

Chair Sam Demeritt called the meeting to order at 7:00 PM. Other members in attendance were Susan Mooney, Mary Colvard, Dallas Huggins, Debra Kimball, and Cheryl Smith.

Guests were:

Joseph Falzone, developer, and James Long, Wetland Scientist, GZA GeoEnvironmental, Inc. for Case # 22-014-SUB located on Stevens Hill Road, Map 46, Lot 7; Bob and Teresa Daniel, abutter to Map 46, Lot 7;

Barry Gier, Jones & Beach Engineers, developer for Case # 22-011-SUB located along Mooers Road and Jamps Trail, Map 72, Lot 13-1;

Richard Bacon, applicant, and resident for Case # 22-016-SUB located on Gile Road (east);

Colton Gove, The Gove Group Real Estate, LLC.

Thomas Butkiewicz, resident.

(NOTE: Case numbers above reflect applications before the Planning Board that are remanded to the Commission for that agency's review.)

Following the Pledge of Allegiance, Demeritt announced that the Annual Meeting of the NH Association of Conservation Commissions (NHACC) would be held at Pembroke Academy on Saturday, November 5. Registration information is available at the NHACC website.

### **Easements and Subdivisions, etc.:**

Mr. Falzone and Mr. Long came forward and presented additional information re: the Stevens Hill Road subdivision application since Mr. Long's presentation at the Commission meeting of August 8, 2022. Commission members attended the Site Walk held on October 5 hosted by the Planning Board. Some changes had already been determined at that time. The applicants showed the Commission the updated plans for the subdivision. The original plan was for eight (8) lots all with frontage on Stevens Hill Road, each lot boundary extending back to the rear (northerly) boundary along the Bean River corridor. Lots 7 and lot 8 had been combined into one lot, lot 7, and lots 2 through lot 6 were reduced in size. All of the back area along the Bean River was now split between lot 1 and lot 7. Lot one would now contain approximately 12 acres so to be able to place ten (10.41)) acres into current use and Lot 7 would have the remainder of the back acreage, 11.18 acres, to place into some form of conservation protection. There was discussion between the Commission members and the applicants on how best to provide protection for the natural resources while still allowing for passive recreation and silviculture (sugar bush, timber cut) on the protected portion. The potential buyer is the direct abutter of lot 7 and is not interested in putting a house on this lot at the present time so a curb cut for a driveway is not proposed. Originally eight (8) driveways were proposed, at this time four (4), two (2) shared and two (2) single. Mr. Long indicated that NH Fish and Game will review this application as will the Natural Heritage Bureau (NHB). There are two (2) vernal pools located along the frontage of the parent parcel. Vernal Pool #1 is highly productive but the curb cut for Lot 5 will be 25 feet down slope from this pool. Vernal Pool #5 is smaller, less productive and has experienced disturbance from road and power company activities. There will be an impact to wetlands, Demeritt noted

that these revised plans will minimize those impacts. The applicants are requesting a Conditional Use Permit (CUP) from the Planning Board. The Commission will submit a communication to the Board approving the CUP. Subsequently this communication will be available on the Planning Board webpage for Case # 22-014-SUB.

Mr. Falzone and Mr. Long left the meeting at 7:20 PM.

Mr. Richard Bacon was directed to attend a Commission meeting by the Planning Board because their subdivision application fronts a section of Gile Road (east) that is listed in Appendix A of the *Subdivision Regulations* as located along a scenic road (see p. 63, re: Scenic Road access, Maps 39 & 40). It is assumed that this is an error in the *Regulations*; however, with an abundance of due diligence, Mr. Bacon presented the plans. He distributed plans and showed photos to the members. The application is for a Back Lot Subdivision in which a historical lot, prior to March 9, 1993, with ample frontage, (220 ft.) may be subdivided in this way (See *Subdivision Regulations* 14.2.4, p. 52).

The parcel is located at 168 Gile Road; stone walls exist across the frontage with a break for an existing driveway to a residence that was removed several years ago. There will be no wetlands impacts, and it might be necessary per the Director of Public Works and driveway improvements, to remove a large old maple along the frontage. A member of the Commission had inspected the parcel earlier noting the orange tape defining bounds along the road and where the new curb cut will be located. This member noted that there are two Mature shagbark hickory trees along the frontage near where a driveway will be located and that the stone wall in that area was remarkably wide. Members were satisfied that the Bacons will strive to not disturb the trees and stone wall in this area. A letter will be submitted from the Commission to the Planning Board for Case #22-016-SUB re: this review.

Mr. Bacon left the meeting at 7:30 PM.

Mr. Barry Gier was also directed to attend a Commission meeting by the Planning Board. This application for an eleven (11) lot Open Space Development (OSD) subdivision design (*Zoning Ordinance Regulations* Article IV S.) has requested three (3) Conditional Use Permits (CUP), one of which requires Commission feedback to the Board. The parent parcel is 54.8 acres and contains steep slopes and a large wetland in the center. The CUP for Commission review is for the wetland buffer impact for a proposed shared driveway between lot 6 and lot 7. Additionally, there will be a culvert replacement under the road in that vicinity. Mr. Gier, in his review, indicated that there will be a total of 2142 sq.ft. of wetland buffer disturbance with direct impact of 716 sq.ft. for the driveway and direct impact of 83 sq.ft. for the culvert. The OSD plan would provide 34.7 acres of open space of which 20.1 acres is determined to be "buildable". The Commission asked if the determination of "buildable" area did or did not include the steep slopes. Mr. Gier was unsure and "would check on that".

