

CONSERVATION COMMISSION MINUTES

July 5, 2023

APPROVED: September 6, 2023

AGENDA: **23IDW02 – SCHNEIDER – HEMLOCK BROOK ROAD - #206-004**
23SUPO4 – HESS – 401 WULAMAT ROAD - #103-014
23IDW01 – CARRIGAN – OVERLOOK ROAD - #217-133-001
23SUP06 – FARO – 146 SHORE DRIVE - #111-010
NHDES WETLANDS APPLICATION #2023-01576 – RICE - 43 N. PIKES ROAD - #106-015

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: Denise Schneider and Fred Schneider, IV; Kevin French; William Hess; and John and April Carrigan **via Zoom**

ABSENT: APPLICANTS: Alan and Linda Faro and their agent Matt Barnard

Chair Batchelder called the meeting to order at 6:01 pm with a quorum present and roll call.

NEW BUSINESS:

BRISTOL CASES:

23IDW02 – SCHNEIDER – HEMLOCK BROOK ROAD - #206-004

Ms. Sullivan read application #23IDW02 into the record for re-delineation of incorrectly mapped wetlands on Map 206 Lot 004 owned by Fred Schneider on Hemlock Brook Road.

Mr. John French was asked to address the wetlands re-delineation proposal as agent for the applicants. Mr. French shared map/plans and stated that the applicants plan to build a home with septic system and well on the property and the Town Wetlands Overlay Maps indicated wetlands in the location planned on the lot requiring applicant to maintain wetland setbacks. A soil scientist was contracted to do a wetlands delineation assessment and it was determined that the area shown on the plans for dwelling and septic would be outside what the soil scientist determined to be the actual wetland boundary setbacks. He indicated that Hemlock Brook was not included in the Town Wetland Overlay indicated and the new boundary would be this brook. The applicants were asking the Town to accept the soil scientist report to re-delineate wetlands near their proposed construction activity on this property.

Discussion followed with several Commissioners who had visited the site. Mr. Metcalf cited areas on the lot that included streams, wet areas, steep embankments, an apple orchard planted and other site work and grading activities on the lot. Mr. Schneider commented on the activities to date on this site, which was originally the reclaiming and new planting of an apple orchard and raspberry farm. He noted that a hole was dug for locating a well on the property for irrigation. He stated that this work was ongoing, but now he would also like to locate his home on the site. Mr. French spoke of his review of the soil scientist wetlands report and siting the septic system at 125 feet from a newly defined wetlands boundary of the Hemlock Brook.

CONSERVATION COMMISSION MINUTES

July 5, 2023

23IDW02 – SCHNEIDER – HEMLOCK BROOK ROAD - #206-004 - continued

Commissioners asked about a wetland area noted on the plans indicated as poorly drained soils. Ms. Miller stated she would like to see a map or plan delineating the proposed wetlands change and soil sample locations.

The soil scientist report was reviewed, and Commissioners asked where the soil samples were taken to determine boundaries of wetland areas. Mr. French did not know precise locations but indicated approximate areas on the plans. Commissioners consulted the Zoning Ordinance information and definitions for wetlands and discussed the process information for incorrectly delineated wetlands. Ms. Cote indicated the plans viewed indicated new wetlands boundaries, the report cited soil samples and vegetation information, but she would like the soil sampling sites to be indicated on the plans or have a map provided indicating proposed new boundaries and sampling sites.

Following further discussion about responsibilities for decision with the Planning Board, options for the Conservation Commission recommendations and conditions, and timelines, Ms. Cote made a motion to recommend the *project* conditionally, provided more information is obtained from the soil scientist that locates soil sample test pits on a map that indicates proposed new wetlands boundaries. Ms. Miller seconded. After more discussion, Mr. Brown amended the motion to remove the word *project* and replace it with *Delineation of Wetlands*, Mr. Metcalf seconded the amended motion. The Motion carried by roll call vote 5-0-0.

Ms. Sullivan will file a Department Review form for the Planning Board.

