



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, June 10, 2020 – 7:00 p.m. – Virtual via Zoom

Members Present: Laura Byergo, Rich Collins, Joe Fedora, Brad Lajoie, Joe Russell

Members Absent: Bill Bilodeau

Chair Byergo opened the Conservation Commission meeting at 7:00 p.m. A roll call was taken; it was announced a quorum was present and the meeting was being held virtually through Zoom and recorded by audio. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Chair Byergo.

Attendance was taken by roll call: L. Byergo - aye, R. Collins – aye; J. Fedora - aye, B. Lajoie – aye, J. Russell – aye.

1. Expedited Permit: Septic System - 3 Swan Terrace

Susan Faretra, Faretra Septic Design, addressed the Commission. She was presenting the expedited wetlands permit on behalf of the Ann F. Mayer Revocable Trust, 3 Swan Terrace. The application is a resubmittal of one that has expired. The permit being reviewed was submitted under the current format. The plan remains unchanged from the original with the exception of the silt fence that was changed to silt socks (better product and easier to get around).

S. Faretra explained that the Mayer's have an existing septic system that is not in failure. Due to its age, the Mayer's would like to have it replaced at their convenience, or when necessary, and have the permitting in place. Due to circumstances beyond their control, they were unable to replace the septic system under the original application while the permits were valid. The septic design was resubmitted and will be good for a couple of years. The Wetlands Bureau application and permit expired on February 18, 2020.

There is a high tide line at the back of the yard. The house is close to the water and it is tidal; there is an existing septic tank located partially under a shed. It pumps along the driveway to a leach field near the road. S. Faretra noted the tidal buffer zone on the plan and explained their efforts to move piping outside of that zone. 2 ft. to 3 ft. of the septic tank is located in the tidal buffer zone. There is 110 sq. ft. of possible impact in the tidal buffer zone; the rest of the system is well out of the tidal buffer zone.

J. Fedora clarified the tank could not be moved a couple of feet to keep it out of the tidal buffer zone due to the way the piping comes out of the house. S. Faretra stated that the entire pipe is in the tidal buffer zone. Reconfiguring the pipe, it would still be in the tidal buffer zone. The setbacks to the

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wetland needs to meet the criteria of 75 ft. The old tank will be pumped and filled with clean material so it will not produce a hazard in the future.

J. Fedora asked if it was a good idea to replace a tank of this age and if it has a life span of its own. S. Faretra explained it is a 1,000 gallon older tank; the current requirement is 1,250 gallons for a minimum size (two to four bedroom) home. Tanks can suffer concrete rot on the water line. The proposed tank meets current requirements and is sized larger than it needs to be. There is a second compartment to help clarify the effluent before it goes to the pump chamber (which will also be replaced). J. Russell stated it sounded reasonable to him to replace the system with a newer one based on his experience. S. Faretra stated she would have had to apply with a waiver through the State to leave the tank in place.

Chair Byergo noted that she did not see replacement of the leach field in the current proposal. S. Faretra stated it was not in the tidal buffer zone and an application was not necessary. They are not expanding the use and it is exempt from the Shoreland Protection Act. Responding to a question from J. Russell, S. Faretra stated the date of the original design and plan was 2015. The Wetlands Bureau was valid for five years. The impact area of 110 sq. ft. was the same on the original permit. There is no discernible change in the tide line.

Chair Byergo noted it was stated in the application that it was not contiguous with a Tier 3 river, which is correct. However, the Winnicut River is Tier 3. Shaw Brook is located behind the house; it is not contiguous but with that much water around the property and sea level rise, there will be changes in the groundwater levels. The future sea level rise was noted in the application; Chair Byergo did not see anything referencing how deep the tank and leach field would be. S. Faretra responded that it was noted on the septic design; the top of the septic tank is at 11-7, the finished grade is at 12-9 (almost 3 ft. higher than the highest observable tide line) and designated by the wetland scientist. The entire area is above elevation 12. The leach field is a mound; at its base is 14-7, the finished grade is 16-7. S. Faretra explained there is not much that can be done with the existing grades on a property. There was continued discussion about the septic system and sea level rise. The water table at the test pits at the leach field was at 14 inches and 28 inches. Chair Byergo stated that sea level rise will force groundwater up over the next 20 years. S. Faretra stated that the projected life span of the proposed system would be approximately 30 years. Discussion continued on sea rise and groundwater over the next 20 years. Chair Byergo asked specifically if S. Faretra had considered the effect of sea level rise on groundwater in her design. S. Faretra said she had not.

S. Faretra was unsure how to address Chair Byergo's concerns about sea level rise in the next 20 to 30 years. If the sea level rise increased over 12 or 13, the house would be surrounded by water and no one would be living there. She noted that the application was for a section measuring 110 sq. ft. The septic system has been approved by the State.

Chair Byergo stated that this was an expedited application. With the exception of taking sea level rise into consideration, all requirements were met. S. Faretra explained the tank needs to go where it is and cannot go any lower in the ground. It cannot be raised or the sewage could not go out of the house to get to the tank. The tank is the issue; it is the closest to the tidal. Chair Byergo stated it would be beneficial for the homeowner if the system was built for future conditions. The Winnicut River and Shaw Brook are impacted systems. Septic systems do not control for nitrogen. There was also a situation with groundwater. Chair Byergo noted the Conservation Commission would be well-within their responsibility to sign the expedited application since it is minimum impact. Chair Byergo felt there were a lot of issues. She felt it was a DES issue at this point.

