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Litchfield Planning Board
May 6, 2008
Minutes Accepted 6/3/08

Members present:

- Steve Perry, Chairman
- Jayson Brennen, Vice Chairman
- Alison Douglas, Clerk
- Mary Anne Geist
- Marc Ducharme
- Frank Byron, Selectmen’s Representative
- Edward Almeida, Alternate

Members Not Present:

- Leon Barry
- Carlos Fuertes, Alternate

Also present:

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider
- Lou Caron, LC Engineering

AGENDA

1. Cutler & Page, LLC, Rolling Acres IV, Tax Map 2 Lot 88. The Board to continue consideration of an application to subdivide one lot into four single-family one acre residential lots with one remaining non-residential lot of 88 acres.

2. Rene Theroux, Tax Map 15 Lot 2 and Map 16 Lot 86, 315 Charles Bancroft Highway. The Board to continue consideration of an application to subdivide one lot into three lots and a lot line adjustment with Tax Map 16 Lot 86.

3. Any Other Business – Pinecreek Village Complaint

Chairman Perry called the meeting to order at 7:08 p.m. Mr. Almeida will be voting.

1. Rolling Acres IV, Cutler & Page, LLC

Mr. James Crowley, Maynard & Paquette, PE, came forward to speak for the applicant. Attorney Andy Prolman was present. Mr. Crowley said he incorporated the comments from the last meeting into Revision 6 drawing. Since submitting the drawings, the lot numbers were not right so now it is Drawing 1 Revision 6a. Also, on Revision 6a

Drawing 2, on note 28, added that the drainage will be functioning. He received new addresses from the Fire Department and the Board had requested a corrective plan for

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1 Phase III. The new addresses have been incorporated on that plan and will be recorded.
2 The easements were forwarded to Town Counsel for clarification.

3
4 Att. Prolman, representing Cutler & Page LLC, spoke to say that the morning after the
5 last meeting he spoke with Att. Buckley about his letter to the Planning Board based on
6 Lou Caron's letter. There was a concern with the statement "no building permits be
7 issued for Phase IV until all Phase III improvements are constructed and accepted by the
8 Town" and I raised the stink saying "accepted" is a term of having to do with road
9 acceptance and Selectmen voting. What was meant "accepted by Town engineer". Att.
10 Buckley agreed with that that he did not mean road acceptance as that kind of applies to
11 the Town or the Board of Selectmen. Accepted and approved by the Town engineering at
12 the Phase III improvements infrastructure are satisfactory to Lou. He told me he would
13 speak to Lou.

14
15 Mr. Caron replied that he did speak with him.

16
17 Att. Prolman: In addition to that, on April 21st, I sent in the covenant that Att. Buckley
18 wanted to see with respect to Phase III infrastructure have to be complete to the
19 satisfaction of the Town engineer prior to Phase IV building permits issued. I sent the
20 covenant and the three easements that go along with this project drainage and flood
21 easements. I have not received any comments back.

22
23 Attorney Prolman said the soil scientist, Marc Jacobs, has not been to the site but he will
24 be before the end of the month and he will report back to the Board. Mr. Caron said that
25 he has a bond estimate and they did go back and looked at all of the reiterations.

26
27 Clerk Alison Douglas read the letter from Attorney Buckley which states: when I use the
28 word accepted, I was not suggesting that the roads in Phase III and Phase IV had to be
29 accepted by the Selectmen as Town roads. Rather, I wanted to ensure public
30 improvements complied with the plans and specifications and past engineering review by
31 Lou Caron. Accordingly, that sentence should be revised to read as follows: that covenant
32 would further provide that no building permits would be issued for Phase IV until all
33 Phase III improvements are constructed and approved by the Town consultant engineer.

34
35 On another matter, the minutes of the last meeting referred to Note 3 construction fence
36 add to note 17. Mr. Crowley said that refers to on Drawing 8, they were supposed to put a
37 construction fence by the silt screen fenced so they added temporary construction fencing
38 in addition to silt screen fence, erect orange temporary plastic mesh construction fencing
39 before start of construction to protect integrity of existing wetlands near Detention Basin
40 A. Also, they have not applied for the subsurface subdivision approval yet.

