

CONSERVATION COMMISSION MINUTES

June 1, 2022

APPROVED: 7/5/22

AGENDA: 22SUP08 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD - #214-045
22SUP09 – AMY MANZELLI, ESQ – 481 WEST SHORE RD - #203-067-001/002
PUBLIC SAFETY BUILDING
BENNETT WETLANDS DISCUSSION
OVERLAY/SEPTIC SETBACK DISCUSSION
SCHEDULE WETLAND SITE VISITS
BY-LAW AMENDMENTS – APPROVE CLEAN COPY
PROPOSED LAKE WATER QUALITY STUDY WORKGROUP

ATTENDING: Carroll Brown (Chair), Richard Batchelder (Vice Chair), Elizabeth Miller

ABSENT: Janet Cote, Richard Metcalf, Karen Bemis (Alternate)

OTHER: Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant)

Mr. Brown called the meeting to order a 6:05 PM with a quorum in person.

MINUTES OF APRIL 6, 2022, AND MAY 4, 2022

The Conservation Commission reviewed the minutes of April 6, 2022, and May 4, 2022. Mr. Batchelder motioned to approve both sets of minutes as written. Mrs. Miller seconded. The motion carried 3-0-0

NEW BUSINESS

22SUP08 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD - #214-045

Ms. Thompson advised that the applicants are applying for a Special Use Permit to keep a manufactured storage container on the property for tools and equipment. They received a Special Exception from the Zoning Board, a few weeks ago, to keep the container. The Special Use Permit is required because the container is within the 50-foot setback of the Wetland Conservation Overlay District. Mr. Brown inquired if a storage container is a building. Ms. Goodwin replied that it is considered a structure, which is required to meet the setback. Ms. Goodwin reported that this property is part of the Country Club Rd subdivision, which existed prior to the wetland's delineation being created. Ms. Goodwin pointed out that the driveway is slightly elevated and the lot itself is also more elevated than the lots around it. Unfortunately, because the layer shows it as a wetland, the owner would have to dispute the wetland delineation or apply for a Special Use Permit.

Mr. Bruno added that he did not have to do anything to the land to put the structure there. He wanted to keep it simple storage at that location. Ms. Goodwin stated that lot 45 is marked as wetlands however lot 46, which is also owned by the owner is more wet than lot 45. Ms. Goodwin advised the Commission that she has seen the property on numerous occasions and has never seen the storage location wet.

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22SUP08 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD - #214-045 continued

Mr. Brown stated that he did not have any issues with the project or any recommendation. Mr. Batchelder inquired if that area ever floods, and Mr. Bruno stated that he has never had any issues. He agreed that along Country Club Road floods, but the lot in question does not. Mrs. Miller confirmed that there was no excavation or disturbance to install the container, and Mr. Bruno replied again that there was not.

Mr. Batchelder motioned that the project is approved as presented with no recommended conditions. Seconded by Mrs. Miller. The motion carried 3-0-0.

22SUP09 - AMY MANZELLI, ESQ – 481 WEST SHORE RD - #203-067-001/002

This project has been rescheduled until August. The Land Use Department will be hosting a tech type review meeting, which will include the Water/Sewer Department, the Land Use Department, the Fire Department, a member of NH Department of Environmental Services (NHDES), and a member of the wellhead protection section of NHDES. This meeting will review the project with the applicants to try to address the concerns, which will prepare or allow the applicant to determine the next steps before the August meeting.

The project is part of an approved subdivision from 2004, which subdivided one (1) lot into (3) lots. The project is proposing to merge the two (2) lots purchased into (1) and build a home. They two (2) lots were approved as buildable lots, if the building lot does not change. If the lot is changed or altered, then the owners would have to contract with a wetland scientist to provide support for the proposed location. The biggest concern is that it is in the wellhead protection area and the potential impacts for the water source.

PUBLIC SAFETY BUILDING

No plans have been received as of this meeting. It will be rescheduled to a later date.

UNFINISHED BUSINESS

BENNETT WETLANDS RESEARCH

Ms. Goodwin has done additional research and has determined that a prior owner was Robert Bennett. It appears the property went from Robert Bennett to the Lake Trust. It does not appear that there was an easement on the property, but Ms. Goodwin is fairly confident that the access for the property is through Swiss View Drive and not Ravine Drive. Ms. Goodwin will do more research and bring that to the next meeting. Ms. Goodwin added that there were comments in past minutes about hiring someone to mark the Bennett wetlands. It is not clear exactly what was marked, but Mr. Brown suggested that Ms. Goodwin reach out to Shaun Lagueux.

OVERLAY AND SEPTIC SETBACK DISCUSSION

Ms. Thompson reviewed back to 1990 and found the 75-foot setback was noted in the Zoning Ordinance in 1998 but changed to 125 feet in 2001. Unfortunately, the Zoning Ordinance documents for 1999 and 2000 are missing from the files. The Planning Board minutes from September 2000 note a handout page, but there is no record of that handout page. Ms. Goodwin reviewed the Town Meeting documents for the ballot, but at this time, there was only blanket summaries and not a specific listing of the changes. Ms. Goodwin also located in the Conservation

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OVERLAY AND SEPTIC SETBACK DISCUSSION continued

Commission files back in 2009 that the Commission was considering stricter requirements, but it does not appear that those were ever submitted. Ms. Thompson pointed out that the RSA mentioned in the Zoning Ordinance refers to shoreland so she feels that there may have been a mistake when the Ordinance was previously changed. Based upon this information, Mr. Brown would like to set a goal that by the 1st of September, the Conservation Commission finalizes their recommendations to the Planning Board. The other members agreed. Additional research and discussion will be held at the next meeting.

