

Loudon Conservation Commission
Meeting Minutes – Approved
November 13, 2007

Julie Robinson, Dan Geiger and Jess Storey were present.

Julie will be attending a presentation about upcoming changes to the Shoreland Protection Act and will make copies for the commission.

The commission received a report that fill is being dumped in a wetland at a house on 106 on the track-side of the road. Julie or Dan will drive by to take a look.

The commission briefly discussed the fact that the track has been sold and that the buyer likes to make tracks bigger. The commission expects to see plans in the future, and noted that the Canterbury group would likely be interested and involved.

The upcoming Saturday is the last watershed conference, in Concord. Commission members are encouraged to attend if they have time.

A stormwater technology workshop is also coming up in Connecticut. Dan will be going to a different workshop on the same topic in New Hampshire.

A meeting is scheduled for December 3 to discuss and learn about tools for building open space networks.

The commission received monitoring sheets for LCIP land, and the commission emphasized that they have to do the monitoring. Julie plans to contact Bob and Colin about that.

With a new person in charge, NRCS has changed how it processes grant applications. They are trying to get a bundle about 20 projects, then send them out to bid for appraisal. Intended to save some money on obtaining appraisals, the process has slowed down considerably. This is somewhat ironic because for the first time in some time NRCS has money for wetlands projects.

Gary Spaulding for DJP Realty Trust subdivision on Bee Hole Road: - This project was in front of the commission in the summer for an expedited DES permit. DES has reviewed it and sent back, asking for a stamped survey plan, which they have provided. DES also asked for the wetlands to be mapped on the whole property, a recorded plat for Phase 1 with metes and bounds, and accepted conceptual with wetlands shown for Phase 2 with an acknowledgment that Phase 2 would be under a separate permit.

The project has an impact within 20' of an abutting property: a retaining wall is proposed to reduce the impact (down to 280 feet). The apron of rip rap goes into the 20' setback. The applicant did not consider it a permanent impact because the conservation commission asked for silt under, so it should revert to a wetland. Dan concurred with

DES that it is still a permanent impact and that the applicant should obtain a letter from the abutter or go through full waiver process. Julie noted that usually the planning board requires a letter from the affected abutter anyway.

This project will be back one more time, and Julie will be copied with the letter and plans sent to DES.

Dan recused himself to make a presentation regarding:

Dan Geiger for Bill Leombruno, the owner of The Ledges Golf Links, Inc. (the Loudon Country Club): Mr. Leombruno has owned it since 1999, but many of the current issues go back before that. Dan put together a dam permit for the 12th hole. It's a duck pond, no formal structure there. In the last year and a half, developer Bollinger has built two homes down slope – as a result the Dam Bureau now categorizes the duck pond as a AA dam, because of the potential for damage to property. The Dam Bureau asked Leombruno to register the “dam.” (About 80’ of earth is considered the impoundment or dam and there is a 12” invert that works like a drain and is the only regulated way out for the water). When Dan gets confirmation from the Dam Bureau that the requirements have been met, he will provide a full package to the commission. At that time, Mr. Leombruno will have to get a wetlands permit.

Mr. Leombruno has increased the storage capacity of the pond. Dan has completed a drainage analysis that demonstrates the pond can meet a 50 year storm plus 1 foot of freeboard. The pipe has been dropped down to earth level, so the storage capacity is at its highest possible.

The wetlands permit is not needed to temporarily drop the water level, but it is needed. Mr. Leombruno has lowered the pond and begun planting the 3’ of muck to prevent erosion. The wetlands permit will be an expedited minimum impact permit because he is changing the composition of the pond, not its footprint. The pond is currently 24” lower than it was, and that space between the new edge and the old edge will be wetlands plantings to allow for more water storage in big storms. Dan will need to do planting scheme, and to receive expedited review, Julie will need to sign the permit.

On a related note, Mr. Leombruno has hired Steven Nix as his attorney because the Dam Bureau has asked if Mr. Leombruno has the right to make these changes because the easement for Grandview Drive is in the pond (the road was not built in the middle of the right of way).

Jason Masse for a house on Beck Road: Jason wants to put a house in the back of an approximately five-acre lot, and he is unable to avoid the 75’ wetlands buffer with the driveway in any scenario. The proposal has no impact on the first 25’ of the buffer, as the proposed driveway is about 30-35’ from the edge of the wetland at closest point. He does not need a DES wetlands permit because there is no wetland crossing. The issue is getting a special exception for the impact to the wetland buffer. The conservation commission discussed its concern with protecting the 75’ wetland buffer as much as possible in the context of the special exception request. They noted that the plan maximizes the buffer at the back of the lot which is an upland, that there no impact to the buffer near the front side of the large vernal pool, and the proposed driveway weaves

between the vernal pool and the very poorly drained area with as little impact as possible. The board also noted that a drainage easement exists on one side of the lot (and vernal pool) effectively prohibiting placement of the driveway on that side of the lot. The commission indicated that it is important to connect the two buffers, and asked Jason to install an open bottom culvert under the driveway where the buffers are closest to one another. Julie pointed out that if there is a big flux of water, e.g. during a big storm, that will be the safest and most stable construction anyway. Jason asked what size the commission would suggest. Dan and Julie suggested 8' is probably large enough, and 5' might work. Dan also said that reasonable prices can be had for pre-fabricated culverts in the 8' to 10' size, and that while larger is typically better, it is also valuable to perform less slope work to limit the impact of the excavation on the nearby very poorly drained area. Jason intends to do a box-cut rather than use an excavator, and use the material somewhere else on the property to minimize the impact. He also indicated that he planned a dirt driveway, which the commission noted is not a significant impediment for amphibians (that live in and cross the buffer between the wetlands).

While the commission is concerned about setting a precedent allowing driveways in the 75' buffer protecting wetlands, it felt that, given the plan for the site, the various impediments on the property, avoidance of an impact to the buffer of the most valuable resource, and the choices like the dirt driveway and the open box culvert that will limit the impact on the buffer's utility, the commission is willing to work with him. Dan will prepare a letter to the ZBA regarding the commission's opinion; Jason hoped to be on the ZBA's schedule next month.

Jason was also invited to join the conservation commission.

Nancy Huckins: Nancy is doing a GIS course. For the 10-week workshop, a project is optional but a great learning experience, and Nancy is interested in doing something that is of use to the town. Julie explained that the commission has worked with a couple of developers in the past to protect wetland buffers, such as Tony Merullo's development off of Clough Pond near Pickard and Shaker Brooks, the Villages of Loudon on Foster Road which goes by the Soucook River, and Loudon Woods on Bee Hole Road.. Julie asked if Nancy would be interested in delineating those buffers, and Nancy said she would. Julie will get plans to her and Dan will go out with her to show her how to calculate the buffer boundary. The intention of the mapping is for the buffer edge to be easily identifiable so land owners can tell where it is and the commission can monitor more easily.

Meeting adjourned.