



**Planning Board Meeting**  
Saturday, April 21, 2012  
165 Sugar River Drive at 10:00 am

**Minutes**

**I. Roll Call**

**Present:** Peter Guillette, Bruce Kolenda, Victor Bergeron (alt), Andrew Austin, William Greenrose, Russell Fowler (alt), Ruben Ramirez

**Absent:** Richard Wahrlich, Stephen Cutts, James Neilsen, IV, James Short (alt), Kenneth Harlow (alt),

**City Staff:** Tracey Hutton, City Planner; Bruce Temple, Public Works Director

**II. Old Business**

- **(PB2012-0005) Danielle Weisner, Claremont, NH.** Site Plan under Appendix C Article II of the City Code to establish a trash disposal business (no trash on site). Property Location: **165 Sugar River Drive**, Tax Map 159, Lot 1, Zoning District RR.

**Site Walk:**

Erin Darrow, Right Angle Engineering, representing the applicant, gave an overview of the site. The applicant proposed temporary fencing along the top of the bank to offer short term buffer of the dumpster storage area. Long term the proposed trees will provide a visual barrier and the day lilies will be planted on the slope.

The “pond” is an old gravel pit. The 1946 aerial photograph shows the pit and the stream closer to East Mountain Road (now Case Hill Road). Modifications to the landscape have over time moved the stream. Before the “pond” has a chance to overtop, there is flooding from the stream. The 1998 aerial photograph shows the current structures and how highly erodible the soils are.

Jonathan Sisson, Beavertracks LLC, further elaborated that the old topographic maps show a defined stream. It was at some point in the distant past excavated then the water relocated to an adjacent skid type trail. The water now wants to come towards Gary’s Disposal.

Ms. Darrow explained that in the aerial photograph from the 1950s that the farmers were starting to move the stream. Mr. Sisson stated that the “pond” is not functionally a wetland, and that it is surface fed only with no full time running water, as indicated by the amount of vegetation growing in the basin.

Roberta Viola, asserted that the “pond” does fill with snow melt.

Bruce Kolenda inquired which house is having the flooding problem. It was clarified that it is the property of Francine & Stephen Nemkovich.

Mr. Sisson explained that these are sandy, gravelly soils that water can run right through. The water table is very low unless spring seepage occurs. Placing additional fill on top of this type of soil would not generate additional water flows.

Mr. Nemkovich challenges Mr. Sisson's summary. The more fill that has been placed, the less capacity the hole has leading to more water moving to their property.

Ms. Darrow explained that 60 years ago this parcel was level and that the "pod" is a manmade excavation.

Mr. Nemkovich stated that his property is not lower than the brook, he has pictures of where it used to be.

Peter Guillette summarized the previous meeting when the abutter, Mr. Nemkovich, stated that spring was the problem and that prior to Gary's passing in 09 Gary used a backhoe to move the snow and ice.

Ms. Nemkovich said that the water problems started in 2005, but Gary was working on it.

Mr. Darrow will make photographs available at the Planning board meeting showing the flooding on January 27<sup>th</sup> coming from the stream not the "pond."

Russell Fowler asked for clarification that the fill was not in a wetland.

Ms. Hutton stated that at the time the fill was placed the operation was a Home Occupation, and as such, no site plan was required for the placing of the fill.

Ms. Darrow stated that the day lilies on the slope will help to slow down the flow of water.

Mr. Nemkovich explained that the water comes whether the "pond" is filled in or not, because it also comes from the road.

Mr. Guillette set the ground rules for the walk. He explained that no decision would be made today, that that would come at a regular meeting. Mr. Fowler requested that everyone stick together as a group so that everyone could hear all of the discussion.

Ms. Hutton recapped the regulatory process to this point, from the notice from the Zoning Administration through the Zoning Board of Adjustment to the current Site Plan Review. Ms. Darrow elaborated that the berm and additional fill were no longer being considered by the applicant. At the Zoning Board of Adjustment there was opposition from the abutters about the berm and expansion. There would also be a lengthy and costly Department of Environmental services permit required that may not be successful.

Mr. Nemkovich stated that his objection was to filling the hole not the berm.

Andrew Austin asked a question regarding which hole Mr. Nemkovich was referring to. Mr. Nemkovich stated that they already filled it; that he and his wife want something done to correct the existing problem. He further asserted that you can see fill material over the bank.

Ruben Ramirez inquired whether or not the berm would have corrected the run off.

Mr. Sisson and Ms. Darrow explained the goal of the berm was to keep the stream in its bank, but even with the berm in place it may not have succeeded because of the highly erodible soils in this area.

Danielle Weisner explained that she had liability concerns with this original plan.

Ms. Darrow asserted that the problem is a result of the development in the area and that the berm would be a short rather than a long term solution to the problem.

Mr. Nemkovich believed it would solve the problem.