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MOTION: Chair Byergo moved to sign the expedited Wetlands Permit Application for 3 Swan Terrace as presented. Second – J. Russell

Discussion: J. Fedora stated it was a difficult situation. If there is a tidal issue, the house will go, too. He was unsure if anything else could be done to elevate the system; he was unclear if it was within the Conservation Commission's jurisdiction to ask for more changes. Chair Byergo clarified that tidal was not the same as groundwater. J. Fedora commented it was a tough situation for the owners. A lot of good steps were taken to make it work. He understood Chair Byergo's concerns were long-range. What happens if the system fails? This may be the best that can be done. B. Lajoie: Asked what was the alternative if the system failed; it may be worse. Chair Byergo stated the other solution would be much more expensive to go to an anaerobic system. S. Faretra has not discussed that option with the homeowner. She commented that the anaerobic system was fine but it came after the septic tank and explained the set up. The leach field is approximately 200 ft. from the tidal buffer zone. She was unsure an anaerobic system would solve the issue. J. Fedora: If the water level rises, is the potential problem greatest with the leach field as opposed to the tank? S. Faretra responded that the leach field bed bottom was at 14-7; the tank would be affected first after the house with water level increases and the lot would be under water.

MOTION: Chair Byergo moved to sign the expedited Wetlands Permit Application for 3 Swan Terrace as presented. Second – J. Russell; roll call vote: L. Byergo - yes, R. Collins - yes; J. Fedora - yes, B. Lajoie – yes, J. Russell - yes. All in favor; MOTION CARRIED

Chair Byergo noted she would like the septic system design included.

2. Summer Intern

Veronica Bodge was approved as the summer intern by the Board of Selectmen and has passed her background check. Chair Byergo will start working with her next week and invited other members to get involved with the easement monitoring.

3. Other Business

Survey: The Conservation Commission survey is on the Town's website and Facebook page. J. Russell reported that 40 responses have been received. He reviewed the survey results with members. J. Russell will send members a link to the results.

Seedlings: 120 of the 150 seedlings were given away during the Seedling Event. Chair Byergo and J. Fedora planted 20 seedlings on the trail; surviving seedlings of the 10 remaining may be planted in Rolston Park.

Donation from the Brown's – Van Etten Drive: The donation from the Brown's for tree management in the open area was accepted by the Selectmen.

Electrical Wires – Van Etten Drive: The electrical wires at the base of the trail have been removed.

Wildflowers – Van Etten Drive: The wildflowers are starting to bloom but do not look amazing yet.

Trail: Larry Day has done a lot of work moving stones to make stone paths are on the wet areas of the trail. There is still an erosion issue on one side of the bridge; volunteers may be needed to work on that

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issue. Matt Hager finished the remainder of the trail signs which includes an “end of trail” sign. Nancy Brown asked for a sign so people would clean up after their dog and Chair Byergo requested a sign to keep dogs on a leash; these signs have been approved by the Board of Selectmen and put up.

Fish and Game: The Selectmen approved the Conservation Commission working with Fish and Game to establish a hunter safety zone. Chair Byergo will work with Fish and Game and local hunters. B. Lajoie will also be involved.

Mowing Open Area on Van Etten Drive: Chair Byergo has asked Pearl Landscaping for a quote to mow the open area. She is looking for someone to mow that bank. J. Fedora suggested contacting John Sargent; he has a backhoe with a mowing attachment. The Van Etten homeowners association is also looking for someone.

Zoom: J. Fedora questioned if there was a version paid for by the Town that could be used. B. Lajoie stated there are paid versions available through Zoom that allow more time.

4. Approval of Minutes

J. Fedora corrected the minutes of Wednesday, May 13, 2020. For clarification purposes, the paragraph will now read: “Responding to a question from J. Fedora asking if time was of the essence, N. Brown stated that Bartlett Tree Service would like to do treatments as soon as possible, especially for the ash borer. The Board of Selectmen must also approve the donation from the Brown’s.”

MOTION: J. Russell moved to approve the minutes of Wednesday, May 13, 2020 as amended. Second – J. Fedora; roll call vote: L. Byergo - yes, R. Collins - abstain; J. Fedora - yes, B. Lajoie – abstain, J. Russell – yes. Three in favor, two abstain (R. Collins, B. Lajoie); MOTION CARRIED

5. Adjournment

MOTION: J. Fedora moved to adjourn at 8:28 p.m. Second – B. Lajoie; roll call vote: L. Byergo - yes, R. Collins - yes; J. Fedora - yes, B. Lajoie – yes, J. Russell - yes. All in favor; MOTION CARRIED

Chair Byergo will follow-up with S. Faretra regarding the leach field and ask a few more questions.

NEXT MEETING

Wednesday, July 08, 2020 – To be Announced

Submitted By: Charlotte Hussey, Administrative Assistant