TOWN OF ORFORD

Orford Road Committee

Meeting Minutes

­­­­­­­­­­­­January 9, 2025

**DRAFT**

MEMBERS PRESENT: Charlie Smith, Michael Wright,

OTHERS PRESENT: Road Agent Ted Nutter, Selectboard Rep Larry Taylor, Anna White from UVLSRPC

**Call Meeting to Order**

The meeting was called to order at 6:00 p.m.

**Approval of Minutes**

Due to David was not present, the committee delayed on approving the 12 December 2024 minutes

Ted had mentioned in a previous meeting about getting a screen all. He stated that they did end up screening about 3,200 yards of gravel to use on road damage or maintenance but not building roads.

Charlie commented on the Archertown Phase 1 road of frost heave. Last year a picture was taken with a crack of about 3/8”-1/2” wide 30 feet long about 2/3rds the way down at the guard rail area. On 9 January 2025, Charlie stated he could see about an 1/8” crack at approximately the same area. This area showed a rise in pavement of 1-1/2”, due to heaving in the road. Charlie mentioned to just keep an eye on it and he would too. Ted stated that he was at that area this week and did not see any crack but did see the areas of pavement unraveling that has been discussed with the contractor. Since this did not get done this year, it will be done according to Ted next year. With the cold temperatures, this last week of 4F-20F, this gives a great opportunity for frost penetration. If there is water available and frost susceptible soil, which there is in the subgrade, the freezing temperatures will draw the water upwards towards the base of the road creating ice lensing, hence the frost heaving.

The only discussion on Archertown road phase 2, was that the delineators did not get put it and now the ground is frozen. This will be done in the spring.

Indian pond culverts have been a discussion for over a year. Charlie visited the site on 9 January 2025, took pictures and measurements.

**Culvert 1-Closest to pond entrance.**

* 36 inches
* Deformed to a height of 24 inches
* Bottom completely rotted out
* Water movement level, 6 inches from top of culvert
* Can see bottom of metal culvert: meaning it has not settled with any significance

**Culvert 2-Furthest from pond entrance**.

* 36 inches
* Deformed to a height of 33 inches
* Bottom mostly rotted out
* Water movement level, 17 inches from top of culvert
* Can see bottom of metal culvert: meaning it has not settled with any significance
1. Approximately 16 foot road width.
2. Approximately 18 inches of material coverage over culverts.
3. Culverts are approximately 18 feet apart.

The road committee understands that Indian Pond Brook is a tier 3 system, which means it meets the criteria to be designed to a 100 year flood. The engineer designed a system that included three 5 foot culverts to be distributed 30 inches apart with a matting system for support. There was concern from Ted and the road committee that the proximity of the culverts to each other would make it difficult to achieve appropriate compaction effort. It was stated by Larry that the 5 foot culvert would be buried one foot depth of the culvert. According to the engineer, this would raise the road 2 foot 3 inches. This design would significantly increase the budget the road committee feels. Larry stated the select board would like to send the project out to bid and then go from there. Last year a warrant article passed for $130K to install three 4 foot culverts, which they thought to believe the existing diameters but after Charlie physically measuring the culverts, they are in fact two 3 foot culverts-information above.

Mike stated he would not go with the large size plastic culverts. He has had much better results with high steel galvanized culverts and would also consider the oval or elliptical culverts. This would also reduce the amount of material for road coverage, decreasing the road height.

Charlie distributed a map of Indian Pond showing there is no water feeds such as brooks. It is naturally spring fed and water shed according to Larry.

No known knowledge of Indian Pond Road being overflowed due to rise of water level, but it did happen once, but this was due to beavers damming up the inlet of the culvert. One of the road crew members put an iron grid plate over the culvert and exists today

A discussion topic was brought up by Charlie of “Grandfathered”. Anna will be assisting the road committee in looking into this and also, IF this project exceeds the $130K warrant article, she will look to see if there are any grants available that the town could apply to.

A document was found that stated:

Indian Pond Brook and its tributaries (Piermont, Orford)

 1951, 42:1, II Indian Pond Brook and Bean Brook and their tributaries, in the towns of Piermont and Orford, from their sources to confluence with the Connecticut River, Class B-1.

 \*Reclassification. 1967, 147:15. All surface water of the state heretofore or hereafter classified as Class B-1 or Class B-2 water are hereby reclassified to Class B waters.

Having this information, we can determine that the Indian Pond Brook was established as what is currently known as “wetland” and could well fall under the “grandfathered” clause, since known local residents are aware of culverts back to the mid to late 60’s.

**What does "grandfathered" mean?**

"Grandfathered" status, in a wetland context, means a structure was in place before its [permitting jurisdiction](https://www.des.nh.gov/rules-and-regulatory/administrative-rules?keys=envwt100) took effect under RSA 482-A:3, I. or its predecessor statute, RSA 483-A:1, I. More information on this topic is described in state rules in Env-Wt 103.58.

To be “grandfathered” as used here, a structure must meet all of the following criteria:

**Construction / impact date:**

* In and adjacent to tidal waters and wetlands - before **June 22, 1967**.
* In and adjacent to non-tidal waters and wetlands - before **June 2, 1969**.
* Seasonal docking structures in tidal or non-tidal waters - before **September 4, 1978**.
* In **duly-established 100-foot buffers -** date of designation of associated prime wetlands.

**Structure specifics since initial construction and installation:**

* Has remained unaltered in location, size and configuration, or is a [replacement structure](https://www.des.nh.gov/rules-and-regulatory/administrative-rules?keys=envwt100) as defined in state rule Env-Wt 104.06.
* Has not been [abandoned](https://www.des.nh.gov/rules-and-regulatory/administrative-rules?keys=envwt100) as defined in state rule Env-Wt 102.02.
* Is consistent with the public’s right to reasonable use of public waters, as established in state case law.
* Is not built on land created by the unauthorized filling of public waters.

The many readings of statutes, regulations and rules can be very difficult, but the road committee feels there may be a possibility of being “grandfathered” in. If the town does meet the requirement of being “grandfathered” in, the same 3 foot galvanized pipes would need to be replaced in the exact same position as they currently exist. If this is true, the road would not need to be raised and the cost would be significantly less. The road committee was concerned though that Larry mentioned the engineer, he believes already has $37K into the project. This was from the design and hydrology report to determine water flow.

**Adjourn**

Mike motioned to adjourn at 6:58 pm, Charlie seconded it

 Respectfully Submitted

 Charlie Smith

Next meeting 13 February 2025 @ 6:00 or agreed upon date