The Commission asked for an assessment from the Natural Heritage Bureau.

Follow up topics for the applicant brought up concerns that several of the proposed lots would border right up the edge of the wetland and that particular design would negatively impact wildlife, particularly the wildlife corridor around the wetland; additionally that language be included in the proposed deed codicils\* that lot owners not restrict wildlife passage by erecting barriers, i.e.: fences; Additionally, there was concern that the use of chemicals to kill insects and fertilize lawns would be detrimental for the wetland system and Pawtuckaway Lake. The slope of Mooers and Jampsa is uphill from the lake. The Commission recommended that the

codicils state “limit chemical use”; Mr. Gier replied, “reduced chemical use”. (\*This conversation indicated that the developer would not be establishing a Homeowners’ Association, HOA, but instead would place verbiage for restrictions/ recommendations in the individual deeds. See *Subdivision Regulations*, 13.5, “Protection and Management of Open Space”.) Mr. Gier left the meeting at 8:00 PM. The Commission will submit a letter to the Planning Board re: this review of Case # 22-011-SUB.

Mr. Butkiewicz spoke to the Commission about his concerns with Dark Skies and amount of night illumination at Nottingham School. He has been working with the school board to address other approaches that would reduce the illumination and also reduce the expense. A second topic of interest presented by Mr. Butkiewicz was boat access to Mendum’s Pond. The parcel is owned by NH DES. Map 6, Lot 21 indicates that there is an existing gravel road from Old Turnpike Road, NH Route 4, to Mendums but it is closed due to “vandalism”. Mr. Butkiewicz was looking for support from the Commission to petition NH DES to allow road passage for kayakers and the like to access the lake for recreation. Discussion included contacting state leadership. The Commission stated that it would endorse such a request. Mr. Butkiewicz left at 8:14 PM.

**Trails Committee Report:** The Committee met on October 3. Previously the Commission had received a complaint made at the Business Office that some hikers in Marsh Woods have been crossing the North River and entering (posted) private property. Discussion re: the erection of additional signage at the kiosk and along the trail would help address this issue. Additionally adding language on the Commission/ Trails webpage was suggested. The header for the Marsh Woods kiosk has been erected.

**Bear-Paw Regional Greenways:** The “Haunted Hunt” will be held on October 30 from 1 to 4. PM at the North River Preserve. The conservation easement Nottingham project identified by the Commission as P 21-ACT #4 (H), CE, is in progress. Additionally, a stewardship plan for the Kimball Family Forest conservation easement is being developed.

**Annual Easement Monitoring Schedule:** The Commission has been responsible for monitoring conservation easements that the town holds the deeds for properties that other persons or agencies own in fee. They are as follows with the lead person noted:

- Friend Family: Kimball
- Kimball Family Forest: Smith
- Terninko: Huggins
- Mendums Landing Association: Mooney
- Highlands: Mooney will send a letter to the Select Board requesting relief from this task

(Note: Huggins left the meeting at 8:37 PM.)

### **Correspondence:**

The first three (3) sets contain additional information missing from the previous Commission meeting.

- Dated 7-14-22, to Frederick Geno from NH DES, #2022-00957, p. 2, five (5) Standard Project Conditions

- Date not noted, to Peter Wawrzonek from NH DES, # 2022-01162, p. 2, Standard Project Conditions #2 – 5
- Dated 8-16-22, to Kubota Trust from NH DES, #2022-01619, p. 2, Standard Project Conditions # 9 – 21 and General Conditions #1 & #2.
- Dated 9-7-22, to Andrea and Thomas Kingston from Rosemary Aures, DES Wetlands Bureau, File # 2022-02321, a Request for More Information for Shoreland Permit Application, Map 63, Lot 48. Five (5) items were listed in the request.
- Dated 9-12-22 to Chris Sterndale, Town Administrator from Peter Conti, DES Wetlands Bureau, Shoreland Supervisor for Map 67, Lot 20 on Highland Ave, re: *Shoreland Permit* #2022-02348 to impact 4770 sq. ft. to improve drainage including catch basins, drainpipes, and stone lined swales. Etc. There were four (4) Project Specific Conditions and five (5) Standard Project Conditions (application to DES from town for permission to improve Highland Ave).
- Dated 9-15-22, to Cheryl Paul from Davis Price, DES East Region Supervisor, Wetlands Bureau # 2022-02448, re: a complaint received and a *Reported Alleged Violation* filed that no permit had been issued to begin work on the site. An inspection will be conducted.
- Dated 9-27-22, from Alternation of Terrain Bureau, Land Resources Management, to Shea Concrete # 220927-170 for Map 3, Lot 2-2, a *Notice of Acceptance of Permit Application* to disturb approximately 197,842 sq. ft. of terrain.

**Minutes:** The minutes of September 12, 2022 were reviewed and edited. It was moved by Kimball and seconded by Smith to approve the minutes of September 12, 2022, as amended. All five (5) votes were in favor.

**Proposed 2023 Budget:** The budget for the next fiscal year was reviewed and minor changes were made. Demeritt will submit the budget on behalf of the Commission.

**Adjournment:** It was moved by Mooney and seconded by Colvard to adjourn. All five (5) votes were in favor. The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Susan P. Mooney, Secretary

These minutes were accepted as corrected at the meeting held on November 14, 2022.