

CONSERVATION COMMISSION MINUTES

September 7, 2022

APPROVED: 10/5/22

AGENDA: 22SUP09 – Amy Manzelli, Esq. – 482 West Shore Rd - #203-067 Sub #001/002
22SUP11- Edward Geswell, III – 47 Castle Ln - #203-126
Wetlands Overlay – Septic Setback Research – Richard Metcalf Memos
Newfound Lake Water Quality Study Workgroup update
2023 Budget
Welcome Binder
September 10 Site visits and monitoring

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

ABSENT: Karen Bemis (Alternate)

OTHER: Christina Goodwin (Land Use Manager) and Denise DeStefano (Land Use Staff), Applicants: Amy Manzelli, Esq., and Matt Barnard; Edward Geswell

Mr. Brown called meeting to order at 6:00 PM with a quorum in-person.

NEW BUSINESS:

22SUP09 – Amy Manzelli, Esq. – 482 West Shore R - #203-067 Sub #001/002

Attorney Manzelli presented plans and information for a home construction project within the Wetlands Ordinance setbacks at 482 West Shore Road. She explained that the owner's two (2) subdivision lots were recently merged and that her client plans to build a home with septic system and well on a site previously approved in a 2004 Subdivision. A New Hampshire Department of Environmental Services (NHDES) approved Shoreland Protection Permit is on file for this project. She stated that the owners were working to have the least amount of environmental impact.

Mr. Matt Barnard then spoke about a site visit with Town officials, which was videoed and viewed. Ms. Goodwin was present for the site visit, so she also pointed out the existing driveway entrances and road. He talked more about the siting and specifications of the NHDES approved septic system and reiterated that the home and septic would be sited on the highest and driest spot on the property. Fill will also be used to raise the home.

Discussion and questions followed with Commission members. Mrs. Cote spoke to her concerns about whether a Wetlands Permit might be required and a preference for a permanent plant buffer between the indicated wetlands and the building site. Mr. Metcalf asked for attention to the Water and Sewer Department memo due to proximity to the Town's Wellhead Protection area. More discussion followed referencing the specific conditions of the Subdivision approval, the applicant's limitations and the steps being taken to have minimal impact to the site and surrounding natural resources.

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22SUP09 – Amy Manzini, Esq. – 482 West Shore Road - #203-067 Sub #001-002 continued

Mr. Metcalf asked if the applicants were disputing that the map indicating wetlands are present on the site. Mr. Brown commented on the creation of the map. He said creators considered some actual site science data, aerial data, and other information and this was later digitized. This can be challenged by the applicant hiring a Wetlands Scientist. Ms. Goodwin clarified the applicant options 1) the owners do not build; 2) the owners dispute the wetlands; or 3) the owners apply for a Special Use Permit.

Attorney Manzelli replied that the applicants are aware of options and have been trying to get a building permit for this buildable lot for years. She continued to say that they have been working very hard to find a sensible path of least resistance forward that respects their property rights and departmental interests. They believe they have met the requirements and standards for a Special Use Permit by all the steps taken to date including merging the lots to one house lot, minimizing the size of the house, siting it and septic system in best place indicated on lot, and getting State approvals for Shoreland Protection and Septic Design.

Mr. Metcalf asked about the siting of the septic system and whether other options like locating the septic under the driveway were considered. Mr. Barnard stated that based on his expertise, costs and the Wetlands Ordinance, the site chosen was the best option. Attorney Manzelli stated part of the siting decision was to keep within the limitations of the subdivision approval with homesites being conditioned to sites noted on the original plan. If this was not a constraint, there may be other options, but after much consideration, this plan is what they are moving forward with.

More discussion followed regarding flooding conditions on the road and other Water Department concerns. Ms. Goodwin explained that this is considered a grandfathered buildable lot so we cannot stop building a home there, but conditions can be placed to protect wetlands and other interests. The fill area necessary to raise the house site and possible impacts was discussed. A suggestion of vegetative buffers was discussed as a possible way to limit any impacts. Ms. Goodwin asked if there were drainage plans as part of the State driveway permit. Attorney Manzelli provided copies of driveway permit which did not indicate the need for drainage. Other discussion was regarding the possibility of basement flooding, but this was felt to be outside of Conservation Commission purview.