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

Ms. Sullivan explained that the Special Use Permit Application #23SUPO4 was back before the Commission for its review of the extension of an existing deck on the dwelling to allow for second floor egress. She stated that the applicant had originally applied for a variance for expanding the deck but after research requested by the Zoning Board, it was determined a variance was not needed. The deck information was excluded from a previous review of patio reconstruction with pervious pavers and other activities to filtrate and control runoff considered by the Conservation Commission in June. The Planning Board recently reviewed and approved this Special Use Permit conditioned on the Conservation Commission review and approval of the extension of the deck.

Mr. William Hess, agent for the property owners, was asked to present the plans and reasons for expanding the deck. He stated that there was an existing deck centralized to the upper floor with no egress to the yard and the owner's wanted to extend the deck and connect it to a stairwell to the side of the dwelling. The original deck plans were re-designed to meet the conditions of the owner's New Hampshire Department of Environmental Services (NHDES) Shoreland Permit #2023-00432.

Discussion followed with the Commission determining the dimensions of the proposed deck expansion and details of the construction. Noting that the re-design meets the NHDES Shoreland conditions, the expansion will not intrude any further into the Town's wetland setbacks and seeing no issues with the deck expansion construction details, Ms. Cote motioned to recommend #23SUPO4 the approval of the expansion of the deck as presented. Mr. Brown seconded. The motion carried by roll call vote 5-0-0.

Ms. Sullivan will forward a Department Review form to the Planning Board.

CONSERVATION COMMISSION MINUTES

July 5, 2023

23IDW01 – CARRIGAN – OVERLOOK ROAD - #217-133-001

Ms. Sullivan read the application information into the record. 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.

Chair Batchelder stated that this site was visited by Commissioners recently with Mr. Carrigan. Ms. Cote stated she had issues with the information provided by the soil scientist. She stated that the map submitted referenced a test area, but she felt the map did not help to re-define where wetlands begin. She added the report did indicate vegetation found and 2 soil samples taken but did not distinguish these soil samples as upland or wetland soils with location of these on the map. She indicated that if the Town's Wetland Boundary is wrong, the issue to be determined by the information in the Soil Scientist's report is where the newly proposed wetlands boundaries are so any future development setbacks can be determined and met.

Mr. Carrigan asked for clarification of what is needed from him and the soil scientist to move forward. Mr. Brown reviewed the materials provided and stated that there was a need to indicate the newly proposed wetlands boundary and the soil testing locations that help to differentiate this on a map.

More discussion followed about the process and required information needed to re-delineate boundaries of Town Wetlands Overlay. Options for a second opinion soil scientist and other options and Permit timelines necessary to allow Mr. Carrigan to get additional information to help with a decision were discussed. It was determined that Mr. Carrigan could ask for continuance of his application to the July 26, 2023 Planning Board meeting to give him time to contact his soil scientist to get the additional information needed. The Conservation Commission could also authorize the Chair to review this information once received to forward a recommendation to the Planning Board.

In consideration of the options, Mrs. Carrigan asked what exactly is needed next to move this forward. Ms. Cote stated that to re-delineate the Town's Wetlands Mapping on your property, the Soil Scientist report needs to establish where the new proposed wetland boundary is located with a report and a map that indicates this and shows the soil sampling and vegetation information found and referenced to determine this. Mrs. Carrigan stated that the wetlands overlay covers a large part of the property so asked would the whole wetland need to be delineated. Ms. Cote stated that the lower part of the wetland area where they want to locate a driveway has been presented and this is the area in question right now with the application to re-delineate because they have findings that indicate it is not wetlands. Mr. Brown stated to change the Town maps, we need to know where the exact newly proposed wetland boundary is based on those findings.

Following further discussion of timelines and a possible applicant continuance request with the Planning Board, Mr. Metcalf made a motion to authorize Chair Batchelder to make a recommendation to the Planning Board for re-delineation of the Town's wetlands mapping based on the receipt of requested additional information from the applicant's soil scientist showing where the new proposed wetlands boundary is and supporting location of test pits and data to support this. Ms. Miller seconded. The motion carried by roll call vote 5-0-0.

