



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, September 13, 2017 – 7:00 p.m. – Town Hall Conference Room

Members Present: Bill Bilodeau, Laura Byergo, Chip Hussey, Sarah Rowe

Chair Byergo opened the Conservation Commission meeting at 7:02 p.m. A roll call was taken by the Chair; she announced a quorum was present and the meeting was being recorded.

1. Winnicut River: Cheri Paterson, NH Fish and Game

Cheri Paterson addressed the Conservation Commission. The Winnicut River Dam is currently in “stall” mode; major work needs to be done with the fish passage. They have been consulting with fish passage specialists, and are within a month of meeting with the Attorney General. Attorneys for Standtec will be involved in discussions because they will have to pay for some of the problems. In addition, a committee will be formed consisting of fish passage specialists, Standtec and others. If a full scale model is needed, Conte Labs will build the actual model of the fish passages.

Paul Sanderson approached C. Paterson about the dry hydrant system. That will also be discussed with the Attorney General. C. Hussey stated a joint was blown off when the dry hydrant was tested, and the thought was the joints weren’t glued. C. Paterson responded that a camera was dropped down the hydrant and nothing was seen. C. Hussey added they may not have seen it because a clear primer was used in a clear groove. It was his understanding that the fitting fell off when it was back flushed. He suggested that C. Paterson speak with one of the firefighters who flushed the system. P. Sanderson indicated to C. Paterson that he would like to connect to the Portsmouth system. C. Hussey said there was plenty of water available with the fire pond at Cushman Way. C. Paterson noted that Fish and Game installed the dry hydrant as part of the Winnicut River Dam project, and it doesn’t work.

Chair Byergo clarified that Fish and Game would meet with the Attorney General and assemble a panel that may be put together by the end of the year. C. Paterson was hoping it would be done by the end of October. The purpose of the panel would be to reach an agreement with Standtec and Conte Labs on the next step forward and who would be paying. C. Hussey suggested a press release on the progress of the fish ladder. C. Paterson responded that couldn’t be done until they were finished with the Attorney General’s office.

Discussing fish getting up the ladder this year, C. Paterson stated they still spawn below. The spawning process is not interrupted. C. Hussey asked if fish had made it up the fish ladder. Putting the dam in stopped everything. C. Paterson responded that the fish ladder design of a new dam was problematic. A way was found 20 years later to manipulate the ladder to get fish up through; however, it was still very, very inefficient.

B. Bilodeau asked about the feasibility of cutting passages on the river. People couldn't get up the river now due to the blow-downs. He would like to cut passages through that blow-down. C. Paterson stated that a permit is not needed from Fish and Game. However, they do provide recommendations on how that should be done. She will get back to the Commission on whether or not a permit is needed through DES. Any part of the trees on the shoreline cannot be touched. It's important to keep any root balls in tact that may be left on the shore to prevent erosion. Fish and Game likes to maintain some type of habitat that blow-down may provide to fish species. C. Paterson suggested cutting so that there would be some extension into the river and definitely maintain any root ball that may be embedded in the bank. She added a DES permit wouldn't be needed if hand work only was done. C. Paterson offered to go up river with members and indicate what Fish and Game would recommend. Beaver dams were discussed; C. Paterson stated it was typical in a small river system. She suggested contacting property owners about having a trapper remove the beaver.

C. Hussey stated there were two ways the river was being impinged: things that haven't fallen all the way in and anything below water. He continued that one way would be to wait until the river froze to clear things above the ice, using snow machines to pull it off. Chair Byergo was reluctant to do anything when there was ice and you couldn't see underneath. C. Hussey clarified it would be trees that have fallen across the river, but not in and are head high. Chair Byergo agreed that could be done because the water level in the river wouldn't be affected. C. Paterson added having the trees that were cut put on the banks would help with stabilization. Members were in agreement it was possible to do some work clearing woody debris this fall and to wait until next summer to do the dam; it would be slow, hard work.

Chair Byergo stated that C. Paterson was the main Fish and Game contact for the river. C. Paterson will contact Chair Byergo with a possible date to survey the Winnicut River with members.

2. Review: Shoreland Application – Proposed Renovation

31 Winnicut Road (Map R10, Lot 10)

Intent of Application: Relocate and build an addition to an existing house as well as add a septic system.