41
42 Mr. Brennen: I want to hear it one more time from our engineer - are you satisfied with
43 the storm water? Mr. Caron: Yes.

44
45 Chairman Perry opened the meeting to public comment.

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1 Mr. Tyler Matthews, 38 Page Road, Rolling Acres Phase I, came forward to talk about
2 his driveway access which will eventually be Weatherstone Drive. He said that after 15
3 months, he came to the Board regarding construction of the road, nothing has taken place.
4 He then referred to some minutes where it says: “the road would have to be started by
5 March 2008”. Mr. Perry said this goes back to Rolling Acres III.

6
7 Att. Prolman said he had spoken with Mr. Matthews and gave him a full update as to
8 where they were with this project. “I explained the original intent is the various phases of
9 the project would have been rolling along and Weatherston would have been built by
10 now. That may have been me talking (in the minutes mentioned above) but Phase III was
11 to build it out as soon as possible. That has not happened and we did not anticipate when
12 building Phase I and II that the economy would bottom out...I also explained about long
13 term plans for this project that I do hope to work with the Board on open space zoning
14 and rezoning of the remainder of the track and if that does occur Weatherstone may not
15 get built for a longer term. If the Board was not willing to work with us on the rezoning
16 and open space on the ballot for 2009, I expect Cutler and Page to sell Phase III and IV
17 this summer. That is no guarantee either because the banks are very stingy with
18 construction lending right now.

19
20 He further explained about the covenants. As to maintenance over the winter, they did
21 have Chris Dunn plow that Weatherstone driveway area. Mr. Dunn could be the potential
22 buyer of Phase III and IV. “We did not have to do that. I am sure it is a muddy mess
23 coming into the house every day...one other thing there is the inclination but we can’t
24 just throw down a coat of pavement. It is not that easy...there is a lot of subsurface work
25 involved”.

26
27 Mr. Perry: At that same meeting I believe there was to be some stone to be brought in to
28 try to re-grade the roadway. Did that every happen? Mr. Matthews: I do not believe so;
29 he regarded what was there. Mr. Nathaniel West, 36 Page Road: Just pushing mud back
30 there. Mr. Matthews: Two months ago when it thawed out pretty good, I had 4 inch ruts
31 in front of my driveway...that is the least of the issue. We are coming up on 30 months
32 and there is no end in sight from what I am hearing...

33
34 Talk ensued. Mr. Crowley: This goes back to Phase I and those were supposed to be
35 private driveways. They should be paved driveways. It is between the builder and the
36 homeowner but the builder was supposed to put a paved driveway.

37
38 Mr. Perry: I am not saying we are going to abandon you on this. Mrs. Douglas: Att.
39 Prolman in the November 2007 minutes it was asked about the driveways and you said
40 Modern Builders was buying lots out of Phase III and that a preconstruction meeting was
41 held and they had planned to put a base coat soon...

42
43 Att. Prolman: That probably would have been springtime.

44
45 Mr. Caron: At the preconstruction meeting they were looking at Phase III in two pieces:
46 Building Weatherstone basically to where it would intersect Horizon and then getting

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1 building permits and putting in two or three lots and then as they obtained building
2 permits to build Horizon. That was the proposal at the meeting.

3
4 Talk ensued. Mr. Perry said that the lots were cornered, or squared off, so they could get
5 the 150 foot frontage on Page Road to be able to get a building permit. Att. Prolman: The
6 intent was that there be temporary driveways built on the future right-of-way with
7 permanent driveways coming onto their lots. So, their driveway access would come from
8 the new road. The dispute is not necessarily with the applicant here tonight but the
9 homebuilder...and the builder did not build a basic driveway, not saying a permanent
10 driveway, a basic in the right-of-way and then take the driveway off of the new road.
11 That was the intent at Phase I.

12
13 It was said that the Town does not required paved driveways. Mr. Brennen suggested this
14 be put on as an agenda item and researched further and treat it as a separate item. Mr.
15 Matthews said he will forward his questions to the Board. Another resident, Mr. West
16 said they were working on it recently and he spoke with Chris Dunn who said they plan
17 on having a road in this summer. "I see people there and he is saying that...but it seems
18 that is not the case".

19
20 Chairman Perry closed public session. Mrs. Geist: I just want to be sure on verifying the
21 classification of that wetlands. Joan, we are questioning if that is a vernal pool or not.

