

CONSERVATION COMMISSION MINUTES

September 6, 2023

APPROVED: October 4, 2023

AGENDA: **WETLANDS DELINEATION PRESENTATION – CINDY BALCIUS, WETLANDS SCIENTIST**
23SUPO7 – LIBBY/BARNARD – HOLIDAY HILLS DRIVE - #110-036
CAMELOT ACRES – WETLANDS DREDGE AND FILL PERMIT APPLICATION REVIEW
WETLANDS OVERLAY DISTRICT ZONING CHANGES – DISCUSSION
BUDGET 2024 - DISCUSSION

ATTENDING: Richard Batchelder (Chair), Elizabeth Miller (Vice Chair), Carroll Brown, Janet Cote, , Bill Haskell (Alternate), Chip Carleton (Alternate) and Richard Metcalf (arrived at 7 pm)

OTHER: STAFF: Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant) and Christina Goodwin (Town Administrator) **via Zoom;**
APPLICANTS/PUBLIC: Matt Barnard and Shaun Lagueux

Chair Batchelder called the meeting to order at 6:00 pm with a quorum present and roll call. Ms. Cote asked if the Commission could activate Alternate Bill Haskell as voting member in Mr. Metcalf's absence. Mr. Brown motioned to activate Bill Haskell as full voting member in place of Mr. Metcalf for this meeting only. Ms. Miller seconded. The motion carried 4-0-0.

NEW BUSINESS:

WETLANDS DELINEATION PRESENTATION – CINDY BALCIUS, CERTIFIED WETLANDS SCIENTIST

Ms. Bailey stated that with recent Incorrectly Delineated Wetlands applications she contacted Ms. Cindy Balcius and asked if she would come and speak to the Conservation Commission about Wetlands Delineation. She introduced Ms. Balcius and Chair Batchelder welcomed her to the meeting. Ms. Balcius stated her credentials as a Certified Wetlands Scientist, Certified Soils Scientist and shared information about her other certifications and degree information. She has been doing wetlands and soils work for more than 30 years and she also teaches soils and wetlands courses. She presented information and the process for conducting Wetland Delineation.

She talked about her recent work on a local application and use of data plots to address the wetland delineation in that case to satisfy what the Town needed. She shared all the tools, manuals, maps, data forms, and supporting resources required to conduct onsite soil sampling and vegetation analysis used to file a report and delineate the boundaries of wetlands. She stressed that when delineating wetlands professionals look at 3 criteria: 1) wetland vegetation/plant presence – these need to be dominant; 2) Hydric Soils – describing poorly drained soils as Hydric B and very poorly drained soils as Hydric A; and 3) Hydrology – which is water saturation presence in the soils such as a high-water table. She continued with a step-by-step process used to conduct the delineation using all the standards, tools, and resources to address the criteria. She described some of the indicators for wetland vegetation, soils, and hydrology.

The Commission asked questions to help guide their process for review of Incorrect Wetlands Delineation applications. There was discussion of the mapping that is current for Bristol and where and how these were done. Ms. Balcius stated that most other towns have their overlay district but always require a wetlands delineation on the individual lot to assure that it is professionally delineated. She demonstrated that dilemma in applying the changes to town maps where, the delineation is on one area of a lot and

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WETLANDS DELINEATION PRESENTATION – CINDY BALCIUS, WETLANDS SCIENTIST - continued

would stop at a property line or be accurate for the site-specific project area only. Ms. Bailey asked about different mapping options for the Town to consider. Ms. Balcius was asked if she would review the Bristol Wetlands Overlay District Zoning and Incorrectly Delineated Wetlands process and application forms to ascertain if any of this might be made clearer for the public and applicants. She agreed to review and provide comments. Ms. Bailey indicated that the Land Use department would forward to her the materials/information for her review.

23SUP07 – LIBBY/BARNARD – HOLIDAY HILLS DRIVE - #110-036

Ms. Sullivan read the application for Special Use Permit # 23SUP07 to build a dwelling and septic system within the setbacks of the Wetlands. She stated that this is before the Commission for its review and recommendations for the Planning Board which will take this up at their September 27, 2023 meeting. Mr. Matt Barnard was present as agent for the applicants to present the plans.

Mr. Barnard presented the plans for a septic design and dwelling on a lot where the limitations of the lot's size caused issues for setbacks to the wetlands. He stated that he had a State approved septic system and described the plans for this. Ms. Cote asked if a Wetlands Permit was applied for. Mr. Barnard stated that there was no need for one. He indicated that the dwelling and septic system were in the only location they could be on the lot. More discussion followed about the subdivision and if the lot was grandfathered.

Mr. Barnard was asked about when the owners purchased the lot. Mr. Barnard indicated that he thought it was about 3 years ago.

The setback issue of 125 feet was discussed for the septic system and leach field including the 50 feet setback for construction activities for the dwelling and garage. Mr. Barnard stated that siltation controls would be used during construction to protect the wetlands. The plans were reviewed noting that the septic system was a raised system and Enviro System design. Concern was noted for the location of buildings and system.

Ms. Miller noted that the Assessor's card had a note that this was an unbuildable lot. Ms. Goodwin reviewed this and stated that this notation cannot be listed unless determined unbuildable by engineer or other professional. Ms. Goodwin reviewed the file shared that the notation indicated information about court settlement and percolation of the lot which could be researched. Mr. Barnard stated that a Wetlands Scientist was contracted to delineate the wetland on the site and Mr. Barnard did site testing to design the septic system. Ms. Sullivan read an applicant letter outlining usage of siltation controls to reduce impact to wetlands for the construction of the dwelling, garage and septic system.

