr. Orvis suggested installing a handicapped accessible fishing area there.

Mr. Orvis said the river bend is a pool that generally has 3 to 4 feet of water and right now probably has 6-7 feet of water. He said that even during the summer it had 2-3 feet of water trickling out and that he expected to have to elevate the proposed platform about 5 feet above the water if it were constructed there.

Mr. Law said he thought it would need to be raised even higher due to the ice flows that have been 2 feet high in the recent past. He added there are some locations on the other side of the bridge that would be more conducive to a fishing access with flatter areas for parking. They don't have pools but would not have to be replaced each year due to damage from the ice flows he said.

Mr. Keith said an alternative plan could include the use of an existing driveway area on the northwest corner of the Ronci property for a gravel parking area with a crossing over

the channel to the stone dust pathway. They would try to keep it to the existing grades, minimize tree removal, leaving root structures intact and place some fill there to stabilize the area he said.

Mr. Connolly asked the members for their thoughts on the feasibility of the plan. Consensus of the Commission was that the original project is not feasible at this location but that they liked the idea of a fishing spot accessible by everyone.

Mr. Connolly then asked if the proposed pathway could be done within the original expenditure request.

Mr. Lawler said the original proposal included doing the base survey and figuring out the issues with the project and try to come up with a concept for the project. He said they could provide a “broad brush” sketch of the pathway concept in a 2 dimensional format and stay within the scope of the original cost estimate.

He said he will notify the Chairman when it is ready to be presented to the members.

7). Special Use Application/Norway Plains, Tax Map R 20, Lot 10:

Mr. Fisher, who is also a member of the Planning Board, recused himself from this matter as it is currently before the Planning Board.

Mr. Lawler said he represented applicant Ken Cormier of Cormier Movers, Inc. Mr. Cormier is considering purchasing the property located at 359 Route 11 to construct a warehouse and moving company. The property belongs to Elaine Blaney and is located in the Commercial Business (CB) zone between the Holy Rosary Credit Union, the Cocheco River and Rattlesnake Brook on the east side of Route 11. The property currently contains a single family residence with a “very intensive” back yard. There is a paved access off Route 11, a paved area in the rear of the lot along with a large graveled area that is currently being used to store vehicles and other items. There is also a shed and a large concrete pad in the rear of the lot he said.

Mr. Lawler said BH Keith and Associates was hired to delineate the wetlands areas of the lot and to determine the location of the reference line for the Cocheco River which is protected by the Shoreland Protection Zone. The plan presented shows red and blue lines depicting the 100 foot buffer zone from Class 1 wetlands and the 100 foot limited development zone from a water body and shows that less than 2 acres of the 5.5 acre parcel is actually buildable he said.

He said the plan was before the Planning Board last month for a non-binding conceptual review of a proposed 11,200 sq. ft. warehouse and moving company. The applicant then submitted a Site Plan Review application, a Conditional Use permit application (because the parcel is within the Aquifer Protection Overlay and has over 15% of impervious coverage) and a Special Use permit application (to allow grading to be performed within the buffer zones to help manage storm water).

The storm water coming off the building and the pavement areas will be captured, pretreated in the sediment forebays and then flow over to the retention basins and infiltrate into the ground water. The plan requires a NHDES permit so a complete storm

water analysis was done to ensure there is no impact within 50 feet of the river and that an equal or lesser amount of water will be leaving the property due to the proposed plan. He said the Special Use permit is why they are before the Conservation Commission this evening.

Mr. Lawler then introduced a “complication” due to a redesigned plan suggested by the applicant just within the last week. The redesign includes a larger building (from 140’ x 80’ to 160’ x 80’), repositioning of the building and relocation of the loading dock to the rear of the building. The full engineering for the concept has not been completed. By turning the building to face Route 11 the area outside the red and blue lines has increased at the rear of the building and much of the storm water management will occur there and won’t need as much of the Special Use application he said.

Mr. Orvis asked how they arrived at the 100 foot buffer and how the wetlands were classified as Class I.

Mr. Keith said the classification was due to the proximity to the river.

Mr. Orvis asked if that is the definition found in the Town ordinances. He said there are no Class I wetlands in Farmington and then described the wetlands classifications found in town.