22
23 Mrs. McKibben: If that does turn out to be a vernal pool, they will have to change the
24 plan 200 foot setback.

25
26 Mr. Crowley: In the regulations you are allowed to do this grading, structures is pretty
27 much eliminated in the 200 foot buffer and building a berm roughly 70 feet. It is going to
28 retain storm water and if there is a vernal pool, this will get filtrated. Mr. Wagner said to
29 make it a condition that this line will be changed.

30
31 Mrs. Douglas **MOTIONED** that we approve the application to subdivide one lot into 4
32 single-family residential lot with one remaining non-residential lot consisting of 88 acres
33 for Cutler and Page LLC, Rolling Acres IV, Tax Map 2 Lot 88 off of Page Road with the
34 following conditions: 1. Town Counsel's acceptance of easements. 2. Bond estimates to
35 be updated prior to the preconstruction meeting. 3. Mark Jacobs to verify classification of
36 wetlands by May 31, 2008. If it proves to be vernal, setbacks are adjusted accordingly.
37 4. State permit application should be submitted and approved. 5. Digital data
38 submissions. 6. All fees paid and escrow as required prior to construction for inspection.
39 8. Town Counsel feedback on covenants. Ms. Geist seconded. Motion carried 6-0-1.

40
41 Mr. Perry **MOTIONED** that we make an agenda item for Tyler Matthews regarding the
42 driveway issue, Rolling Acres I on June 3, 2008, at 7:00 p.m. Mr. Byron seconded.
43 Motion carried 7-0-0.

1 Att. Prolman asked the Board to keep him in the loop on this because he may be able to
2 help; he can't make any promises. On another matter, he said he plans to return to the
3 Board regarding the open space matter and rezoning for discussions.
4

5 **2. Rene Theroux, 315 Charles Bancroft Highway**

6
7 Tobin Farwell, PE, Farwell Engineering Services LLC, Rene Theroux and Simon C.
8 Leeming, Mr. Theroux's attorney, were present. Mr. Farwell: At the last meeting we were
9 dealing with the drainage issue in the southwest corner of the property. Since then, we
10 have a grading and drainage plan which was submitted to the Town and Lou Caron. We
11 were requested to present the plans to the Conservation Commission and provided a high
12 intensity soil survey. Our plan is to raise most of the site up about a foot and a half, the
13 lowest point and up to four feet around the buildings. Our intent is to provide a swale
14 between the houses and Charles Bancroft Highway. The swale will pitch to a leaching
15 catch basin on the south portion of the property. We have done additional test pits in the
16 area to insure that the foundation will be at least 6 inches above the seasonal high water
17 table and also revising that to make it 18 inches above the shwt just to provide extra
18 buffer of safety. We have not submitted for State subdivision approval.
19

20 Mr. Caron went over his letter dated April 18, 2008. As to the proposed drip edges along
21 the east side of each building, Mr. Farwell said they will request that they be removed
22 from the plan. There is a possibility they could do some damage.
23

24 Talk ensued. Mr. Farwell said the ground would be graded to pitch away from the house.
25

26 As to the drainage analysis, Mr. Caron: Because of the whole issue of flooding on site
27 would have some value for me to put that in writing my review of the analysis. In looking
28 at the methodology the soils conservation service we use runoff coefficients and map
29 program called CN (curve) numbers...you have a very high CN number to very high
30 runoff on pavement as a 98 versus grass that might have a 50. If you take a grassy lot and
31 pave it, obviously, the runoff goes way up. In this case we are taking a field which is
32 defined by SCS as row crops and row crops have a higher runoff coefficient than grass.
33 So, you are taken the row crops and replacing it with grass. If you have driveways and
34 houses that they consider that has the high value, the net impact was to reduce the runoff
35 in the study and that is not even considering the infiltration basin or the leaching basin
36 that he shows the impact that will have with collecting some of the surface water in the
37 front and putting it into the ground.
38

39 Mr. Caron said he got a call from Don Ferren, two houses down from the site. He had
40 mentioned a box culvert under 3A and his issue is he has been experiencing more
41 flooding on his property. So, he is concerned about any development. He has said some
42 ditch work had been done on the properties upstream from him that was conveying water
43 more quickly to the streams and questioned if there were permits to do that. I told him it
44 is beyond the scope of this project and he would have to talk to Town officials. As far as
45 this project is concerned, looking at the methodology and conversion of row crops to
46

1 grass, there will be less runoff from the site after development.

