

Conservation Commission
Meeting Minutes
September 2, 2020

APPROVED: 11/4/20

ATTENDING: Carroll Brown (Chair), Janet Cote (Vice-Chair), Karen Bemis (via Zoom), Richard Batchelder

ABSENT: Bonnie MacGillivray Blout

OTHER: Christina Goodwin (Land Use Manager)

The meeting was called to order with a quorum of members in-person and via the Zoom platform at 7:00 pm. Ms. Cote, as Mr. Brown was not in attendance at the beginning of the meeting, explained that under the Governor's Emergency Order #12 pursuant to Executive Order 2020-04 the Conservation Commission is authorized to meet in-person or electronically and the meeting is open to the public either in-person or electronically. The meeting moved on by roll-call vote 4-0-0.

MINUTES OF AUGUST 5, 2020

The minutes of August 5, 2020 were reviewed. K. Bemis made a motion, second by J. Cote, to approve the minutes as written. The motion carried by roll-call vote with one (1) abstention 3-0-1. Mr. Brown had arrived, via phone and Zoom, but chose to let Ms. Cote continue to Chair the meeting.

NEW BUSINESS

SPECIAL USE PERMIT: MAYHEW ISLAND – MAP/LOT #204-001

The application was read and Ms. Goodwin stated that these are updated plans.

Mr. Barnard, representing the Mayhew Program, stated that this is the Shoreland Plan not the State approved plan, but they are the same. Ms. Goodwin added that it is the Site Plan for the Planning Board. Mr. Barnard went on to say that the septic / leach field is 75 feet from the public reference line / the elevation set by the State. The actual lake level is further away, about 90 feet. The new septic design allows it to be within two (2) feet of leach field. The septic tank is made of plastic. The biggest issue with the project is getting the material out to the island. It is preferred to keep things simple by having gravity feed. In order to do so, they intend to move the cabin back to 70 or 75 feet, which will make it less non-conforming. They will be able to have less tree clearing, which will create less impact and be more environmentally friendly. The existing cabin will be torn down and a new one built further back. This plan will update everything.

Mr. Batchelder inquired about the existing building. Mr. Barnard reported that it is coming down. Mr. Brown inquired on where the old system was. Mr. Barnard stated that the island didn't have a leach field with the older system. Ms. Bemis thought that this plan makes a lot of sense. A discussion followed.

Ms. Goodwin is asking the Commission to give their recommendation for the Planning Board's meeting on September 23, 2020. Ms. Cote had no issues and Mr. Brown said that it looks good. Ms. Cote felt that the Planning Board will handle the setbacks. Mr. Brown felt that it is okay to go ahead as is. Ms. Goodwin asked if she should do the recommendation similar to the Maxwell case. She then explained that the Planning Board has to give the Conservation Commission and the Health Officer 30 days to bring back their recommendations. She added that the Board weighs heavily on the Conservation Commission's recommendation.

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Ms. Goodwin read from the previous Conservation Commission minutes as to what they had discussed then about this case. The Commission takes into consideration that DES has approved a septic with new technology in relation to the elevation and poorly drained soils and these technologies were not in existence when setbacks were not created, therefore the Conservation Commission supports the Septic within 125 ft. The Conservation Commission recommends no further construction activity on the wetlands and any site construction should not impact the wetlands. The Commission additionally recommends following best management practices (BMP's) for wetlands during construction, inquiring with DES for a wetland's permit and following BMP's after construction.

Ms. Cote felt that it is the best practice and Mr. Brown said that it sounds good and is better than it was. Ms. Cote added that it is better for the applicants and for the environment. Ms. Goodwin will draft the recommendation.

R. Batchelder made a motion to approve the Special Use Permit with recommendations to the Planning Board, second by K. Bemis. The motion carried by roll-call vote with one (1) abstention 3-0-1.

Mr. Buckley asked if the Planning Board will meet next week. Mr. Brown asked if a representative from the Commission should be there. Ms. Goodwin did not feel that they need be as with Maxwell, the Board took the Commission's recommendations.

UNFINISHED BUSINESS / COMMISSION MEMBER ITEMS

At this time, Mr. Brown was having some issues with hearing and was working on fixing the issues.

Contact Information Update

Ms. Goodwin will email the Commission to update their contact information.

Shore Drive Update

Ms. Goodwin provided an update on the status of the Shore Drive violation. The Select Board voted to keep the stairs but remove the landing. The Select Board stayed the order that had been issued. If the stairs go out, they cannot go back in. There has been an agreement submitted to Amy Jo Cottages, who has counter-offered and the Board is set to review. We are getting one step closer to bringing the property into compliance. Ms. Cote stated that they shouldn't have done it in the first place and asked if they will restore the grass. Ms. Goodwin answered that they are restore it to a natural state. Mr. Batchelder asked about supporting of the stairs and was told that they are to support them and the road. This case has been going on for two (2) years.