SCHEDULED WETLAND SITE VISITS

Mr. Brown inquired if there was any way that the wetland site visits are not considered a meeting. Ms. Goodwin will check with the Town's Attorney. Once it has been determined how the meetings must be managed, Mr. Brown will send out a survey monkey type request to members to gather availability.

BY-LAW AMENDMENTS – APPROVED CLEAN COPY

Ms. Thompson provided the Commission with an approved copy for signing. The signed copy will be posted online.

LAKE WATER QUALITY STUDY COMMITTEE

Mr. Brown presented the proposal of a Lake Water Quality Study Committee to the Select Board, who agreed that it was a good idea and fully supported the creation as a special committee under the Commission. The Select Board recommended that the Conservation Commission solicit members to serve, have those members submit a request, and pick from those submissions. Ms. Goodwin found past minutes that referenced the major concerns, at that time, were from new construction runoff. Ms. Goodwin will share the minutes with Mr. Brown. Mr. Brown will rewrite the project summary and share with the Commission for input. Once this information is brushed up, it will be posted to the website and social media.

COMMISSION MEMBER ITEMS

CONTACT INFORMATION

Mr. Brown asked that the member's contact information be shared with the group. Ms. Thompson will update and email.

PLANKEY SPRING TESTING

Mr. Brown took the sampling from the spring yesterday and sent the test to the lab.'

BEACH TESTING

Mr. Brown inquired if the Town needed help conducting the beach testing and Ms. Goodwin reported that they did. The testing should be done at both beaches in June, July, and August.

FIREWORKS CONCERN

Ms. Goodwin received an e-mail concern that the fireworks are toxic to the lake. Mr. Brown felt that the Conservation Commission should have a conversation about whether fireworks are considered toxic. Ms. Goodwin stated that the Town has received minimal complaints, as there

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are more people interested in having them at the lake then there are concerned about environmental impacts. Mr. Brown felt that if there is a concern about it being toxic to the lake then there should be specific concerns. Ms. Goodwin pointed out that the debris that is found on the beach is not all attributed to the Town's display. Ms. Goodwin will do research to see if there is a document about fireworks already created.

ALL COMMITTEES MEETING

Mrs. Miller attended the "All Committees Meeting" in May. It was recommended to hold quarterly meetings with each Board/Committee/Commission picking a representative to attend the meetings. Ms. Goodwin shared the material from the meeting but cautioned that the Select Board had not made their final decisions on how this committee should proceed. As requested, Mrs. Miller inquired with the committee for what Conservation could be doing. A member of the Planning Board asked that Conservation update the Steep Slopes Ordinance. Ms. Goodwin recommends that the Planning Board do the work and then ask the Commission for input. Ms. Thompson will send the current steep slopes out to the members. Mr. Brown would like to add this back to the July agenda for the Commission to pick a representative.

TOWN ADMINISTRATOR UPDATE

The Town Administrator, Nik Coates, has submitted his resignation and will be moving on to a Deputy City Manager position in Lebanon, NH. His last day is June 17, 2022.

CONSERVATION COMMISSION TASKS

Mr. Brown would like to have a discussion with the Conservation Commission members about what they feel the Commission should be doing. He added that some people feel that the Commission should be doing a photo contest. Ms. Goodwin inquired exactly what a photo contest teaches, and Mr. Brown agreed. A discussion will be held at the next meeting.

ZONING ORDINANCE

Mr. Brown recommended that the Conservation Commission review the sections of the Zoning Ordinance that pertain to wetlands. Ms. Goodwin stated that we can prepare those sections for an upcoming meeting.

PLANKEY SPRING DEED

Mr. Brown provided a copy of some type of deed for the Plankey Spring. Ms. Goodwin pointed out that the document was a deed and not an easement so she will set up the lot accurately on the maps. She also pointed out that there are past minutes, and Mr. Brown advised that an additional easement was never finalized on Shaun Plankey's property.

ADDITIONAL EASEMENT

Ms. Goodwin referenced past minutes that talked about an easement along Smith River Road. She stated that there is not any information in the files or on the Town maps. Mr. Brown believes that the Conservation Commission does retain an easement in that area but is not sure where. Ms. Goodwin will do research.

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COMMUNICATIONS:

Frost Update - Ms. Thompson reported that the Frost Special Use Permit was approved by the Planning Board for the driveway only after the applicant submitted updated plans that scaled back the size of the driveway.

Shoreland Permit Application for 40 Beech Street – Ms. Thompson reported that the property owners are looking to build a two-unit townhouse with a detached garage. Ms. Goodwin reported that 50 Beech Street is also owned by the same owner and is proposing to build a two-unit townhouse with garages underneath. Mr. Brown inquired about the path to the river on one of the lots and Ms. Goodwin confirmed it was 50 Beech Street and the project has received an approve shoreland permit.

Shoreland Permit Application for Manor Estates Condominium Association – Ms. Thompson reported that the Association is adding jet ski holders.

Christopher and Patricia Haftel Shoreland Permit Application – Ms. Thompson reports that the owners are proposing to construct a house with a garage. The Conservation Commission has seen this project previously with a Special Use Permit Application.

Incomplete application for the New Hampton landfill – Ms. Goodwin offered to e-mail the response to the Commission members as it was just received today. Ms. Goodwin will update the postings online for the application to include all responses.

OTHER

Mr. Brown inquired about emergency exits for meetings. Ms. Goodwin responded that not all Boards/Commission/Committees understand the process, nor do they know the code to access the back hallway. Mr. Brown will be discussing with the Select Board at their next meeting.

NEXT MEETING

The next meeting is scheduled for July 6, 2022, at 6:00pm.

With no other business to come before the Commission, Mr. Batchelder made a motion, seconded by Mrs. Miller, to adjourn at 7:50 pm. The motion carried 3-0-0.

Respectfully submitted,
Christina Goodwin
Land Use Manager