2

3 Mr. Wagner's notes were reviewed. Items 1, 2, and 7 have been completed.

4

5 Mr. Caron: Probably the only potential negative impact that I can imagine is by bringing
6 in the fill. If you look at the whole corridor from Route 3A to the east to the banking as a
7 flood, this is not within the 100 year floodplain. So, if you think of it as a floodplain that
8 bringing in more fill just takes away volume but I do not recall that there is any flooding
9 that ever came off that particular piece of land, certainly below the Stokes, yes, but not on
10 the other piece that I know of up by 3A.

11

12 Mr. Ducharme: It floods here big time and it goes underneath the fence to that property.

13

14 Talk ensued. Mr. Perry: Is that going to help this situation at all? Mr. Caron: It shouldn't
15 aggravate it. You have two issues out here in the springtime. You have heavy rains like
16 last year. There are ducks floating around in the back yard and in the front of the Stokes'
17 property. With that surface water and groundwater, he has an issue with groundwater in
18 the basement and this device will tend to recharge the groundwater table. Will it ever
19 recharge it enough to raise it significantly? I do not know, probably not.

20

21 Mr. Perry: Where it is being placed is probably the most problematic piece of the
22 property because that is where the water pools currently and I just want to make sure that
23 we are not going to impose any further problems.

24

25 Mr. Caron: It won't function when it is flooded. So, if you have groundwater table that is
26 flooding that submerges this site, it won't function as an infiltration system because
27 everything is full of water already...it won't make it worse.

28

29 Mr. Perry: The elevation of bringing everything up raising the lot that is going to be what
30 prevents the water from getting into the houses? Mr. Caron: Yes.

31

32 Mr. Byron: But by raising the wet parts you are also displacing volume and you have to
33 leave the water somewhere.

34

35 Mr. Caron: And that is what I mentioned about potential negative impact was that volume
36 reduction of flood storage.

37

38 Mr. Byron: So, where is that water going to go when it is displaced?

39

40 Mr. Caron: It will push in the area that it lies in.

41

42 Mr. Byron: So, will it affect the other abutters?

43

44 Mr. Caron: It will affect anyone in that corridor.

45

46

1 Mr. Perry asked about the soil scientist. Mr. Farwell said they did a high intensity soil
2 survey.

3
4 Mr. Caron: The grading in that corner is not raising the lot significantly, a ½ foot maybe.

5
6 Mr. Farwell: And we did leave a good buffer between the Stokes' property and that.

7
8 Mr. Byron: If you look at the contour, it is a flat lot. So, you have the house footprint, you
9 have the driveway footprint, and you have that for two houses, what is the displacement?

10
11 Mr. Farwell: The problem is we are outside the 100 year flood elevation so there is no
12 number. There is a BFE (base flood elevation) that applies to the 100 year flood plain.
13 We are outside of that, so, if you start to throw out numbers, you can't because we are
14 outside the 100 year flood elevation. When I took a look at it, I considered the 128
15 contour and said that is the area that floods annually but that does not get a foot deep over
16 there and it is less than an acre. So, if you call it 6 inches, it is an half an acre foot and it
17 is only during a period of time. So, how do you calculate...if you are going to add up
18 puddles you have to displacement. What also is happening, this area here was also
19 flooding towards the Stokes' property and by building this up now we are diverting this
20 stormwater onto the larger wetlands, so, we were also helping the project to the south.

21
22 Mr. Byron: But the problem I see is you have water going back into the wetlands now
23 that has to come out somewhere...so where is it coming out?

24
25 Mr. Farwell: The same way as it always has done. Instead of it all going this way a
26 portion is going this way being retained as we proposed and some of it is going this way
27 and also going to the wetlands.

28
29 Mr. Byron: You have culverts under the driveways? Mr. Farwell: Yes, culverts under the
30 driveways. Mr. Caron: Somewhere between 12,000 and 15,000 square feet is that little
31 triangular area that would be filled about a half of foot.

