



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, July 14, 2021 – 7:00 p.m. – Virtual via Zoom

Members Present: Bill Bilodeau, Laura Byergo, Joe Fedora, Brad Lajoie, Lloyd Ziel

Members Absent: Rich Collins

Chair Byergo opened the Conservation Commission meeting at 7:00 p.m. It was announced a quorum was present and the meeting was being recorded. Attendance was taken by roll call: B. Bilodeau – present, L. Byergo – present, Joe Fedora – present, B. Lajoie – present, L. Ziel – present.

L. Byergo stated that the Commission had the option to use Town Hall Streams for live streaming of meetings. Several other Boards in Town use Town Hall Streams. Another option was to continue with Zoom. In order to hold a Zoom meeting, a quorum of members had to be physically present and someone had to monitor the meeting. L. Byergo was inclined to live-stream the meeting; comments can be made in person during a scheduled meeting. The consensus of the members was to live-stream the meetings.

1. 4 Tower Place (R7, 3)
Owner: Community Congregational Church
Applicant: Joseph Falzone
The owner and applicant are proposing a 48-unit age restricted development.

Joseph Falzone, applicant and developer, addressed the Commission. Also present were Brendan Quigley, Senior Wetland Scientist and GIS Specialist with Gove Environmental Services; Paul Sanderson, Trustee of Homewood Farm Realty Trust (one of the parcels involved); Tim Phoenix, legal counsel to the applicant/developer; Alex Monastiero, realtor with The Gove Group Real Estate.

They were before the Commission to advise them of the project and listen to the Commission's comments and concerns. They have been to the Planning Board a few times for informal comments. J. Falzone noted that L. Byergo and J. Fedora had attended Planning Board meetings and voiced their concerns about Packer Bog.

The plan reviewed at the Conservation Commission meeting was for 48 age restricted units. There is one minor wetland crossing as a second point of access as requested by the Planning Board for fire and safety. There were no wetland impacts in the original presentation to the Planning Board.

Responding to a request from L. Byergo, J. Falzone explained they wanted to build on the uplands. There were three parcels of land. In the original subdivision an access point was required to access the property. There is an access off the abutting subdivision and they tried to concentrate all the residences on the upland portion of the land. When the Planning Board requested a second access, there was a

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sub-road from the 1980's that was never deeded. J. Falzone negotiated the purchase of that road with two owners. The Planning Board was satisfied with the two points of access. Topography has been done, wetlands have been mapped, buffers have been marked on the plan, and all buffer requirements have been met for local and State regulations.

J. Fedora: J. Falzone confirmed the total area was 67.5 acres. J. Fedora asked how much site work would be done other than houses, street, etc.: how much will be left undisturbed? J. Falzone pointed out the two large black circles, noting those were the municipal wells and represent the 200 ft. radius required by the State. Nothing can be done within that radius; the two wells and a pump house were allowed. Test pits have been done in between the two cell towers and the uplands and where the septic will be located. The septic will be a common system, servicing the entire property; access will be over uplands, wetlands will not be crossed. There is an upland area that will not be developed and not available for future development.

B. Bilodeau: Questioned two wells for 48 units. J. Falzone stated they will go as deep as required by the State for capacity. A storage tank will be added if necessary. Because this will be an age-restricted community, the requirement is 125-gallons per day, per house.

They are considering lawn irrigation systems around the house; it will not come from the wells. It will come from an independent well. They will not have a big draw for irrigation because of the lot size, which will be 3,000 sq. ft. There will not be a big area after the house and driveway are built. The HOA will control the irrigation systems; there will be a central control. Septic systems have not been designed at this point. Soils are really good.

L. Ziel asked if the irrigation for landscaping was covered by homeowner's insurance and inclusive of the backyard or just the front. J. Falzone responded that some yards will be wooded and others will be grass; the backyards will be 20 ft. to 25 ft. J. Falzone clarified it was not lot size but rather area size. The backyard can be used, but nothing can be put in the front yard other than the shrubs and those will be maintained. There will be a dog park and trail system available. There will be 35 ft. between houses as required by the Town's ordinance; the majority of units will be one level and two bedrooms. Residents can have an office as well as a gym in the basement. The cost is expected to be in the \$500,000 range. J. Falzone noted that 12 or 13 single family homes would generate as much traffic as the 48 units that are being proposed.

L. Byergo: The well locations were discussed. J. Falzone explained that the municipal community well must be approved and overseen by the State. L. Byergo asked for further clarification of the independent well. J. Falzone stated that once they get their yield, the well will be capped at a draw amount as regulated by the State: a specific number of gallons that can be used for irrigation. It was further clarified that the homeowners will have the exclusive rights for their area.