Ms. Darrow explained the goal of her engineering of the berm was for the additional flows caused by the expansion that was proposed at that time, not to correct any current problems.

Mr. Kolenda wanted to hear if Bruce Temple had any thoughts.

Mr. Temple explained that he was involved at the Technical Review level before the plan went to the Zoning Board of Adjustment. His initial concerns were with additional water and whether the downstream culvert was adequate. This concern turned out not to be an issue.

Mr. Fowler asked about the impact of the mobile homes and house.

Mr. Temple explained that any development with buildings and other impervious areas, as well as logging will add to the stormwater run-off somewhere. Usually this comes into the ditches and streams and he himself had been concerned for 5 or 6 years.

Mr. Darrow further explained that the neighborhood had changed and this has increased the flows.

Ms. Weisner said that all she was looking to do at this point is plant the trees that the Zoning Board of Adjustment required.

Kevin O'Neil reiterated that at the Zoning Board of Adjustment meeting that he would plant and mow the property for Ms. Weisner, the October snow pushed that off.

Mr. Guillette reiterated that we have assembled here to see the site and that the Board can continue their discussion Monday night.

Bill Greenrose inquired how long the "pond" takes to drain when it has filled.

Ms. Weisner responded; a couple of weeks.

Ms. Darrow showed the Board where the temporary fence was proposed to be installed while the vegetation is establishing itself.

Mr. O'Nella said he could plant 10 to 12 foot tall trees to start with.

Mr. Guillette was surprised by how deep the "pond" appeared from the edge of the bank.

Ms. Weisner reminded the board that it does top over when it rains.

Ms. Darrow stated that this is part of a highly reactive drainage system, the stream flows to the road and washes onto the Nemkovich property.

Mr. O’Nella said the area had been logged in the past by Tom Davis.

Mr. Guillette stated that what is at issue is what is going to happen now.

Mr. Kolenda asked for clarification on the property line, which was explained by Ms. Weisner.

Mr. Austin asked specifically where the berm was going to go.

Ms. Darrow explained that that was over at the stream area and that the group would head there next.

Mr. Sisson inquired when the fill was placed at the dumpster storage area.

Mr. Nemkovich said his heavy flooding started in 2006.

Ms. Darrow asserted that 2006 was the first year that New Hampshire started receiving record storm event more frequently.

Mr. Fowler asked for clarification whether Mr. Weisner had the right to fill. Mr. Nemkovich stated that Nancy Merrill, Director of Planning and Development had come out and asked that Mr. Weisner stop. Ms. Weisner stated that they did stop as requested and have not done anymore.

Ms. Darrow explained that water flows from the stream to the first wetland pond the larger “pond.” The neighbor receives water before the “pond” overflows and gets it from the streams flow, which was originally in a different place.

Mr. O’Nella said what is now the stream used to be a skid road.

Mr. Greenrose inquired whether you can mow such a stream bed.

Mr. Sisson explained that you can do anything you want in a stream/wetland area as long as you do not disturb the soil. One can see the water here will go where it wants to, in all sorts of directions when it runs high.

Ms. Darrow showed that there is not a defined channel as you walk along, the berm would act as a levy and push water downstream.

Mr. Greenrose asked how often the water flows.

Ms. Darrow explained that from a regulatory standpoint this is a perennial stream because of the large watershed it is pulling from. When it floods it does so in multiple directions.

Mr. Sisson stated you can see the natural stream on the other side of the bank by the access road. When the trailers were placed in the park, they had to force the water over.

Mr. Nemkovich asked Ms. Darrow to show where the stream floods his property directly.

Ms. Darrow explained it runs from the stream to the success road to his property.

On the Nemkovich property; Mr. Nemkovich showed the board where the stream floods up to his pool deck. He asserted that some of the water is from the road but that the vast majority is from the “pond.” Along the rear of his property he had to dig the ditch to the stream.

Mr. Kolenda asked what the elevation difference was from the edge of the “pond” to the pool area.

Ms. Darrow explained they had not been granted permission to shoot those elevations, but they would do so with permission. It does seem higher on the “pond” side. She further explained that it appeared as though the Nemkovich’s built their home where there was an existing issue. The question arose as to where it is now Ms. Weisner’s responsibility to remedy this situation.

Mr. Nemkovich would like a berm right across the property line. Mr. O’Neill responded that this would not solve the flooding problem.

Mr. Sisson added that even with such a berm, that because of the excessively drained soils, that the water will still flood the Nemkovich property.

Mr. Nemkovich said the water will not come over such a berm, if it were constructed he would be all set.

Mr. Guillette suggested that the board wrap up and let the applicant discuss with their engineer any changes they want to propose for Monday night.

### **III. Adjournment**

**Motion:** to adjourn

**Made By:** Mr. Ramirez

**Second:** Mr. Kolenda

**Vote:** Unanimous

Meeting adjourned at 11:30AM

Respectfully Submitted by,  
Tracey Hutton, City Planner