

CONSERVATION COMMISSION MINUTES

April 6, 2022

APPROVED: 6/1/2022

AGENDA: OATH OF OFFICE
ELECTION OF OFFICERS
22SUP04 – ERIN DARROW OBO GORDON ELLINWOOD–PEAKED HILL RD #218-007
22SUP05 – GZA ENVIRONMENTAL – SUMMER ST, PEAKED HILL, SCHAEFFER RD
BENNETT WETLANDS DISCUSSION
IDW - INCORRECTLY DELINEATED WETLANDS UPDATE
OVERLAY DISCUSSION
SEPTIC SETBACK DISCUSSION
REVIEW DRAFT BROCHURE
NHDES SHORELAND PERMIT APPLICATION – 67 BROWNS BEACH RD #104-139
BYLAWS – PROPOSED AMENDMENTS

ATTENDING: Carroll Brown (Chair), Janet Cote (Vice Chair), Richard Batchelder, Richard Metcalf, Elizabeth Miller, Karen Bemis (Alternate - Zoom)

ABSENT: Bonnie MacGillivray-Blout (Alternate)

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

Mr. Carroll Brown, Jr. called the meeting to order at 6:00 PM with a quorum in person.

OATH OF OFFICE

Ms. Raymah Simpson joined the meeting, to swear in the members of the Conservation Commission. All members had to retake the Oath of Office after the Town Meeting vote to update the Commission membership to five (5).

ELECTION OF OFFICERS

The Commission discussed the Election of Officers as they need to elect a Chair and Vice Chair. Mr. Batchelder nominated Carroll Brown, Jr. to be the Chair. Mrs. Miller seconded. The motion carried 4-0-1. Mrs. Cote nominated Richard Batchelder to be the Vice Chair. Mr. Brown, Jr. seconded. The motion carried 4-0-1.

MINUTES OF JANUARY 5, 2022

The minutes of January 5 were reviewed by the Commission. Mrs. Cote motioned to approve the minutes as written. Mr. Batchelder seconded. The motion carried 3-0-2.

NEW BUSINESS

22SUP04 – ERIN DARROW OBO GORDON ELLINWOOD – PEAKED HILL RD #218-007

Ms. Erin Darrow presented from Right Angle Engineering, is a Civil Engineer who completed the septic design for Gordon Ellinwood. Also attending the meeting is Gordon Ellinwood, the property owner, and Jonathan Sisson, the Certified Wetland Scientist, who completed the wetland delineation on the property. Ms. Darrow began working on the property for Mr. Ellinwood, as it

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22SUP04 – ERIN DARROW OBO GORDON ELLINWOOD – PEAKED HILL RD #218-007 continued

is a challenging spot when the family decided to build a single-family home. The lot meets State requirements, but it does not comply with the Town setbacks for the wetland delineation. The owners are looking at a 3-bedroom house with a gravity fed enviro-septic or Presby septic system. The system is one of the more common septic systems seen in New Hampshire. On the plan there is a 50-foot setback line and a 75-foot setback line. There are no waivers required from the setbacks for the New Hampshire Department of Environmental Services (NHDES) rules. The Town rules are harder to meet as the entire property is within the 125-foot setback requirement. The intent is to be able to provide a well, a driveway, a home, and a leach field. Ms. Darrow, in her professional opinion, feels that this meets the lay of the land, is an aesthetically pleasing site, and is the least intrusive location.

Mr. Brown inquired if the poorly drained soils versus very poorly drained soils are delineated on the plan. Mr. Sisson reported that they are all poorly drained soils on this site and there are no very poorly drained soils. Mr. Brown inquired on the 36-foot topography drop. Ms. Darrow said it is a challenging site and they are working with the topography to minimize the impacts. Further discussion centered around what the setback requirements are for septic, structures, and disturbance. Ms. Goodwin clarified that the property owner would need to apply for an additional Special Use Permit if the proposed home and construction is within the 50-foot setback. Ms. Darrow reported that the current plan is a tiny home to be placed on a pad, which will be outside of the setback. The house would be a year or two out. Mrs. Cote felt that we should look at the whole picture and provide feedback, so the owner doesn't have to come back. Mr. Brown felt that construction should not occur inside that 50-foot setback. Ms. Darrow replied that the retaining wall is at the back of the homesite but felt that the homesite is not set in stone and can be adjusted. The construction is going to be phased with the septic installed and then the tiny home. They will live on the property until they can build a house. Mr. Batchelder did not see any issues as long as they complied with erosion control measures during construction.

Ms. Darrow pointed out that this is a pre-existing grandfathered building lot. What she looks at is how can we make it work to make it mostly compliant with the rules. It is nearly impossible to be outside the 125-foot setback on this lot. She took it one step further to have a Certified Wetland Scientist take a clear look at the lot and a licensed Surveyor look at the topography, to help determine the alternative with the least impact. There is a poorly drained wetland that essentially surrounds this whole building site. During construction they recommend, until stabilization has occurred, that the sediment and erosion control be maintained and monitored. She added that the key is to get this done as quickly as possible, addressing the erosion control and stabilization at the source. They will take steps to make sure they comply with best management practices.

Mr. Brown inquired if there was any possibility of moving the leach field closer to the road. Ms. Darrow reported that there are other issues such as grading and other setbacks and they are trying to keep it out of the driveway, to keep it as a gravity fed system. Mr. Brown motioned that the Conservation Commission make a recommendation to the Planning Board that the project can go ahead as designed making sure that during the construction phase of the house and leach field that best management practices for erosion control, etc., are maintained and that

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22SUP04 – ERIN DARROW OBO GORDON ELLINWOOD – PEAKED HILL RD #218-007 continued

construction activities do not encroach further than what is presented. Mr. Batchelder seconded. The motion carried 4-0-1.

22SUP05 GZA ENVIRONMENTAL – SUMMER ST, PEAKED HILL RD, SCHAEFFER RD

Ms. Lindsey White from GZA Environmental presented, along with Jeremy Fennel and Sara Hoodlet of Eversource. The project is an upcoming transmission line rebuild that impacts the Wetlands Conservation Overlay district in some areas, which requires a Special Use Permit. Eversource is proposing to rebuild the existing E115 transmission line replacing the static wire with optical ground wire. The E115 transmission line is about 15 miles in length beginning in New Hampton proceeding up to Holderness. The overall project is proposing to replace 183 poles with twenty-seven of them in Bristol. Once the pole replacement is completed then Eversource will replace the wire. The proposed work does require impacts within the Wetlands Overlay, which includes access to utility poles and to create a work pad around the pole during construction. Temporary timber matting would be utilized. Once the work is complete in those areas, the timber mat would be removed, and seedless mulch would be applied including native species. Access routes will be created, or existing access routes will be upgraded by adding stone. Once work is completed, the gravel access routes will normally be left in place to provide access for maintenance and emergencies. In addition, the larger gravel pads would be reduced to a smaller footprint. During construction, an environmental monitor will be onsite to monitor best management practices are being followed.

Mr. Brown inquired if they are required to submit a national heritage inventory and Ms. White confirmed that they will be submitting soon. They have also submitted wetlands impacts to the Wetlands Bureau and in Alteration of Terrain Permit. Mrs. Bemis inquired about the timber mat and was advised that they are basically wooded mats that are a 4-foot X 16-foot area which creates a surface to spread out the pressure on the wetland. Typically, when the mat is removed, they have good success with plants coming back quickly. Mrs. Cote inquired about prime wetlands in this location. The Land Use Office was not aware of any prime wetlands and will need to do some research. If prime wetlands are determined to be on the properties in question, then the Land Use Office will get back to the applicant. Mr. Brown inquired about the Land Use Office doing occasional spot checks. Ms. Goodwin reported that the Land Use Officer would follow up with any conditions that were set either by the Conservation Commission or the Planning Board. Mrs. Cote inquired if Shoreland Protection was required, and Ms. White confirmed that they would be submitting an application after the Town process. Mrs. Cote inquired when the project will start, and it was reported approximately June/July of 2022 for about a year. Mr. Brown motioned that the Conservation Commission is okay with the project as proposed pending the review of prime wetlands but would like some kind of review by the Land Use Office during the construction. Mr. Batchelder seconded. The motion carried 5-0-0.

BENNETT WETLANDS DISCUSSION

The Conservation Commission holds an easement on the Bennett wetlands. Mr. Brown wanted to have a conversation about what the rights-of-way are for the property and how the Commission would like to use this in the future. Ms. Goodwin reported that there is nothing in the files, however, they should have some research completed by the May meeting. The

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BENNETT WETLANDS DISCUSSION continued

Commission held a further discussion regarding how the property should be used, and the consensus is to open the area to public use in some fashion.