L. Byergo questioned if the wetland area would be managed by the HOA; the response was 'yes'. J. Falzone stated the easement language will state what can and cannot be done in that area. A. Monastiero further clarified that the 65-acre parcel will be managed by the HOA. Each individual owner will be able to manage their own home area, with approximately 15 sq. ft. around the house. The HOA is normally good about protecting the land around the area. There will be restrictions and by-laws set by the HOA. There will be protections on the land. L. Byergo noted that potentially there could be more activity on that property than there is currently. P. Sanderson stated that he and his wife have owned their parcels for 35 years and gave a brief history of the area. He commented that the land has been used for many years for hunting. Once this project is passed, the HOA will have the ability to control the

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usage. Hunting will not be allowed because hunters cannot be within 300 ft. of a house; snowmobiling will no longer be allowed. B. Quigley added that the footprint of this type of cluster/condominium development is significantly less than similar outside areas due to centralized maintenance. Approximately 20 acres of the 67 acres will be developed. L. Byergo asked if they had any intention of making a restriction, not necessarily a conservation easement, within the HOA stating that certain areas are to be maintained as naturalized areas. J. Falzone responded that was their intent.

The wetlands were mapped, delineated, and surveyed in the spring of 2021. The entire area, with the exception of the uplands, is wet. B. Quigley pointed out several areas of interest on the plan. It is a high value area. L. Byergo noted that there is a large part of Packer Bog and the associated wetlands that is an Atlantic White Cedar swamp habitat. B. Quigley stated there are none in the development area. He added, with some certainty, there are no Atlantic White Cedar or Red Maple Sweet Fern habitats close to the development area. L. Byergo asked if the Natural Heritage Bureau had been contacted. The response was 'yes' and there were no wildlife hits. L. Byergo asked that the Conservation Commission receive a copy of the wetland delineation report.

The exit required by the Planning Board was pointed out on the plan as well as the existing dirt road used to access Tower Place. J. Falzone explained that when doing age-restricted developments in Greenland, the road remains private. B. Quigley noted that the wetland near the second exit extends up to the crossing. It's not quite a ravine but is relatively natural. A box culvert and arch are planned and spans a significant part of the wetlands.

L. Byergo talked about surface area waters and this year's drought. She asked if the drought could have affected wetland areas when the wetland delineation was taking place. B. Quigley stated the drought would not impact the delineation because they were looking at the soils, which was a better indication of the long-term. It takes a long time to develop those and they do not disappear after a couple of dry seasons.

P. Sanderson stated that the last water supply studies were done for the City of Portsmouth within the last four years. The Portsmouth Water Department contacted him several years ago and asked to do test wells on his parcel near Tower Place. Hydrogeological studies were done and test wells were dug. They were the third water source considered by the City of Portsmouth. The City purchased land on Banfield Road to be used for their municipal well; that property is adjacent to the Great Bog. P. Sanderson was not given the exact amount of water but was told it would be enough to support a municipal level of extraction. He added that 650,000 gallons of water is withdrawn daily from the existing Greenland well next to Maloney Field.

L. Byergo summarized and highlighted the areas the Conservation Commission would continue to question and pursue. L. Byergo asked if there had been any discussions with the Nature Conservancy: P. Sanderson has contacted them and they have absolutely no interest in the property. L. Byergo stated that they have identified this area as a priority habitat area for protection on the NH Granite Coastal Viewer. Her inclination was to question what they planned for the land that abutted the Nature Conservancy parcel, Packer Bog, and important wildlife areas. In addition, how were they planning to develop 48 houses and still protect the area. Other areas of concern raised by the Commission were water usage and the strain on the eco-system; how would the septic system work; surface water treatment with the dog park being so close to the wells; nutrient addition to the environment from septic systems and landscaping maintenance (nitrogen, phosphate, potassium). J. Falzone stated that a hydrogeological study would be done with a scientific firm and all that information would be

documented. He was aware the Conservation Commission and the residents of the development would want some type of protection or restriction on the property.

Responding to a question from B. Bilodeau, J. Falzone stated 75% to 80% would be one story homes. All homes will be limited to two bedrooms. P. Sanderson noted there has been a great deal of vandalism in that area and this type of use will provide far more protection.

L. Ziel asked B. Quigley how climate change will affect property similar to this over time in terms of expanding what is now wetlands moving towards becoming more uplands. B. Quigley responded that question would be related sea level rise and salt marsh migration. He did not think that area would be affected.

J. Falzone suggested a site walk could be scheduled; L. Byergo encouraged a site walk. Members opted to wait until more information was available, particularly for the wetlands crossing. J. Fedora stated as they evolve and develop there would be a better understanding of the runoff impact from pervious surfaces. Rain gardens are proposed.