Breck-Plankey Spring

Ms. Goodwin had addressed the concerns spoken of in the last meeting and the Commission was good with that. Mr. Brown felt that there has to be an easier way to find information on the website. Ms. Godwin showed them the web site and how to access it under the Conservation Commission, along with the test results that we have right now. She will add that the Spring is tested quarterly. A discussion followed. Ms. Goodwin will add meeting information and something about Mason Westfall as well as any current information available.

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By-law Review:

Mrs. Cote stated that the ones we have were drafted a long time ago. Mr. Batchelder asked if there are any we want changed and Mrs. Cote felt that we need to review them for any statutory changes. It was determined to postpone this to a work session sometime before the holidays. Mr. Brown would like to be there in person and Ms. Bemis was okay with a work session.

Membership Ideas

Mrs. Cote asked to move this to the work session as well. She explained that they used to have binders and a book from the Association. Mr. Brown thought that they could recreate binders. Ms. Goodwin explained about the other Land Use Board's binders. Mrs. Cote thought that they would be nice to have something for new members. This was tabled to the workshop.

Catterall Easement Monitoring

Mrs. Cote stated that this needs to get done as was requested. Mr. Brown said it is due by December 31, 2020. Mrs. Cote stated that it is just a matter of getting out and walking it. Mrs. Bemis and Mr. Batchelder volunteered to walk it with Mr. Brown. Mr. Brown said that he has taken some of Mason's paperwork and found it to be complicated. He could not find the map. A discussion was held as to where a map might be found. Mr. Batchelder thought that he might have a copy at home. If so, a copy will be made. Mrs. Cote said that the deed would describe it. Ms. Goodwin will try to download the deed. Mr. Brown asked for an e-mail on what they can do and when. Ms. Goodwin said that there may be some on the Assessing file. Mrs. Cote mentioned that there were to be no vehicles in the access and no snowmobiles, etc. She added that you can no longer see the Lake from there. Mr. Brown added that they no longer pay for improvements.

Information Storage

Mr. Brown stated that we need to know where we store our information and where the Town does with our Conservation stuff. Ms. Goodwin stated that e-mails are automatically stored in the system. She added that, if the Commission wants her to add the e-mails to the minutes, she can do that. The minutes go online on the web site. Paper copies are kept in binders for the current year and go digital at the end of the year. All paper copies are in storage.

Mrs. Cote felt that anything important should be attached to the minutes. Ms. Goodwin felt that the Commission must say what they feel should be attached. Mrs. Cote mentioned that the Department of Environmental Services (DES) information may be in other places. Mr. Brown thought that what should be attached is if the e-mail references the Commission issue. Ms. Goodwin added that a complaint might be added. Mr. Brown said that correspondence should be attached but asked if we need to be concerned about folk's e-mail / contact information. Mrs. Cote thought that could be blacked out but save the contents. Ms. Goodwin thought we might spell it out more in the minutes and Mrs. Cote agreed.

Special Use Permit – Map/Lot #212-132 Update

Ms. Goodwin explained that this the Hundred Acre Woods Project. They had a Site Plan with the Planning Board who took the Commission's recommendations into consideration. She then read the Planning Board's conditions of approval. Ms. Goodwin said that a silt fence is to be placed all around. Mr. Brown stated that someone needs to follow up on how so much dirt was put in without anyone knowing; perhaps a wetland scientist needs to be involved. Mrs. Cote stated that it happens by people who know better.

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Ms. Goodwin had to provide proof to DES and Mrs. Cote said that she will go online and see if anything has been filed.

COMMUNICATIONS

Ms. Goodwin will send copies to the Commission via email for the NH Association updates. Mrs. Cote will also forward the links to sign up.

OTHER

Ms. Goodwin stated that last night the Zoning Board denied two (2) of their cases. A West Shore Road property wanted to tear down a cottage and build new. The Special Exception for increase of height was granted but the Variance for the setback requirements was denied.

The Planning Board has a plan for Nashawaty for a subdivision, along with a couple of others.

Mrs. Cote stated that activity on the lake usually increases now with the lake drawdown.

Ms. Goodwin mentioned a Shoreland application for a Don Gerry Road property; another without permitting.

Mr. Brown asked about a West Shore Road property past Holiday Heights and was told that it is for sale now. Mr. Brown has seen a bunch of stuff being taken out. He couldn't tell if it was junk or asbestos. Ms. Cote said that we must keep our eyes and ears open for the next couple of months. She thinks there will be a lot of changes to the lake.

NEXT MEETING

The next meeting is scheduled for Wednesday, October 7, 2020 at 7:00 p.m. The location and meeting type will be determined pending the status of the current pandemic and emergency orders. If there is nothing to act on, we will do the workshop.

ADJOURNMENT

Motion to adjourn at 8:53 pm by Mr. Batchelder, seconded by Ms. Bemis. The motion passed by roll-call vote 4-0-0 and the meeting was adjourned.

Respectfully submitted,
Jan Laferriere
Land Use Administrative Assistant