Chair Byergo met with the Building Inspector earlier in the day. There is a boulder foundation that is falling apart. The house is being lifted and moved slightly. Also being built are additions with foundations. C. Hussey questioned why a Shoreland Application was needed on fresh water. The Building Inspector told Chair Byergo that the size of the river determines shoreland protection. She added the State takes an interest in multiple tributary rivers. The 100' setback wasn't marked; however, it was important—nothing should be built inside the 100' setback. The leach field is very close. From the plans, it appears a new riser and cover are being added to the septic tank, but it's not necessarily being moved. The Building Inspector felt they may not know where the existing leach field was or how well it was functioning. They're putting in a new septic system and are just outside the current vegetation line.

Chair Byergo questioned the Building Inspector regarding the 100 year flood plain; revised maps have been received. The Building Inspector suggested the numbers may be estimated and not actual. C. Hussey stated the property owner would file a LOMA (Letter of Map Amendment); because the bank is steep there, they are well above the flood plain. Chair Byergo suggested including in the note to DES that the septic may be put in the 100 year flood plain and the Commission wasn't sure they have exact numbers; it also looks like there is a bank protecting them.

Chair Byergo's questions included: where's the house? Does the Shoreland Permit apply or not? Does the Commission want to tell them they were just slightly imposing on the 250'; now they're saying they want to increase that? S. Rowe noted that the existing barn was within the 250' also. Chair Byergo's other concern was that she went by, and they've already lifted the house and are doing work. C. Hussey responded that there is almost a 10' rise off the river. Further downstream there is another 10' drop. If necessary, they can get a LOMA and it would be done because they are well above the flood plain. Before the property floods, the water has to rise 20'.

Chair Byergo stated they are putting a leach field within 100', and leach fields do nothing to protect the river from nitrogen. C. Hussey responded that would be approved by Subsurface. Chair Byergo stated that no one outlaws leach fields because they don't do nitrogen; however, we're becoming aware that leach fields contribute nitrogen because there's nothing in them to prevent it. C. Hussey stated that to his knowledge there was nothing to prevent them from putting the leach field in that location. Chair Byergo felt the Greenland Ordinance wouldn't allow a septic system within the 100' setback. C. Hussey noted a septic application would also be reviewed. B. Bilodeau questioned why the septic system would be located 190' away from the house. The Building Inspector suggested to Chair Byergo that the property owner may try to subdivide the lot at a later date. Chair Byergo felt the septic system, which was well within the 250' setback, needs to be closely reviewed for the 100' line if they are estimated numbers. She continued that because they are close to the river with the septic system, they could request numbers from DES.

Chair Byergo questioned why work was being done on the property. C. Hussey responded that a building permit had been issued. S. Rowe clarified that the original question was would it be okay to build the house as it's being done? Chair Byergo stated that the application doesn't indicate why the house is being moved. There was a net increase in impervious area proposed. The percentage of post-construction impervious area is less than or equal to 20%. C. Hussey noted that even if they relocate, they'll be within the setback.

Chair Byergo proposed that the Conservation Commission ask DES questions since the applicant wasn't present. S. Rowe suggested that the Commission's concerns also be noted.

MOTION: S. Rowe moved to write DES and ask the questions they were unable to ask the homeowner. Concerns about the septic system should also be included. Second – B. Bilodeau

DISCUSSION: C. Hussey didn't understand the distance of the septic system. It could be moved back; they would still be within the 250', but it would make more sense to move it back on the same line. Chair Byergo added if it was pulled back, they would safely be outside the 100'. C. Hussey recommended that DES look at moving it back away from the river; there is room to do that. Chair Byergo stated she would add the Conservation Commission did not see, upon initial review of the documents, a justification for going within the 250' if that applies. Before the letter is written, the 250' needs to be double checked; the Building Inspector felt it did apply. The Winnicut River is at least a Category 4 stream; if that is the case, the State and federal government take an interest. Does the 250' Shoreland Protection apply to fresh water? C. Hussey went on record as not understanding the need for the 250' setback on this particular application. There are places further up the river outside the 100' setback.

Chair Byergo summarized that the Conservation Commission wants to send a note to DES and draw their attention to the septic system. The Commission either will or will not question the lack of justification in

the documents for being inside the setback, depending upon whether the Shoreland Permit is actually required or not.

MOTION: S. Rowe moved to write DES and ask the questions they were unable to ask the homeowner. Concerns about the septic system and placement of the leach field within the 250' setback should also be included. Second – B. Bilodeau; all in favor. MOTION CARRIED

3. Review: Request for a Variance
34 Orchard Hill Road – Residential Zone (Map R12, Lot 7)
Owners/Applicants: Patrick Carey and Chris Sturr

The owners/applicants are requesting a Variance for a 24' x 36' garage extending 4' 8" into the wetland buffer zone. The required 50' structural setback has not been met as required by the Greenland Zoning Ordinance, Article XVIII – Wetlands Protection Ordinance, Section 18.7 – Prohibited Uses, Subsection 18.7.2 – Structure Setback Requirements.

C. Hussey questioned why another garage was being built, rather than adding to the existing. Chair Byergo questioned the rain garden concept. She added it didn't look like a homeowner's rain garden; it looked like an industrial or parking lot or municipal scale rain garden. The problem with rain gardens is that they have to be weeded. Trying to add the boulders will make weeding difficult, which may encourage them to use chemicals in area that should be treating water. She didn't think the photo was sufficient if the homeowner was trying to reassure that the water would be treated coming off the garage. She was also curious why they were sending one side of the rain garden to the garage; why not pipe it around and send all the water off the garage into the rain garden. Chair Byergo stated rain gardens do function, even when not properly maintained.

C. Hussey stated for the record that he felt their hardship doesn't make the case. They have plenty of room to add onto the existing garage without intruding into the buffer. S. Rowe stated the garage could be brought up 4'. C. Hussey didn't see a need for it to infringe into the buffer at all. Responding to a question from Chair Byergo, C. Hussey stated that 24' is standard depth for a garage.

Chair Byergo summarized: the Conservation Commission was unsure if the applicant duly justified the need to move into the buffer. They suggested that the applicant shorten the driveway space between the two garages. The Conservation Commission questioned whether the photo of the rain garden was really what they were intending or if it was a stock photo; it didn't seem to be appropriate in a residential setting.

4. Approval of Minutes: Wednesday, July 19, 2017 and Wednesday, August 09, 2017

Chair Byergo had made clarification changes to the minutes of Wednesday, July 19, 2017; a copy is on file. Clarifications will be noted in italics.

MOTION: C. Hussey moved to approve the minutes of Wednesday, July 19, 2017 as amended showing clarifications. Second – S. Rowe; all in favor. MOTION CARRIED

MOTION: C. Hussey moved to approve the minutes of Wednesday, August 09, 2017. Second – S. Rowe; all in favor. MOTION CARRIED

MOTION: C. Hussey moved to approve the minutes of Saturday, September 09, 2017 (prepared by Chair Byergo) as amended. Second – B. Bilodeau; all in favor. MOTION CARRIED

5. 2018 Budget

The budget was reviewed. \$446 has been spent to date for Memberships and Dues. The New Hampshire Conservation Association Annual Meeting will be held on Saturday, November 04, 2017. Funding is available for meetings and/or training, if approved by the membership.

Chair Byergo suggested signs for the trail be done under the Education line. C. Hussey recommended drafting signs and having a cost available.

C. Hussey recommended keeping the budget the same amount; however, suggested moving \$100 from Education or Supplies to Dues. He added that the warrant article could be used for signs for the trail.

MOTION: C. Hussey moved to relocate \$100 from the line item Supplies to the line item Membership and Dues, and to maintain a budget of \$1,000. Second – B. Bilodeau; all in favor. MOTION CARRIED

6. Membership Drive Update

S. Rowe has written a marketing/recruiting document; the Board Secretary will send it to the membership for review. Chair Byergo suggested a set of coherent talking points when making a presentation regarding membership. S. Rowe stated that in talking to people, they are concerned about development and the impact on the environment and wildlife in the area. She suggested letting people know that the Conservation Commission's critical function is to review plans and applications, and makes recommendations. The trail would be good for anyone interested in doing something that would be lasting and have a tangible impact.

B. Bilodeau agreed there should be some talking points and something to follow when discussing membership. He also suggested using themselves as a selling point: why they've been on the Conservation Commission for "x" numbers and why they joined. C. Hussey added that if residents don't like what's happening in Town, they need to get involved; Conservation is a good place to start. Chair Byergo included that the Commission does site inspections of conservation easements, and would like to do more. She used the example that someone needs to find out who's responsible for managing the property at the end of Tide Mill Road; they should be reminded the property needs to be mowed as part of the deed. One of the Conservation Commission's responsibilities is to look at conservation easements to make sure there were no squatters or dumping and inverse impacts on the conservation value of the easement.

Chair Byergo asked for a motion to use a set of talking points to be modified between meetings; this will be prepared by S. Rowe and given to the Board Secretary for distribution.

MOTION: B. Bilodeau moved to use a set of talking points that will be modified between meetings; they will be prepared by S. Rowe and given to the Board Secretary for distribution. Second – S. Rowe; all in favor. MOTION CARRIED

Chair Byergo asked members to do some type of outreach during the month of September. S. Rowe stated the app "Next Door" is growing exponentially, especially with Bramber Valley. There are well over 170 residents from Greenland using "Next Door".

7. Visioning Session: Thursday, October 05, 2017

Chair Byergo explained that the Visioning Session referred to sea rise. The Town received a grant to do a chapter in the Master Plan, which has been prepared by the Rockingham Planning Commission. There will be a community event on Thursday, October 05, 2017. Advertising will begin the week of September 18, 2017, to make residents are aware of river flooding and sea level rise. RPC will be drafting a notice, the Board Secretary will post it on the Town website as well as the Town's Facebook page, Chair Byergo has volunteered to distribute posters. S. Rowe offered to talk to residents the weekend of September 30 and October 01 who may be affected by sea rise levels. C. Hussey noted that letters were going to be sent to residents in the impacted areas.

8. Other Business

Monitoring Walks: Chair Byergo suggested a site walk at Coakley Landfill the weekend of September 30 and October 01, as part of their expanded efforts to monitor conservation easements (which should be done annually). Members agreed to monitor easements during the August meeting.

There is a conservation easement on Coakley. Chair Byergo stated that as long as she has been a member, the easement has not been walked. C. Hussey stated the easement was beside Coakley, and it was knee-deep wet. Chair Byergo asked if it could be walked around, adding they needed to see what it was and take responsibility to look at it. C. Hussey responded they could walk along the tracks, and it may not be posted. It sits behind Seavey Way, and marsh land can be seen. Chair Byergo suggested walking the easement when the ground was frozen.

Chair Byergo stated that other towns have a list of town-held conservation easements on their website, and when they were monitored. C. Hussey felt the largest area for easements would be Falls Way. The Weeks property was walked in the spring.

A site walk on Saturday, September 30, 2017, was discussed. Chair Byergo stated she would like to do one every year; C. Hussey suggested a subcommittee for that purpose. Tentatively, a site walk will be done at Falls Way on Saturday, September 30, 2017; residents will need to be notified. Chair Byergo will notify residents. The largest easements will be done first, starting at 10:00 a.m.

Van Etten Open Space: C. Hussey didn't have the opportunity to check on the open space on Van Etten Drive to determine if it was Town-owned. There was a brief discussion about mowing that parcel.

Trails: Fencing and signage needs to be added to the trail system.

MOTION: C. Hussey moved to purchase fencing and signage for the trail system, not to exceed \$1,000. Second – B. Bilodeau

DISCUSSION: The \$1,000 will be from the warrant article, which is non-lapsing for three years. It can be used for trails, water resources, education, etc. C. Hussey added he would prefer to use cedar posts with the fencing. The Building Inspector is willing to help locate the property points on the trail. C. Hussey didn't think they were there, adding they need to determine the points they did find. There is one granite marker; the other may not have been installed. He said there are three points that need to be explained, and then they'll be ready to move forward. C. Hussey will contact the surveyor about stakes.

The trail needs to be re-flagged before any cutting is done. There is a significant portion of the trail that needs to be moved and re-flagged, or accepted because of the confusion with the property lines. Chair Byergo stated that the Building Inspector had offered to help the Conservation Commission with the property lines; she suggested using his expertise as a surveyor if the previous surveyor is unavailable. Chair Byergo reviewed with members where she put chains and signs on the trail. She didn't want to put up fencing when there were still questions about property lines. Her suggestion was to vote on the fencing when the trail was flagged.

The Conservation Commission was in agreement to not install fencing until the trail was re-flagged.

9. Adjournment

MOTION: B. Bilodeau moved to adjourn at 8:55 p.m. Second – C. Hussey; all in favor. MOTION CARRIED

NEXT MEETING

Wednesday, October 11, 2017 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Wednesday, October 11, 2017