2. Packer Bog: Deed Review

The property owners have withdrawn their offer of land in Packer Bog to the Town.

3. Committee Reports

There will be a Conservation Commission meeting prior to the Commission's activities for the 300th Anniversary Celebration on Sunday, September 19, 2021.

300th Anniversary Celebration (York Center for Wildlife Program, Brochure, Trail Sign): L. Ziel reported that the Center for Wildlife was 'on board' for Sunday, September 19th and offered a discount. The event will be held from 10 a.m. to 3 p.m. The two programs will be held in 45-minute sessions with no more than 30 minutes to 40 minutes in between. Both programs will be the same. They can charge as low as \$200 per program plus mileage; the total cost would be \$410.45. L. Byergo stated one program will be paid through the Town budget; donations will be needed for the second program. L. Ziel discussed with the Center for Wildlife bringing animals that reflected what was in Greenland's wildlife corridors. L. Ziel suggested that support material be available to residents reflecting the wildlife corridors. L. Byergo stated there is a map highlighting the wildlife corridors. The challenge will be to have it enlarged and printed. She has given information to Peter Steckler, UNH, for his comments and suggestions. L. Ziel has contacted Barbara Fleming, Women's Club. The Conservation Commission will be assigned an oversized space.

L. Byergo updated members that other activities may include putting up a commemorative sign and include the Eagle Scout project for the trails and community groups that helped with funding. The sign will be put up near the Liberty Hill trail. L. Byergo suggested that the Scout sign could be incorporated into the larger trail map sign. L. Ziel recommended doing a sketch of the sign. There was further discussion about the sign and the type of information that should be included.

L. Byergo would like to have someone work with R. Collins on the brochure so it can be finalized. L. Ziel will be producing the sign with assistance from R. Collins. Zach's Signs wants a fabrication-ready sign; it was decided the size will be 17.5 in. x 36 in. and modeled after the Rolston Park sign. L. Ziel reminded members definite information will be needed for September 19th, including the time of the programs.

4. Approval of Invoice

Protecting the ash trees at Rolston Park was awarded to Bartlett Tree Service. The work has been done and invoice received.

MOTION: J. Fedora moved to approve the invoice from Bartlett Tree Experts in the amount of \$3,800. Second – L. Ziel; all in favor. MOTION CARRIED

Larry Day has submitted an invoice for trail work. L. Day and B. Lajoie have put in new steps using natural material found on site. They rented a professional weed-wacker to cut back the overgrowth.

MOTION: L. Ziel moved to pay the invoice from Larry Day in the amount of \$45. Second – B. Lajoie; all in favor. MOTION CARRIED

5. Approval of Donation

L. Byergo will be sending out a solicitation for donations. One will be for the York Center for Wildlife and another for trail cams. She would like to put trail cams in areas that have been identified as wildlife areas and may be of interest in monitoring the natural resources of the Town. Donations normally must be approved by the Board of Selectmen; donations over \$5,000 will require a public hearing. L. Byergo will be discussing this topic with the Board of Selectmen at their meeting on Monday, July 19, 2021. Requests for donations will be posted on the Conservation Commission's Facebook page. L. Ziel recommended having the Town's attorney review a policy for trail cams in case pictures of individuals were taken. J. Fedora suggested a raffle to raise money.

6. Approval of Minutes

MOTION: J. Fedora moved to approve the minutes of Wednesday, June 09, 2021. Second – B. Bilodeau; four in favor, one abstained (B. Lajoie). MOTION CARRIED

7. Other Business

L. Byergo noted that Joe Russell has moved and resigned from the Conservation Commission. Courtney Johnson is considering joining.

L. Byergo stated if there was going to be a scavenger hunt, it would be nice to have one or two prizes for children. She suggested something provided by members (example: kayak ride on Great Bay). B. Lajoie also suggested an early morning in a deer blind.

Meeting at 6:30 p.m. rather than 7:00 p.m. was discussed. The consensus was to hold meetings at 6:30 p.m.

B. Bilodeau has requested to step down as Vice Chairman of the Conservation Commission. This will be discussed further at the next meeting.

L. Byergo has been out with the summer intern twice due to rain. They did an orientation, looked at Thompson Brook, and have started looking at Weeks.

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L. Day and B. Lajoie are planning on finishing the work at Thompson Brook on Tuesday, August 24, 2021 (tentative). L. Byergo requested they contact her before going out.

8. Adjournment

MOTION: B. Bilodeau moved to adjourn at 8:53 p.m. Second – B. Lajoie; second: All in favor. MOTION CARRIED

NEXT MEETING

Wednesday, August 11, 2021 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant