

CONSERVATION COMMISSION MINUTES

June 7, 2023

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APPROVED: July 5, 2023

AGENDA: **23SUPO4 – HESS – 401 WULAMAT ROAD - #103-014**
CONSERVATION PROPERTY VISITS – RE-SCHEDULE

ATTENDING: Richard Batchelder (Chair), Elizabeth Miller (Vice Chair), Carroll Brown, Janet Cote, Richard Metcalf, Bill Haskell (Alternate) and Chip Carleton (Alternate)

OTHER: STAFF: Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant) and Christina Goodwin (Town Administrator) **via Zoom**;
APPLICANTS/PUBLIC: William Hess, Hess Engineering

Chair Batchelder called the meeting to order at 6:08 pm with a full quorum present and roll call.

NEW BUSINESS:

SPECIAL USE PERMIT CASES:

23SUPO4 – HESS/LEWIS – 401 WULAMAT ROAD - #103-014

Ms. Sullivan read the Special Use Permit Application #23SUP04 into the record. The application was to remove an existing impermeable patio below an existing deck and replace this with pervious pavers and install stepped retaining walls to level the yard area within the Wetlands Ordinance Setbacks to slow and filter runoff into the Lake and add pervious pavers to area in front of the garage to filter and manage runoff from the road. She included information about notices and postings as well as the abutters and Department Heads and Town Committees notified.

She stated this application is scheduled to be heard by the Planning Board at their next meeting and that it was before the Conservation Commission for its review for any comments or recommendations for the Planning Board to consider. She stated that the applicant also had a Zoning Variance application to expand the existing deck, which was continued to July 11, 2023 so applicant could ascertain more information about any previous variance and permitting with the property. She cautioned the Commission that for this application, only the activities to take place within the Wetlands Setbacks should be considered.

Mr. Batchelder asked the applicant's agent, William Hess, to present the plans and describe the project.

Mr. Hess presented the plans and outlined the activities that would keep the present patio location as is but change it from impervious materials to pervious pavers to slow and filter runoff that travels to the Lake. The patio area re-construction would not intrude further into the Wetland Setbacks than the existing patio. He stated that a New Hampshire Department of Environmental Services (NHDES) Shoreland Permit was approved, and he noted the conditions for installation and maintenance of the pavers during construction. He stated that the yard area on the waterfront side was fairly steep with a 10% slope going down to Lake, and the owners wanted to use retaining walls to create level stepped areas to reduce the slope impacts.

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23SUPO4 – HESS/LEWIS – 401 WULAMAT ROAD - #103-014 - continued

The Commission questioned Mr. Hess about the purpose for changes, for an explanation of the removal process for existing patio and installation of pervious pavers and asked for more information on underlayment detail. Mr. Hess addressed these and cited the NHDES Shoreland Permit conditions for installation of new patio pavers, garage area pavers, and the yard leveling activities. The leveling activity with retaining walls would include crushed gravel to level area. Overall, the Commission agreed that the proposal would improve the runoff situation on this property. Ms. Cote expressed concern for the specific Shoreland Permit conditions requiring ongoing maintenance. Mr. Brown stated that if recommended, this could cause an issue of oversight by the Town. There was some discussion of other projects in town that have conditions of ongoing maintenance for pervious pavers, drainage and other approved systems. As an example, Ms. Goodwin stated that annual reports were filed by Turner Cottages for paver maintenance.

Following discussion, Ms. Cote motioned to recommend Planning Board approval of application #23SUPO4 with a condition based on Specific Condition #3 of the NHDES Shoreland Permit #2023-00432 – that Applicant should install and maintain all pervious technologies used onsite to ensure effective stormwater infiltration and absorption in compliance with RSAs indicated in the Shoreland permit. Mr. Brown seconded. Motion carried 5-0-0.

Ms. Sullivan will draft the recommendation on a Department Review Form and email it to Mr. Batchelder for review.

23IDW01 – CARRIGAN – OVERLOOK ROAD - #217-133 - cancelled

Mr. Metcalf asked about the Incorrectly Delineated Wetlands application that was originally on the agenda. Ms. Sullivan stated this was continued.