32
33 Mr. Ducharme: What you just said there is less drainage area towards the infiltration.

34
35 Mr. Farwell: Our drainage calculation shows there is a decrease in runoff from the site as
36 well as a peak runoff. So, we are saying if there is five gallons flowing off the site before
37 there is less than that now because of what we are proposing. So, that will reduce the
38 volume that is going to be flowing off the site with what we are proposing.

39
40 Talk ensued. Test pit information was reviewed. Mr. Ducharme asked if they are
41 proposing treatment before you send it to the ground table. Mr. Farwell: I am considering
42 100 feet prior to entering the leaching catch basin there is a very slope about a ½% that
43 reduces the velocity. Less than 1 foot per second for a ten year storm event.

44
45 Mr. Ducharme: My original question was to make sure the water got treated before it got
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1 infiltrated in the ground water. If there is four foot separation just like in the leachfield, it
2 gets treated before it hits the groundwater. In this case, there is a treatment swale prior to
3 water going into the leaching chamber so the water should be clean by leaching into the
4 ground and it goes to the person's well.

5
6 Mr. Caron: Looking at it from a different perspective and how much area is being
7 disturbed, it is possible that you will need an alteration of terrain permit.

8
9 Mr. Farwell: I did look at that and we are under the 100,000 square feet. Mr. Caron asked
10 for documentation for the files.

11
12 Mr. Thomas Levesque, Vice Chairman Conservation Commission, said the consensus of
13 the Conservation Commission is the Board felt that a person of Dr. Balestero's caliber
14 should evaluate the entire piece. "He is talking about the water flowing back into the
15 wetlands, we do not see that as the water flowing east". Mr. Levesque showed pictures
16 of the Stokes' property under water taken at the end of winter...and a picture showing
17 water on Don Ferren's property. He said Mr. Ferren is planning on putting in a field road
18 to get access so there will be some changes in the discharge of that area and water will be
19 held back across the Morin and Stokes' property and Theroux as well.

20
21 Mr. Levesque: Listening to what was said this evening, it sounds to me the lower level of
22 the foundation should be on the surface of the ground...the water table is too high. The
23 discharge off another piece of property across the other two pieces of property under 3A
24 the last two years actually took away thousands of yards of top soil off that field across
25 the street from that brick house which used to be the Sparks's house, Colby house and
26 now it is the Smith's house...there was erosion in that field.

27
28 Mr. Brennen asked about what style houses will be built. This was discussed. Mr.
29 Theroux had no problem with providing the Board with a copy of the house plans prior to
30 building. The houses to keep in character with the neighborhood. Attorney Leeming:
31 That incorporates architectural features from the general area...before a building permit
32 is issued.

33
34 Mr. Byron asked whether the railroad right-of-way has been extinguished. Mr. Farwell:
35 We have done the research and found the extinguishing paperwork for that. In doing the
36 research, we did find the release of the right-of-way. They will provide a copy to the
37 Board. The other easement, the one that is accessing the abutting property will remain
38 and it is on the plan. Chairman Perry opened the meeting to public comment. There was
39 no public comment. Public comment closed.

40
41 Mr. Wagner said to add a note on the plan that the drainage be functional before CO is
42 issued. The Board discussed a site walk of the property. The Board will meet May 20,
43 2008, at 6:30 p.m. at 315 Charles Bancroft Highway, Mr. Theroux's driveway.

44
45 Talk ensued about hiring a hydro geologist. Mr. Farwell: What exactly would you like a
46

1 hydro geologist to take a look at?

2

3 Mrs. McKibben: The watershed and how it is recharging the groundwater and how this
4 will affect the groundwater. I talked to Gary Flaherty, he did the site specific soil
5 mapping, and he agreed there is huge wetlands to the east; there is a watershed issue,
6 where is this water going to go?

7

8 Mr. Farwell: It is clear, based on the topography, where it is going to go and it is all tied
9 into the same watershed area. I think it is an undue pressure on the applicant to have yet
10 another professional. We have had a soil scientist, a certified wetlands scientist,
11 professional engineer, a certified land surveyor and a second professional engineer take a
12 look at this site.

