

Town of Tamworth

Planning Board

*** draft PLANNING BOARD Work Session MINUTES ***

August 2, 2012

Meeting was called to order at 7:00 pm at the Town Office

Members Present: Dom Bergen Chairman, David Little, Nicole Maher-Whiteside, Skip Nason, and Jim Hidden, Selectmen's Representative, Steve Gray and Skip Nason

Members Absent: none

Alternates Present: Pat Farley

Alternates Absent: Dave Cluff, Peter Vanderlaan, Tom Peters

Chocorua Valley Lumber, continued

Map 205 Lot 002 and Map 206 Lots 040 and 041

Pat was seated for Skip.

The hearing was opened at 7:01 pm.

David suggests that the access way is not subject to intents and purposes.

Rick Van de Poll presented his opinions about whether the application met the seven criteria of the wetlands ordinance.

Criteria 1 (hereafter referred to as # 1) – Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage, sediment, or noxious substances. – Rick states that it is his opinion that wetlands #1 meets the criteria. The sedimentation is being addressed by the stream and wetland 1. Wetland 2 – there may be some runoff from heavy storms, but the increase in the size of the wetlands should address that. In wetland 3 the same will apply. Question the future plans for removal of gravel.

Criteria 2 (hereafter referred to as #2) – Prevent the destruction of, or significant changes to natural wetlands which provide flood protection. Enhancement of area 1 and expansion of wetland 2 should handle this OK. The same goes for wetland 3. There is adequate flood storage.

Criteria 3 (hereafter referred to as #3) Protect rare, unique, and unusual natural communities, both floral and faunal. There are no known rare species in any of the wetlands.

Criteria 4 (hereafter referred to as #4) Protect wildlife habitats and maintain ecological balances. The site has been significantly altered. The proposed changes will increase and enhance habitats.

Criteria 5 (hereafter referred to as #5) Protect water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas. The current pathways are not conducive with the recharge that the site is capable of. The plan will provide as much recharge as you could expect, perhaps even more than existed before any changes were made to the site.

Criteria 6 (hereafter referred to as #6) Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands. The only concern here is relative to the expenditure of municipal funds for monitoring and compliance and to ensure success of the restoration goals. This is a 3-5 year effort. The Army Corp is monitoring the project for 5 years.

Criteria 7 (hereafter referred to as #7) Encourage those low-intensity uses that can be harmoniously, appropriately, and safely located in the wetlands. This type of operation has a high intensity use. It is linear in its effects and what can go wrong. Relative to impact on wetlands, there should be no direct impacts to the wetlands or buffer areas.

Steve G asks who the Federal and State monitors are. Rick responded that it will be wetlands scientists, likely Greg Howard or Shawn Sweeney. The town will receive copies of all the monitoring reports. It is advisable that the town take site walks throughout the restoration.

Greg Howard states that there will be at least 3 site walks per growing season. Visits during the first year will be much more frequent than that, especially with visits after high intensity rain events. He has spoken to the Conservation Commission and the Selectmen about this. He will be inviting someone to the site for each visit.

Rick would like to know if the Selectmen have considered requiring a bond. Jim cannot comment on this.

David has questions about the square feet of proposed wetlands impacts, and asks for clarifications.

The plans include creation of wetlands in areas that are upland areas.

Greg notes that the buffers and stream channels are included in the waiver request for 254000 sq ft of impacts.

David would like to have seen the stream channels asked for under the SUP instead of the waiver.

Rick states that the proposed stream channel is being developed in an upland area and that to request an SUP is inappropriate.

Steve asks when was the inception of the mill and excavation. Greg says that the mill was after 1969 and the excavation was after 1990. David states that the first excavation permit was in 1998.

The Board voted on the 7 criteria for each wetland.

WETLAND 1

Does it meet #1? Steve made a motion that it meets the criteria. Nicole seconded. APPROVED David opposed, looking at it from pre-impact.

#2 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED

- #3 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #4 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED David opposed
- #5 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #6 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED Becca and David opposed
- #7 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED 3-2, Steve abstained. Becca and David opposed.

WETLAND 2

- #1 - Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #2 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #3 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #4 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED Becca and David opposed
- #5 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #6 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED Becca and David opposed
- #7 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED 3-2, Steve abstained. Becca and David opposed.

WETLAND 3

- #1 - Steve made a motion that it meets the criteria. Nicole seconded. APPROVED Becca opposed
- #2 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #3 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #4 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #5 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED
- #6 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED Becca opposed
- #7 – Steve made a motion that it meets the criteria. Nicole seconded. APPROVED 3-2, Steve abstained. Becca and David opposed.

The waiver request was sent to the Conservation Commission last week. They recommend that the waiver be granted.

Nicole made a motion to grant the waiver. David seconded. Steve asks if the millhouse is within the 25' buffer and Greg responded that it is not. APPROVED

Nicole began a motion to grant the SUP (unfinished)

David made a motion to close the public hearing and take the votes on the criteria forward. Steve seconded. APPROVED

Dom states that the Conservation Commission has recommended 2 caveats, a buffer waiver, and monitoring and notifying the town if anything unusual is uncovered, and that these should be included in any motions put forth.

Becca began a motion to approve the SUP subject to the following conditions. Becca withdrew her motion.

Nicole made a motion to approve the buffer waiver. David seconded. APPROVED

Steve made a motion to include the following condition: Ongoing oversight of the restoration process by a knowledgeable Town representative agreed to by the landowner, Planning Board, Conservation Commission, and Selectmen. This person would communicate with and make site visits with the wetlands scientists and/or other professionals overseeing the restoration work; he or she would then provide updates to Town boards. Nicole seconded. APPROVED – Jim abstained

Steve made a motion to include the following condition: The landowner or his agent(s) shall notify the Town immediately if any unusual fill or buried material is uncovered during the extensive earthmoving activities that are required for the site restoration. Becca seconded. APPROVED- Jim abstained.

David made a motion to grant the SUP applied for on 4/3/12 and amended on 7/25/12 subject to the conditions approved and listed above. Becca seconded. APPROVED

Nicole made a motion to adjourn and 8:14 pm. Becca seconded. APPROVED

Respectfully submitted.

Melissa Donaldson

Planning Board Clerk