INCORRECTLY DELINEATED WETLANDS PROPOSED CHANGES

The Planning Board has proposed some changes to the Incorrectly Delineated Wetlands portion of the Zoning Ordinance. The changes are before the Commission to provide input. The proposed changes match back to the NHDES regulations for disputing wetlands at the State level. Ms. Goodwin pointed out that the year mentioned in the paragraph, will be changed to be more generic. The Conservation Commission agreed that it was an improvement to what exists.

OVERLAY DISCUSSION

In 1988, the Town paid BH Keith to do a wetlands inventory in Bristol. Mr. Brown stated that although the report is older, he believes that it is still valid and is worth a read by the Commission members. Mr. Brown found the original map that came with the report and highlighted it in certain colors to show the overlays. Ms. Goodwin will check to see if there is a way to scan the large plan in digital format to share with the Commission. Mr. Brown offered to change any of the incorrectly delineated wetlands by hand, if needed.

SEPTIC SETBACK DISCUSSION

Ms. Thompson shared the NHDES regulations on septic setbacks. Septic systems must be installed at least 75 feet from wetlands having very poorly drained soils and 50 feet from wetlands having poorly drained soils. When installing systems within the protected shoreland, including porous sand and gravel material with a percolation rate equal to or faster than two (2) minutes per inch, the setbacks are at least 125 feet. It has been assumed that the Town picked the 125 feet instead of trying to provide a breakdown. Mr. Brown will do more research to determine if he can get solid history for the Commission to consider. He also added that it makes it difficult for the Conservation Commission to say our rules are this and the State rules are something else. The discussion will continue at the May meeting.

BY-LAWS PROPOSED AMENDMENTS

The Land Use Office provided a draft document for the Commission to review. After Town Meeting there were required changes to the bylaws and the Office is also working to make agendas match the bylaws. The Commission amended the proposed wording, and the document will be prepared for the next meeting for the members to sign.

WELCOME BINDERS

The Land Use Office would like to create binders for the Commission members. Ms. Thompson suggested that the meeting dates, the bylaws, the sections of the Zoning Ordinance that apply to the Conservation Commission, etc. should be included. Mrs. Cote thought there should be a resource list added and research items that have been discussed during the meeting should be added. Mr. Brown also pointed out that the handbook is a great tool to be added.

PROPOSED LEGISLATION

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Mr. Brown received an email regarding pending legislation with a request for support of bipartisan legislation. House Bill 1454 would update septic requirements to protect bodies of water and the dangerous requirements of setbacks and landfills. The current setback is only 200 feet. Discussion centered around whether the Conservation Commission had authority to comment on bills. Ms. Goodwin suggested that the Conservation Commission allow her to respond and advise that the Conservation Commission discussed the matter and has chosen not to take a position at this time. The Conservation Commission agreed.

UNFINISHED BUSINESS

REVIEW DRAFT BROCHURE

Ms. Thompson provided color samples of the draft brochure. The Land Use Office is hoping to have the Conservation Commission give the final approval so that the brochure can be printed officially. Mr. Brown asked that the Bennett wetland picture be less sky. Mr. Batchelder would like to have a title added for the Bennett wetlands picture. Ms. Thompson will make the final adjustments.

COMMISSION MEMBER ITEMS

None

COMMUNICATIONS:

SHORELAND PERMIT APPLICATION FOR 67 BROWNS BEACH ROAD

The Land Use Office has received a Shoreland Permit Application copy for 67 Browns Beach Road that has been added to the agenda for an FYI. The project is to demolish an existing garage and gravel driveway and to construct a new garage with a pervious gravel driveway and retaining wall. They do not require a Special Use Permit for the work that is being done.

BRECK-PLANKEY SPRING TEST

The Breck-Plankey Spring water test results were received and there are no concerns. Reminders for testing have been set up in the Town calendars and members will be notified, when necessary, by the Land Use Office.

NEXT MEETING

The next meeting is scheduled for May 4, 2022, at 6:00pm.

With no other business before the Commission, R. Batchelder made a motion, seconded by C. Brown, to adjourn at 9:10 pm. The motion carried 5-0.

Respectfully submitted,
Christina Goodwin
Land Use Manager