13

14 Mr. Caron said the soil scientist only delineated high intensity soils. Mr. Farwell:
15 Typically a hydro geologist looks at draw down and what would be the affect of
16 installing a large well and would that draw down the aquifer impacting the abutters.
17 Certainly that is not the case with this. It is two residential house lots with plenty of
18 acreage per the town regulations. It would be drawing the minimum amount and plus
19 they have onsite septic so they are re-injecting the water back into the ground.

20

21 Mr. Perry: The only concern that I have is the fact that the water is going back into the
22 ground so close in the proximity where there is a water problem now. If that is going to
23 affect the groundwater in the area, that is going to put undue pressure on the Stokes
24 because that is going to increase their problem. If you had somehow put your recharge
25 area at the other end of the lot, I do not think I would have that concern.

26

27 Mr. Farwell: If you look at the drainage analysis, which has been reviewed by two
28 engineers, the numbers go down. So, even if we had this point where we are injecting it
29 into the ground, the numbers are less. Mr. Perry: The runoff. Mr. Farwell: The run off
30 volume. There are two things: there is flow rate and there is total volume.

31

32 Mr. Perry: Now you are putting it back into the ground. Mr. Farwell: By less amount.
33 Aren't we saying that it always ponded up right there? We are decreasing that volume
34 putting it in the same spot but the volume is less and it is going back into the
35 groundwater.

36

37 Mr. Ducharme: The other thing with the leaching chamber, too, it helps with the frozen
38 condition that we are talking about in the spring where the water naturally won't go
39 through the frozen ground the first couple of inches. With the leaching chamber you are
40 below the frost line assuming that the grate stays open, it will infiltrate even in frozen
41 conditions. A hydro geologist might not be a bad idea...Balestero, this project is way
42 beneath him, he is brilliant...I would not ask him to do this.

43

44 Mr. Lévesque said somebody of that caliber. Att. Leeming: The problem has been
45 addressed on many levels and now we are going on a bit of a fishing exhibition to go to
46

1 the next level on what is admittedly something the typical thing this expert would do.
2 This is a two lot subdivision, the testimony is that the problem has essentially been solved
3 in fact the impact on the Stokes' property has been minimized and I just hate to see yet
4 another level which essentially is because of some concern I would say about wetlands
5 not about the Stokes and the problem has been addressed by this Board and addressed at
6 the appropriate level already.

7
8 Mr. Farwell: If you are intending to go that way, it must be clearly defined that what you
9 are talking about, how it acts in the watershed and that is not what a hydro geologist does,
10 does not generally look at that. So, I would say tell me what the scope is you are looking
11 for and it has to apply to a hydro geologist and what I have heard now is watershed and
12 how the water is moving around and I suggest that is not what a hydro geologist would
13 look at.

14
15 Mr. Perry: Well, groundwater impact. Mr. Farwell: Okay, so you are saying how this 8
16 foot diameter leaching catch basin is going to impact the ground water.

17
18 Mr. Perry: Essentially. If you lived in this Town and you saw how much water can collect
19 there, your opinion would be a little bit different.

20
21 Mr. Ducharme: But at the same time, isn't that a great argument where it is already a
22 natural leaching area and we are still using it as a leaching area.

23
24 Mr. Perry: But we are adding all this fill and dispersing that water to a greater extent even
25 though more of it is to be absorbed. We need to be certain that we are not going to
26 impose any more pressure on the neighbors.

27
28 Mr. Caron: Think in terms of water falling out of the sky on these two lots...that with the
29 change in the ground condition, the grass will allow more water to go into the ground as
30 opposed to running across the surface. That where the flooding is taking place in that
31 lower corner, you have surface water going there so there will be a reduction in the
32 surface water from this footprint but the water that falls out of the sky will go into the
33 ground water table more spread over. What is unique about here is if the ground water
34 table was high enough that it could become an issue...this leaching basin I would not
35 expect it to have any impact on the surface runoff and the flooding that occurs in this low
36 spot. Traditionally, you have a ten to fifteen year storm event in combination with snow
37 melt...groundwater tables do not fluctuate that much given the amount of impervious that
38 you are adding...but it will increase the elevation of the water table, predevelopment as
39 opposed to post development. It is all going to get into the ground one way or the other.
40 Some will flow to the culvert under 3A. It is all going to get into the groundwater table as
41 it falls in what is now a field next year maybe next a grassy front lawn.