After continued discussion about the size of the lot, subdivision, buildable lots, taxation, and what the owner may or may not have known at the time of purchase, the Commission determined that it needed more information about the history of the lot and the notation in the file to make any recommendation. Ms. Cote referred to the conditions of the State Septic Permit indicating a need to determine if a Wetlands Permit is needed. Ms. Cote motioned that the Commission make no recommendation to the Planning Board due to more information needed to ascertain if lot is considered buildable before consideration of any waiver of setbacks for the buildings and septic system. Ms. Miller seconded. The motion carried by roll call vote 5-0-0.

Mr. Metcalf asked that the Planning Board be made aware of the buildable lot concern and notes in the file before its decision.

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OLD BUSINESS:

CONSERVATION CAMP RESEARCH

Ms. Sullivan updated the Commission about efforts to get more information about cost and availability information to re-institute the Commission's past policy of sending interested local children to Conservation Camp. She stated that contacts were made but the Fish and Game folks have not yet got back to her. This will be part of the budget 2024 discussion.

CAMELOT ACRES – WETLANDS DREDGE AND FILL PERMIT APPLICATION REVIEW

Ms. Sullivan shared the After The Fact Wetlands Dredge and Fill Permit Application for Camelot Acres. She indicated that during the recent rainstorms, roads were washed out at Camelot Acres and the silt and debris made it to the lake. Camelot Acres was granted Emergency Status to correct the situation, and this is the follow up application and process. Ms. Miller elaborated the damage and work done to reconstruct the roads.

WETLANDS OVERLAY DISTRICT ZONING CHANGES – DISCUSSION

Ms. Cote shared some research work done for consideration by the Commission to make recommendations for changes to the Wetlands Overlay District definitions and language to better communicate the intentions of the ordinance. Most of the changes have been in discussion for months with different cases and to meet the requirements for amendments and public hearing so these could be considered for the 2024 Ballot recommendations should be made by October meeting.

Discussion followed about the Wetlands Definition. After discussion, "poorly drained and very poorly drained" would be recommended to change to Hydric B - poorly drained soils and/or Hydric A very poorly drained soils. More discussion followed resulting in recommendation for **removal** of the words but not limited to, in the first sentence. For the Wetlands Incorrectly Delineated section, it was determined the changes should **indicate** Certified Wetlands Scientist **capitalized** and the last part of the first sentence should include a change to **insert** the word current before the second Wetlands Conservation Overlay District boundaries and in same sentence **add** on the proposed development area within the property following the word boundaries.

For the 9.8 A and B setback change considerations, the Commission reviewed research data and RSA information to help to understand the original intent of the 125-foot setback for septic systems and the 50-foot setback for construction and demolition of structures or changes to the site. Discussion indicated that it may not be time to change the setbacks but may be helpful to incorporate new information into the Commission checklist or guidelines to help with waiver decision making for recommendations on each of the individual projects which do not conform to the setbacks.

For 9.9 Administration and Enforcement, Ms. Goodwin suggested that in 9.9 C regarding statutory **maximum the dollar amount of \$100 be removed** because that can change periodically and indicate the statute governing this.

Ms. Cote and the Land Use Staff will prepare a document with change recommendations for review and vote at the October meeting.

LAND USE/STAFF COMMENTS & UPDATES: 2024 BUDGET Ms. Bailey and Ms. Goodwin brought up the 2024 Budget and asked the Commission if there were any anticipated changes to the budget lines or request amounts. The Commission reviewed the current status of the 2023 Budget. Discussion followed about whether it was a good time to add the Conservation Camp request and whether any additional funding may be needed to cover having Cindy Balcius review and comment the Incorrectly Delineated Wetlands application documents and the Wetlands Overlay information. It was determined to go with the same budget figures and lines as 2023 for the 2024 Budget.

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MINUTES:

The meeting minutes of July 5, 2023 were reviewed. Mr. Brown motioned to approve the minutes as presented. Mr. Batchelder seconded. The motion carried 5-0-0.

COMMISSION MEMBER ITEMS:

Mr. Brown talked with the Commission about a conversation with a local resident regarding the closing of the Spring in 2018 and some septic and other odor concerns along Shore Drive and the Avery-Crouse Town Beach. Some discussion followed about what caused the closing of the Breck-Plankey Spring in 2018. Ms. Cote indicated that as she recalled that was a closing caused by vandalism activity at the Spring. Ms. Goodwin and Ms. Bailey indicated that the issues on Shore Drive were investigated, and the beach water was tested and it was fine.

Mr. Brown brought up a complaint by some residents where they indicated that boaters congregating at the Shallows on Newfound Lake are using the adjacent island area by the Fowler River for pets to relieve themselves and that there has been refuse, trash and other things left on the property. It was determined that the land is part of the Marina and they may want to know about the complaints and take action.

NEXT MEETING: October 4, 2023, at 6 pm

ADJOURNMENT:

With no other business, Ms. Cote motioned to adjourn. Ms. Miller seconded. The motion carried 5-0-0. The meeting adjourned at 9:27 pm.

Respectfully submitted,

Janet Cote
Land Use Associate