CONSERVATION COMMISSION MINUTES

July 5, 2023

23SUP06 – FARO – 146 SHORE DRIVE - #111-010

Ms. Sullivan stated that the applicants and their agent were not present. Ms. Goodwin stated that the Commission would be required to review the application without the presence of the applicants. Ms. Sullivan read application #23SUP06 for special use permit to demolish and rebuild a dwelling and install a new septic system within the Wetlands Overlay District setbacks.

The Commission reviewed the application plans, the location of the dwelling and septic system, and the NHDES approved septic system design. It was determined because there is an existing use already present and this activity would be an improvement, the Commission would not have a problem with waiving the setback. Chair Batchelder motioned to recommend the project with the 2-bedroom state approved septic design as presented. Ms. Cote seconded. The motion carried by roll call vote 5-0-0

NHDES WETLANDS APPLICATION #2023-01576 – RICE - 43 N. PIKES ROAD - #106-015

Ms. Sullivan shared a Standard Dredge and Fill Wetlands Permit Application #2023-01576 for the Scott G. Rice Revocable Trust of 2013-Margaret O. Rice Revocable Trust at 45 Pikes Point Road, Map 106 Lot 15. The project was for relocation and installation of new decks and seasonal dock with removal of trees. The existing decks and docks were encroaching on neighbor sideline setbacks.

The Commission reviewed the application, the photos of existing locations, and conditions of decks and dock noting that a map or plan showing new location and design was not included in the application packet. The Commission reviewed the narrative provided by Hess Engineering and Construction Consultants, LLC outlining the tree removal activities, existing decks disposal information, and plans for relocation of decks to include 2 new wooden decks with stairs set on precast foundations and relocation of the existing dock system. The relocation of the dock was to accommodate sideline setbacks from neighbors. After reviewing the application and the site location on Town maps, the Commission agreed that there were no issues with the plans for this application and no comment to NHDES was necessary.

OLD BUSINESS: NONE

MINUTES:

The meeting minutes of June 7, 2023, and the June 10, 2023 Site Visit minutes were reviewed. Mr. Metcalf motioned to approve both sets of minutes as presented. Mr. Brown seconded. The motion carried by roll call vote 5-0-0.

COMMISSION MEMBER ITEMS:

Mr. Brown said he contacted NHDES Water Division Director about an issue off Hall Road and a compliance person was to be sent out but with recent storm and rain runoff damage this did not happen. He will re-contact again and Ms. Bailey will follow up as well on issue. He suggested that the Commission put Wetlands Zoning definitions and updates and the Incorrect Delineation of Wetlands process on its list of agenda items to discuss.

COMMUNICATIONS:

Ms. Sullivan shared a summary of State House proposed rule changes notification from the New Hampshire Association of Conservation Commissions (NHACC) asking for input from Conservation Commissioners by July 10, 2023.

CONSERVATION COMMISSION MINUTES

July 5, 2023

COMMUNICATIONS: *continued*

She also shared information received from Mr. Brown concerning the Conservation Camp offered by New Hampshire Fish and Game. Mr. Brown stated that in the past the Conservation Commission budgeted to send 2 local children to conservation camp, but the practice stopped years ago with the loss of information about conservation camps and budget restrictions. It was determined that the information about the Fish and Game camp could be reviewed, and the Commission could possibly begin offering this program again with next year's budget request.

LAND USE/STAFF COMMENTS & UPDATES: None

NEXT MEETING: August 2, 2023, at 6 pm

Mr. Brown indicated that he would be away and unable to attend this meeting.

ADJOURNMENT:

With no other business, Ms. Cote motioned to adjourn. Ms. Miller seconded. The motion carried 5-0-0. The meeting adjourned at 8:35 pm.

Respectfully submitted,

Janet Cote
Land Use Associate