

CONSERVATION COMMISSION MINUTES

October 4, 2023

APPROVED: November 1, 2023

AGENDA: **WETLANDS OVERLAY DISTRICT ZONING CHANGES – Finalize Recommendations**
CATTERALL EASEMENT MONITORING – SET DATE

ATTENDING: Richard Batchelder (Chair), Carroll Brown, Bill Haskell (Alternate), Chip Carleton (Alternate) and Richard Metcalf

ABSENT: Elizabeth Miller (Vice Chair) and Janet Cote

OTHER: STAFF: Donna Sullivan (Land Use Administrative Assistant) and Christina Goodwin (Town Administrator) **via Zoom**

Chair Batchelder called the meeting to order at 6:08 pm with a quorum present and roll call. Alternates were not seated as voting members for this meeting.

MINUTES:

The meeting minutes of September 6, 2023, were reviewed. Mr. Metcalf motioned to approve the minutes as presented. Mr. Brown seconded. The motion carried 3-0-0.

OLD BUSINESS:

UPDATE – STATUS OF CASE # 23SUP07

Chair Batchelder asked for an update regarding the status of information gathered about the lot being buildable or not for the Special Use Permit application #23SUP07 which the Commission reviewed at the last meeting. Ms. Sullivan stated research was conducted and this information and the case would be taken up at the Planning Board Meeting on October 11, 2023.

WETLANDS OVERLAY DISTRICT ZONING CHANGES – Finalize Recommendations

The Commission reviewed a draft that was updated from discussion at its last meeting. Mr. Brown stated he still had issue with lakes and ponds being considered wetlands. He stated it was his opinion, but it was most likely part of State and Federal definitions.

Following review of the updated draft, Mr. Metcalf motioned to accept the Article IX amendments as written and submit them to the Planning Board for consideration for the 2024 Ballot. Mr. Brown seconded. The motion carried 3-0-0.

The proposed amendments will be presented to the Planning Board at its October 11, 2023, meeting.

NEW BUSINESS:

CATTERALL EASEMENT MONITORING – SET DATE

Chair Batchelder stated that it was that time of year again and advised that it might be good to wait until after hunting season. After a review of member's schedules, the Catterall Easement Monitoring Site Visit was scheduled for December 2, 2023, at 9:00 am. The Chair was reminded that attendance by a quorum would constitute a meeting. An agenda will be prepared and posted accordingly, and notes for minutes will be taken.

CONSERVATION COMMISSION MINUTES

October 4, 2023

COMMISSION MEMBER ITEMS:

Mr. Metcalf - asked for an update about the 365 Hall Road project that was a possible violation of Wetlands regulations. Ms. Sullivan reported that NH Department of Environmental Services (NH DES) was contacted, and they sent someone out to view the site. Mr. Brown added that he talked with NH DES after the site visit and the owner was told that the area in question was a wetland, he could go no further with fill, and needed to stabilize the fill area.

Mr. Metcalf stated he thought this was to come before the Commission and some sort of closure should be done on this.

Ms. Goodwin stated that NH DES sent an email and the Town has a copy of email sent to the owner on file. She read this into the record for the Commission. She stated the Select Board voted no further action on this based on NH DES response. Mr. Metcalf asked that the official letter be sent to Conservation Commission chair to help follow the process for Conservation.

Mr. Metcalf stated he also had an issue around the Holiday Hills case. He stated that there were a lot of issues that came up about this application and the wetlands, but discussion came to a halt with the question of the lot being unbuildable. He was concerned that the Planning Board would only consider the buildable lot issue and not the concerns about the wetlands setbacks and permitting.

Ms. Sullivan stated that this information can be shared with the Planning Board when they consider the application on October 11th.

Discussion followed about the process to determine the lot to be buildable or not. Ms. Goodwin stated that the Assessors go by what is provided to them. Ms. Sullivan shared a 2005 letter from NH DES about wetlands indicated at a site visit at the time of the court case and a wetlands delineation and wetlands permit required at that time to determine if sufficient area was present for State Septic System setbacks. She stated that the Planning Board is aware of this. Chair Batchelder asked if this would come back for Conservation Commission review for all setback issues.