Following more discussion, Richard Batchelder motioned that the Commission recommend that this project move ahead with the following recommendations to the Planning Board: 1 – reviews of Water and Sewer Department concerns and to have the Planning Board address these appropriately; 2- a vegetative buffer/rain garden be planted around the house lot to further protect wetlands. 3- Verification, of whether, a Wetlands Permit through NHDES is required; Mrs. Cote seconded. The motion carried 4-1-0.

22SUP11- Edward Geswell, III – 47 Castle Lane - #203-126

Mr. Geswell presented his plans for placement of a 10 X 14 shed on his property at 47 Castle Lane. The proximity to the existing open yard and home was noted as well as the plans to place the shed on bricks with no site work necessary for foundation. After discussion, Mrs. Cote motioned to move this application forward to the Planning Board without concerns. Mr. Metcalf seconded. The motion carried 5-0-0.

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MINUTES

The Commission members reviewed the minutes of August 4, 2022. After correction of a spelling error, Mr. Batchelder motioned to approve the minutes as amended. Mr. Metcalf seconded. The motion carried 5-0-0.

BUDGET 2023

The Commission members reviewed the status of the 2022 budget and discussed any increases or changes they might want for 2023. Ms. Goodwin updated the Commission regarding expenditures to date. Following discussion, Mr. Brown proposed an increase of \$100 to the Meetings/Memberships/Education line and other lines would remain the same. Mr. Metcalf motioned to increase the overall budget from \$1,750 to \$1,850. Mr. Batchelder seconded. The motion carried 5-0-0.

DRAFT WELCOME BINDER

Mrs. DeStefano reviewed the draft materials with the Commission. The first page listed the items in the Conservation Commission electronic library that would make sense to include in the Commission's Welcome Binder. She also stated that a draft introduction section was produced for their review and comment. Mr. Brown suggested that members review these items as homework and think about any other items they might want included. This discussion will continue at next meeting. This is to be a tool for new and existing members of the Commission.

WORKSHOP SESSION

Ms. Goodwin stated that at previous meetings the Commission expressed that they wanted to explore how to better communicate with Town Departments and other organizations and to determine what more they as a Conservation Commission could or should be doing. It had been planned to schedule a workshop session with a facilitator to brainstorm and work on these items. More discussion followed about the "All Committees Meeting" held by the Select Board, the Lake Water Quality Study group establishment, and the possibility of postponing this until next year. The consensus was to wait until January to discuss again.

WETLANDS OVERLAY – Septic Setback Research

Mr. Metcalf updated the Commission on research and talked about reasoning for the memo he presented. He talked about a checklist as a consistent tool to review septic system and or Special Use Permits. Others thought a checklist may be able to include relative issues. Going back to the original reason for research, Mr. Metcalf suggested a focus on the setback applications and distances. Mr. Brown suggested that some of the Zoning requirements should be incorporated in the checklist. Mr. Metcalf agreed that we should look at our own language and the checklists established by Federal and State with references to create a checklist that can be used efficiently and consistently for all applications. Ms. Goodwin stated that it would be good to link these to Planning Board applications as well and these checklists could be on the website. Mrs. DeStefano added that when checklists were developed for the Planning Board, attention was made to make it understandable to the average citizen with explanations and this might be necessary to do with

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WETLANDS OVERLAY – Septic Setback Research continued

development of this checklist especially with all the scientific language and references. Mr. Metcalf stated he would take a stab at beginning the process. Mr. Brown will send Mr. Metcalf the suggestions and comments he has, and suggested others do the same. This topic will be discussed again at the next meeting.