42
43 Mr. Perry: Let's say they do not grass it?

44
45 Mr. Caron: Then you have an issue, the calculations presented and I reviewed are no
46

1 good; they do not represent what is being proposed.

2

3 Chairman Perry opened the meeting to public comment. Mr. Ed Stokes, 309 Charles
4 Bancroft, said he does not think the tank is going to work. Mr. Stokes: With the amount
5 of water we get in that yard, that tank is going to keep filling up and it is never going to
6 change. You can walk through my yard now and you are going to sink. I have two pumps
7 in my cellar pumping out all the time. I have to keep circulating eventually it will dry up,
8 it will just keep circulating...you have to elevate to build these houses. The water has to
9 go somewhere; it is not going out to the back, it is coming over...my septic is there. I
10 pump out the septic three times a year in the winter just for the water, not because the
11 septic is full. If you approve this, we have to solve the problem first. What happens down
12 the line if this does not work? Mr. Perry: We would have a couple of more homeowners
13 in town screaming at us.

14

15 It was suggested that a bond be posted to make sure the grass is planted within a
16 reasonable time. Chairman Perry closed public comment. Talk ensued as to retaining a
17 hydro geologist. Mr. Brennen: What is the main issue. I heard one is Stokes related to this
18 corner. There is another issue of where is this going and what is happening down stream?
19 Mr. Perry: I was not worried about that because I am being led to believe it is all going to
20 percolate back into the ground.

21

22 Mrs. Douglas: There is so much the ground can hold at any given time.

23

24 Mr. Perry: That is why I feel a hydro geologist needs to go out to tell us whether it is
25 going to work or not and if it is going to affect the level of the groundwater.

26

27 Mr. Brennen asked Mr. Caron if he is able to state that what we have seen here in the past
28 what is in this contour line, I am not going to call it a pond, has been under water and
29 seasonal ponding. I think the Board needs to be comfortable that that is not going to be
30 any worse and hopefully it will get better.

31

32 Mr. Caron: It would not get measurably worse with these houses being developed. So,
33 given the size of the watershed and everything going on...it is an impervial drop in a
34 bathtub.

35

36 Mr. Brennen: If you mound these houses up, that water is going to go somewhere. Is it
37 funneling down into this corner area? Is some of the water that hits this red x ends up
38 down here? If you build a house is it going out back? Is it still all going to that corner?

39

40 Mr. Farwell: I have the drainage analysis.

41

42 Mr. Caron: It is beyond drainage analysis. What they are talking about is flood analysis,
43 not drainage. You will probably see the same thing what has been flooding historically
44 will continue. What I do not know is $\frac{3}{4}$ of the lot does it flood normally? The lower point,
45 yes, you have testified to that and I have seen it on Stokes' property. I have not noticed it

46

1 in the field but I can see about the same elevation. That won't change because it is all
2 flooding, this whole thing is flooding when that happens. It is not a puddle. He (Theroux)
3 gets a puddle across his driveway you can see the contour line it goes across his
4 driveway; it does not drain out. There is no where for surface water to drain out. That
5 corner down here is the low spot. One thing that could happen in the location of the
6 leaching cb to minimize the possibility of potential impact to Mr. Stoke is to move this
7 thing the east. Instead of having the storm rip rap as the overflow, move it further to the
8 back of the property...using a berm to keep some of the flooding that might occur as a
9 result of runoff on the lot...

10
11 Mr. Byron: You are going to have to grade to have that water run that direction.

12
13 Mr. Caron: He puts a berm there...

14
15 Talk continued. Mr. Perry: All the berm would do is keep the detention basin further
16 away from the Stokes' property. Mr. Caron: Yes. Mr. Stokes: And eventually it will all
17 come back.

18
19 Mr. Caron: In a flood event...that groundwater is a combination of snow and runoff.
20 Your issue with the infiltration being close to the house...put a berm parallel to the
21 property line, force the water to go easterly and put that infiltrator away from the house...

22
23 The decision as to whether or not to retain a hydro geologist was postponed until after the
24 site walk. Mr. Perry asked if they are willing to furnish the Board with an extension. Mr.
25 Farwell: Absolutely. As long as you are in good faith moving forward.