Ms. Goodwin responded that she was going to share information about this case with the Town Counsel, but the Planning Board was under timetable limitations to act on the application. Mr. Brown stated that his concern was that if the lot was not buildable it would not be approved, but if it was determined buildable, he would want the case to come back to the Conservation Commission for review.

Based on guidance and more discussion, Mr. Brown motioned to advise the Planning Board of the abatement and court case information which was at the previous owner's request because lot was unbuildable and ask for the application #23SUP07 for lot 110-036 (Holiday Hills) to come back for review by the Conservation Commission if it is determined at the Planning Board meeting that this lot is now considered buildable. Mr. Metcalf seconded. The motion carried 3-0-0.

Chair Batchelder - asked for an update on the request made for Wetlands Ordinance and Forms review by Soil Scientist Cindy Balcius. Ms. Sullivan stated that they had not heard back yet from her, but she would follow up on this.

CONSERVATION COMMISSION MINUTES

October 4, 2023

COMMISSION MEMBER ITEMS: continued

Mr. Brown – updated the Commission about testing of the Breck-Plankey Spring based on the question from a user made on Facebook about PFAS. He explained about what causes PFAS and all the things that could be tested for and that the Commission had decided not to test for these based on location and other factors for the Spring. He reported that since that discussion, another towns person approached him at the NH Marathon and this person stated that there were PFAS found in an area of Bristol by Freudenberg-NOK. There was discussion of the natural flow of water, direction and other factors which would indicate natural flow would be toward the Pemigewasset River. He stated he represented it as being very unlikely that the Spring would be impacted by anything from the Freudenberg property. He was bringing this back to the Commission for discussion to see if they wished to reconsider the testing decision again.

Mr. Metcalf stated that he was concerned that the Commission should not respond to nonsense that might appear on social media, but he thought maybe a test should be done to silence the question and a statement from the Commission could go out to the public.

There was discussion about water quality standards and percentages of contaminants allowed as part of concern for alarming public or educating them.

Chair Batchelder stated that maybe testing would make sense to answer this question. Mr. Brown indicated he would be concerned about setting a precedent that anyone from the public could then expect the Commission to test for this or test for that in the future.

Discussion followed about communicating to the public what the Commission does test for and how often and what makes sense to test for based on conditions. Chair Batchelder stated that being proactive with a communication piece about testing, history of issues, cleaning process and other education about the spring on the website might be all that is needed. Mr. Brown will try to write something up and bring it back to the Commission for review at the next meeting.

COMMUNICATIONS:

Ms. Sullivan stated that the Budget was to be finalized and Ms. Bailey was looking for the Breck-Plankey Spring testing schedule and she was including a budget number for 1 child to go to Conservation Camp to finalize the 2024 Conservation Budget.

Discussion followed about the quarterly testing schedule and when the next test should be done. Mr. Metcalf offered to do the next test and run to the State Lab for completion. October 22nd was discussed as a date for the testing.

Ms. Sullivan read a letter from the Newfound Lake Region Association (NLRA) announcing a Watershed Workshop on November 13, 2023, at 6 pm at the Alexandria Town Hall.

Ms. Sullivan read a NH DES letter stating the NH Fish and Game Department Wetlands Permit Application by Notification was determined administratively incomplete and rejected for a project at 614 West Shore Road, #202-003 at Wellington State Park (Boat Ramp). Additional information was requested for this application.

CONSERVATION COMMISSION MINUTES

October 4, 2023

COMMUNICATIONS: continued

Ms. Sullivan read a violation of Shoreland Permit and Wetlands Permit conditions letter received from NH DES for the Gallagher property located at lot #222-030 on Pemi Shores Road. The letter stated violations that were determined to be addressed and in compliance resulting in the current violation status case being closed.

NEXT MEETING: November 1, 2023, at 6 pm

Mr. Brown stated that he would be absent from this meeting.

ADJOURNMENT:

With no other business, Mr. Brown motioned to adjourn. Chair Batchelder seconded. The motion carried 3-0-0. The meeting adjourned at 7:30 pm.

Respectfully submitted,

Janet Cote
Land Use Associate