Mr. Keith said he reported the areas as Class I as per Town Ordinance Section 4.02E but it has no bearing on the need for the Special Use permit.

Mr. Lawler said whatever the classification of the wetland is the Special Use permit is necessary to construct the storm water management system within the 100’ limited development zone from the river and the brook. He said they will recheck the wetlands classification over the next 30 days.

He said the Special Use permit application was submitted to the Planning Board as part of the original design packet and includes a narrative detailing why the proposed storm water management system will improve the site. Currently there is no storm water management system there due to its residential use which also never underwent a Site Plan Review he said.

Mr. Connolly asked about the Planning Board’s comments on the proposal.

Mr. Lawler said most of the comments were focused around design requirements such as snow storage and placement of dumpsters, etc. A fully engineered plan had been submitted just 2 days before the meeting so the discussion was centered on a conceptual design review of the plan. He added that he did not hear anything to change his mind about how he would engineer the site and that he got the sense they felt it was good use of the property as long as Town and State regulations were adhered to.

Mr. Connolly asked if the board discussed oil/chemical run off from the vehicles and containment measures to keep them away from the wetland areas.

Mr. Lawler said the redesigned site plan will depict the use of bituminous Cape Cod berm all around the perimeter of the property so that oil/grease will be directed to the sediment basins and not sheet off the property.

Mr. Law asked about the pitch of the roof on the repositioned building.

Mr. Lawler said that despite his recommendation, the applicant proposes to “hip” the roof so water will flow off of it from both the front and the back. He said it was a financial consideration for Mr. Cormier and that he had recommended a shed roof in the original design to have the water shed off the roof behind the building instead of over the front doors and the trucks at the rear of the building.

Mr. Law expressed concern about the amount of water going into the retention basin behind the building with the new design.

Mr. Lawler said that wherever the water drips directly from the roof onto the ground, it will be captured by a three foot wide stone trench with a pipe under the stone to direct the flow to the basins to prevent wash off. Wherever water hits the pavement it will flow along the curbing system and into the retention basins he said.

Mr. Orvis said he noticed the design includes the state’s plan to install a center turning lane on Route 11.

Mr. Lawler said the plan for the turning lane has gone out to bid but he did not know if the bid has been awarded yet. He said the original conceptual plan is shown without the lane addition but the recent design plans include it and they are working closely with NHDOT to obtain approval of the driveway access compatible with the state’s plans for the additional lane.

He noted the design is still in “flux” and they are still in discussions with Mr. Cormier. He asked the Commission for concerns/comments and offered to return to the next meeting with any necessary revisions.

Mr. Connolly noted the existing screen house that is well within the buffer zone.

Mr. Keith said the screen house looks as if it has been there for some time and added there is also some old granite which may have been an old bridge abutment/ramp located there.

Motion: (Orvis, second Connolly) to send the Planning Board the Conservation Commission’s recommendation to approve the Special Use permit application;

Discussion: Mr. Connolly asked if the new design will change the application for the Special Use permit at all.

Mr. Lawler said the redesign won’t change the application and noted that the encroachment into the buffers will be less than the original design.

Mr. Connolly asked if the necessary grading would be less with the redesign.

Mr. Lawler said he has not completed the full grading for the concept but believes there will be less impact to the buffers with the new design.

Mr. Law asked if the new design reduces the amount of pavement on the site.

Mr. Lawler said that it is a tighter footprint and that by putting the loading/docking area behind the building there was less need for pavement to maneuver the trucks.

Mr. Orvis said he was confident the plan is engineered to meet town regulations.

Mr. Connolly noted they will also have to go through the state “hoops” as well.

Mr. Orvis asked if the planned soil disturbance at the site was 50,000 sq. ft. or more requiring a state site specific technical review.

Mr. Lawler said the soil disturbance will be less than 50,000 sq. ft. so it is not required.

Mr. Connolly asked when their next meeting is scheduled with the Planning Board.

Mr. Lawler said they are scheduled to go before the board at their April 18th meeting. He said they have not seen the changes to the plan and there will probably be a secondary design review and a continuance to the May board meeting.