She stated that the Carrigan's had contacted a soil scientist who did core samples to make the determination if area was truly a wetland as depicted on Town Maps. The soil scientist provided photos and information but did not submit a proper report with maps to the Planning Board prior to the meeting deadlines so this case will wait until these required items are received.

Mr. Metcalf asked for more information about the process to finalize any change to wetlands as delineated by the Town. Discussion followed about soil scientists hired by applicants, sampling, reports and that the Planning Board in consultation with the Conservation Commission can also hire a soil scientist at the applicant's cost.

For learning purposes, Mr. Metcalf hoped that the Commission members could visit to see the sampling sites and the overall area in question. Discussion followed about permission from owners to do so. There was a review of the assessing maps and wetlands overlay for reference. Members noted connection to the Bennet Wetlands and the issues of driveway access from Overlook Road. It was determined that this site could be visited on June 10th. The Land Use Office will contact the property owners and post it as a meeting.

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OLD BUSINESS:

CONSERVATION PROPERTY VISITS – RE-SCHEDULE

A new date was discussed for visiting Conservation and Town properties. It was determined that the Commissioners would meet at the Breck-Plankey Spring on Saturday, May June 10th at 9 am.

The following properties were those previously listed for visits pending permission for some locations and the Carrigan property off Overlook Road was added due to future application for driveway access which applicant was challenging wetlands delineation may impact Wetland Ordinance setbacks:

- Breck-Plankey Spring
- #216-014 Old Dam Site on Lake Street
- #216-078 Riverdale Road
- Danforth Brook Well Site
- Worthen Easement properties – Peaked Hill
- Carrigan Property – Overlook Road – re: incorrect wetland delineation/driveway access

MINUTES:

The minutes of May 3, 2023, were reviewed. Mr. Brown motioned to approve the minutes as written. Mr. Metcalf seconded. The motion carried by roll call vote 5-0-0.

COMMISSION MEMBER ITEMS:

Mr. Brown stated he had seen a string of comments within a local group on Facebook where some were saying they noticed an odor and change in taste with the water from the Breck-Plankey Spring. He stated he answered some of the questions in the string and checked the Spring for any issues and found none. There was discussion of it being a possibility of the person's containers. It was decided that the next testing would be a full panel test in early July.

Ms. Miller stated she attended a training about Wetlands in Concord and learned more about delineation, soil testing, soil scientists, trusting information and the state application process.

Mr. Batchelder also attended this session as did Ms. Bailey and Ms. Sullivan and there will be some updates to forms and information as a result of changes in RSA's and other information provided at this session. His biggest take away was that Conservation Commission's could ask for more information at time of Wetlands Permits are submitted to the Town Clerk so that the clock can be extended from the 14-day limit to 40 days to get additional information. He shared that Bristol was the only Commission with a checklist.

Mr. Carleton shared his experience with expertise like soils scientists and known scientific process of documenting everything and chain of custody of samples from site to lab with a full report resulting.

COMMUNICATIONS:

Ms. Sullivan shared a Permit by Notification for 135 West Shore Road to replenish beach sand. She stated that a letter regarding SPN for Eversource to replace transmission lines and cross wetlands. Both permits were issued.

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LAND USE/STAFF COMMENTS & UPDATES:

Ms. Sullivan spoke to the Commission about Boards and Committees updated brochures and using these for recruiting new members. The Commission felt the brochure was good with content but maybe a few new photos could be added.

Ms. Goodwin spoke to the Commission about an *All Committee* meeting that will be announced to be held in mid to late July to continue previous discussions to further improve communications. She stated that they were looking for a facilitator and structure for this meeting and representation from each committee. More discussion followed about the previous meeting last year and what the goal would be for this gathering.

Ms. Goodwin updated the Commission about the dumping on property out by the Fowler River Well site discovered on a previous site visit by the Commission. She showed updated pictures of the site showing dumped items like tires. She indicated that she talked with NHDES and they recommended not doing anything with this right now as they were concerned with causing more contamination issues with removal. It could be reassessed and maybe cleared when ground is frozen without impact.

NEXT MEETING: July 5, 2023 at 6 pm if necessary for cases

ADJOURNMENT:

With no other business, Ms. Cote motioned to adjourn. Ms. Miller seconded. The motion carried 5-0-0. The meeting adjourned at 7:27 pm.

Respectfully submitted,

Janet Cote
Land Use Associate