BENNETT WETLAND RESEARCH – Right of Way - No Update

LAKE WATER QUALITY STUDY WORKGROUP - Update

Mr. Brown stated that the request was posted to seek interest in participation in a workgroup to research and gather information about current lake water quality as a reference regarding the sewer to the lake issue and other potential issues for the Lake. He asked Commission members if any were interested in participating. Mr. Batchelder expressed interest. Mr. Brown also asked if others knew anyone that might be interested. Ms. Goodwin will repost the information on the website. This will be discussed again at next meeting and a date for first workgroup meeting will be set.

PLANKEY SPRING WATER TESTING - update

Mr. Brown stated he did not get to water testing the Plankey Spring yet.

COMMISSION MEMBER ITEMS

There was a follow up conversation regarding subdivisions and the Special Use Permit process and ways that the Conservation Commission might be better prepared to consider applications for wetlands issues and other impacts under their jurisdiction. Mrs. Cote suggested developing a checklist for the Commission that would allow consistent discussion of concerns and recommendations and may also be helpful for applicants and Planning Board. Mrs. Cote also suggested a review of all the approved subdivisions for any issues that may come up due to changes to ordinances and other regulations since approval.

Chairman Brown took this opportunity to state that the Select Board made a decision for the Town Administrator position. He announced that Ms. Goodwin will now take on the position of Interim Deputy Town Administrator until year end and then become Town Administrator in January 2023. Ms. Goodwin updated the Commission about the current Land Use Office new hires, start dates, training, open positions, and timelines for transition.

Ms. Miller shared that she attended a Lunch and Learn session sponsored by the NH Association of Conservation Commissions (NHACC). The GAIA GPS app presentation was instructional, and she hoped to use it while doing the Conservation properties site visits this weekend.

COMMUNICATIONS:

Ground Water Contamination Notification Letters

Ms. Goodwin stated that communication was received in the office about well water testing done on wells abutting the closed New Hampton Landfill located in Bristol on River Road. She stated that there were sixteen separate letters required to be sent for abutting property owners of the well that tested with high levels

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Ground Water Contamination Notification Letters continued

of manganese and arsenic. Mr. Brown explained the numbers and stated that there was a recent update to the guidelines, and this would make more wells statewide show contamination levels outside recommendations. This is a process done as part of monitoring the closed landfill. Mr. Metcalf asked what happens now for these. Ms. Goodwins stated it was for information only and that the homeowners were given State contact numbers for questions. Mr. Brown explained that the levels of contaminants are not at an alarming level.

Wetlands Permit by Notification – Pasquaney Shores Condo Association – West Shore Road

Ms. Goodwin stated that the office received five (5) copies of the plans to repair jetties and adding boat lifts to existing docks. After discussion, Mrs. Cote motioned to authorize the Chair to sign the application copies and to move application forward to NHDES. Mr. Batchelder seconded. The motion carried 5-0-0.

Newfound Lake Region Association Invitation

Ms. Goodwin shared an invitation to attend a Newfound Lake Water Shed Workshop on October 24, 2022, at 6 pm the Bridgewater Town Hall.

Resignation

Ms. Goodwin submitted a resignation from Alternate Karen Bemis. She stated that she recently became a grandmother and will be helping with childcare as reason for resignation. Ms. Goodwin will send this along to the Select Board. Mr. Brown suggested reaching out to a recent contact who showed interest to see if he would like to serve as an Alternate.

NEXT MEETINGS:

September 10, 2022 - Conservation Property Site Visits and Monitoring – 9:30 am

Ms. Goodwin shared the agenda and supporting monitoring information for the Catterall property and other property visits. As a quorum will be present, a brief overview for minutes will be created so a list of those who attended, and properties visited should be communicated to Mrs. Cote or the office.

October 5, 2022 – 7:00 pm is next regular meeting.

ADJOURNMENT:

With no other business, Mr. Batchelder moved to adjourn. Mrs. Cote seconded. The motion carried 5-0-0 and the meeting adjourned at 9:21 pm.

Respectfully submitted,
Janet Cote
Land Use Associate