Mr. Connolly said if the Planning Board would like the Con Com to readdress the Special Use permit after their review he would have no problem asking the Commission to re-visit the issue.

Vote: The motion passed 5-0-1 (Fisher abstained).

Recess: Mr. Connolly called for a five minute recess at 7:20 p.m. The meeting reconvened at 7:35 p.m.

8). Old Business:

A). Moose Mountain Regional Greenways Annual Meeting- Chairman Connolly said the MMRG will hold its Annual Meeting on Sunday, April 23 at the Governor's Inn in Rochester. Ms. Bogardus, Mr. Sorenson and Mr. Law will attend.

B). NH Association of Conservation Commissions Dues- MR. Connolly said the \$345 dues are due in April if they wished to remain a member of the NHACC.

Motion: (Orvis, second Law) to remain a member of the NHACC and to pay the \$345 dues passed unanimously.

C). Spring Clean-up- The clean- up will be held on Saturday, May 6. Ms. Taylor said the Boy Scouts are unable to participate this year due to a prior commitment that day. She said food donations include coffee and donuts from Honey Dew Donuts and 3 pizzas from the Farmington House of Pizza. Ms. Taylor will pick up the Honey Dew donations and transport them to the Public Safety Building by 6:55 a.m.

Ms. Bogardus will deliver the pizzas to the building.

Mr. Fisher will donate water and soda.

Mr. Connolly suggested they again provide hot chocolate for those people who don't drink coffee.

Ms. Taylor asked who determines what roads will be cleaned and suggested Hornetown Road is included on the clean- up list.

Mr. Connolly said he pre-determines the roads he would like to see cleaned up but the actual roads done depends on the number of volunteers that show up that day.

Ms. Taylor asked if the cans collected could be separated from the other trash for someone who could use the money from the can returns.

Mr. Connolly said that could be done and that the cans were separated for the Boy Scouts last year.

Members then discussed possible places to post flyers for the event.

Mr. Connolly suggested they consider any establishment that will post a flyer.

Mr. Orvis asked about the meeting place and parking for the volunteers.

Mr. Connolly said they are to meet at the new Public Safety Building at 7 a.m. and park at end of the building. He suggested someone direct drivers to the proper parking area that day.

Mr. Connolly asked if any of the businesses willing to post a flyer had volunteered to help with the trash pick-up.

Ms. Taylor said there were no business volunteers but admitted she didn't think to ask.

Mr. Connolly asked the members to let the businesses know the Commission could use their help when dropping off flyers.

Ms. Bogardus asked if anyone asked for volunteers at the schools.

Mr. Connolly said he did not but that flyers were placed in all 3 schools.

Mr. Fisher said he will pick up the trash bags next week.

Mr. Connolly said the DPW will provide a truck to pick up the bags and transport them to the Transfer Station, provide signs and the use of the scale house.

Ms. Bogardus said one of the local churches is looking for community service projects and offered to supply them with flyers for the event.

She will also provide extra coolers for the drinks.

D). Farmington School Board Recycling Policy Update- Mr. Connolly said the policy was approved by the policy committee and the next step is to move on to the Superintendent for procedure implementation. Mr. Fisher will send an e-mail to the Superintendent and tell her that the Commission is still interested in being involved in a recycling program at the schools and to ask if there is any way they can help move the program forward.

E). Any Other old business- None.

9). New Business: None.

10). Review of Minutes:

March 8, 2017- Page 2, New Business, MMRG Annual Mtg. - amend the motion to \$105.

Motion: (Orvis, second Taylor) to approve the minutes as amended passed 4-0-2 (Bogardus, Law abstained).

11). FYI:

A).State Survey- Mr. Connolly gave the members copies of a letter from the state requesting they fill out a survey about information gathering. He advised that they review the letter and decide whether to complete it on their own.

B).Workshops- Mr. Law said he attended 2 workshops regarding saving conservation easements and saving special places. He gave the related information to Mr. Connolly for the Commission's use.

12). Any Other Business to come before the Commission: None.

13). Adjournment:

Motion: (Bogardus, second Law) to adjourn the meeting passed unanimously at 7:50 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

David Connolly, Chairman