26
27 Items to be taken care of: 1. Proof that the alteration of terrain permit is not required. 2.
28 Drafting the stake on the plan showing it is an 8 foot diameter. 3. Note that no CO until
29 drainage is in place and functional. 4. Bonding of landscaping with a note on the plan. 5.
30 Note that the style of the house will be architectural features of the general area; prior to
31 building permit consult the Planning Board. 6. All the contours shall be loamed and
32 seeded. 7. Determine how much volume between elevation 128 and 129 is being
33 displaced by the new fill. Mr. Farwell: I am assuming you are trying to see what the
34 highest elevation is. I do not think it gets up to 129. It is about 127 at the corner and that
35 128 contour runs around. Mr. Caron: You can do two calculations: One at 127 1/2 and
36 one at 129. In other words trying to get a sense of how much flood storage will be
37 displaced on this storage at a certain elevation.

38
39 Mr. Farwell: What are you going to do with that?

40
41 Mr. Caron: Well, they are going to have another piece of information to get a sense and I
42 will too, how much you fill in here where is that displaced water going to go.

43
44 Talk ensued. They will provide a copy of the railroad right-of-way. The site walk will be
45 on May 20 at 6:30 p.m. Mr. Perry **MOTIONED** to continue this to June 17, 2008. Mrs.

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1 Douglas seconded. Mr. Byron said should it be May 20th. Mr. Perry withdrew his motion.
2 Mr. Perry **MOTIONED** to continue to May 20, 2008 at 6:30 p.m. at 315 Charles
3 Bancroft Highway site of the subdivision Tax 15 Lot 2 and Tax Map 16 Lot 86 at 6:30
4 p.m. Mrs. Douglas seconded. Motion carried 7-0-0. The Conservation Commission is
5 invited to attend the site walk. Mr. Farwell said they are not going to go forward with the
6 lot line adjustment.

7
8 **ANY OTHER BUSINESS**

9
10 **Pinecreek Subdivision** – Manchester residents of Sandy Brook Street were present to
11 discuss an ongoing matter of sand coming from Pinecreek Village. Two representatives
12 from Ashwood were present: Leo Lessard and Dee Zielinski. The clerk read a letter dated
13 May 6, 2008, from Betsi L. DeVries, Alderman Ward 8 Manchester, State Representative
14 District 18. Mr. Caron has viewed the site and submitted a letter dated May 2, 2008. Mr.
15 Perry explained that the first he heard about this was about three weeks ago. Mr. Caron
16 said there are areas that are not stabilized, a septic not completed, sand blowing, etc. He
17 did not see anything coming off the sand piles.

18
19 Talk ensued. Mr. Caron mentioned the Alteration of Terrain permit issued by the State
20 that they may not be in compliance. It was also mentioned they are not in compliance
21 with the regulations Section 155.5.1. Mr. Bryon said to contact Mr. Kevin Lynch, Code
22 Enforcement Officer, to meet with Ashwood on the site to determine code violations.

23
24 Chairman Perry opened the meeting to public comment.

25
26 Ms. Zielinski came forward to say she found out about the concern at the same time
27 frame as Chairman Perry. “If something needs to be done on the site, we will certainly do
28 it. We covered the piles, we have permitting for three buildings, the leachfield is
29 scheduled to be completed at the end of the month. If we need to go in and cover all the
30 exposed areas with loam and hydro-seeding, we will”. Mr. Byron asked them to provide a
31 plan to the Board of what they will do. Mr. Leo Lessard came forward to say he will be at
32 the site tomorrow and he will begin loaming, etc.

33
34 The residents came forward and individually expressed their concern as to how upset
35 they are with the sand blowing from Pinecreek. The sand gets in the windows, they
36 cannot open their windows when it is windy. The problem is not just the sand piles but
37 the whole development is not stabilized. Mr. Caron will be visiting the site again. Mr.
38 Perry thanked the people for coming.

39
40 There being no further business, Mr. Brennen **MOTIONED** to adjourn the meeting.
41 Mrs. Douglas seconded. All were in favor. Motion carried 6-1-0. The meeting adjourned
42 at 10:34 p.m.

43
44 Lorraine Dogopoulos
45 Recording Secretary
46

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