



**Conservation Commission
September 11, 2007**

Members Present: Bill Weiler, Chair; Katheryn Holmes, Vice-Chair; Bill Annable; Deane Geddes; Suzanne Levine; Frank Perrotta; Eric Unger; Anne Poole, Consultant

Chair Weiler notified the Commission members of local public forums that they may be interested in attending. The Sutton Conservation Commission will be holding a Public Education Program on September 13, 2007 at 7:00 p.m. at the Pillsbury Memorial Town Hall regarding the tax benefits of land conservation and protecting land 'for the love of it.' The local Land Summit hosted by the Ausbon Sargent Land Preservation Trust will be held on October 27, 2007 at Kearsarge Regional High School.

The Commission reviewed the minutes of August 14, 2007 and made corrections.

Mr. Geddes made a motion to accept the minutes of August 14, 2007 as corrected. Ms. Holmes seconded the motion. All in favor.

Chair Weiler informed the Commission members that he has received a quote in the amount of \$327.00 to have 100 copies of the NRI Addendum copied, folded and stapled at Town & Country in Concord, NH. He asked the members for their endorsement to expend the funds.

Mr. Perrotta made a motion that the Commission purchase 50 printed copies and post the Addendum to the NRI on the Town's website in lieu of additional copies. Notification of the Addendum's availability shall be printed in the Town newsletter. Ms. Levine seconded the motion. Discussion followed.

Mr. Unger asked Mr. Weiler if he knew how much 50 copies would cost compared to 100 copies.

Mr. Weiler explained that he did not get a quote for 50 copies because the Town had purchased 100 copies of the original NRI, so the 100 copies of the addendum would accompany the NRI's already printed. He explained that in his opinion the printing quality of the company that printed the original NRI had gone down hill. Town & Country has demonstrated better quality in their finished product. The money will come out of the Conservation Fund.

Mr. Annable commented that there is probably not a lot of difference between 100 copies and 50 copies. Considering the work and time it will take to research prices, it would be just as feasible to go with Town & Country's original quote of \$327.00 for 100 copies.

Mr. Perrotta commented that in his opinion, he does not think 100 copies are necessary especially if they will also be available on the web but was agreeable to the sense of the Commission.

Mr. Perrotta made a motion to amend his motion to change the number of copies to purchase from 50 copies to 100 copies. Ms. Levine seconded the motion. All in favor of the amendment.

VOTE on Mr. Perrotta's motion as amended: That the Commission purchase 100 printed copies and post the Addendum to the NRI on the Town's website in lieu of additional copies. Notification of the Addendum's availability shall be printed in the Town newsletter. All in favor.

Mr. Weiler acknowledged that Mr. Perrotta has done a great job interfacing with the library and gave him the book, Green Spirit to bring to the Newbury Public Library for public reference.

Intents to Cut

Mr. Unger advised the Board that he does not have any intents to cut to report. He commented that he is not sure that the Selectmen's office has been forwarding the intents to cut to him because he has not gotten any, yet there have been intents filed and processed.

Mr. Weiler stated that contact should be made to the Selectmen's Office to make sure that the new staff is aware that Mr. Unger should be copied when the intents are filed.

Wetland Applications

Mr. Geddes reported that the following Wetlands Board activity:

1. Town of Newbury – Notice of Administrative Completeness for a Minimum Impact Expedited Application, Wetlands File No. 2007-01727 for culvert work on Mountainside Road and Winding Brook Road. Within the next 30 days of the date of the letter, August 15, 2007, the Wetlands Board will conduct a technical review and either approve, deny or request more information or fees.
2. Michael & Lisa Hickey – Letter from DES regarding property in Newbury at 291 Chalk Pond Road, DES Wetlands File No. 2007-01084. The letter advised the Hickey's that DES personnel conducted a field investigation on their property and determined that a seasonal dock was installed without a permit. DES requests that the dock is immediately removed and proof of that removal (pictures) are submitted to DES. Upon notification of the removal, DES will provide an application to the Hickey's for the installation of a dock at 291 Chalk Pond Road. The Hickey's were also put on notice of the restrictions of cutting per RSA 483-B and advised that DES personnel may conduct another investigation to determine whether or not they have come

into compliance and are maintaining compliance with RSA 483-B and RSA 482-A.

Old Business

Town Forest

Mr. Weiler informed the Commission members that he has been in contact with Mr. Wright about a site visit to the Town Forest. A general time of “next week” was convenient. The members discussed possible dates and decided that Thursday, September 20, 2007 at 3:00 p.m. would be the best time to walk the site.

Pike Brook

Mr. Weiler informed the Commission members that a representative from the Lake Sunapee Protective Association has made a site review and pictures were taken of fill that was placed up to the edge of Pike Brook at the intersection of Baker Hill Road and Pike Brook.

Mr. Perrotta reported that since that time, the area of concern has been addressed with erosion control measures. Plastic silt fencing, seeding and straw has been put in place. The seed is germinating and there was no erosion after the last rainstorm. It is apparently holding well.

Ms. Holmes mentioned she had received a pamphlet from a contact in California regarding how the State of California is coping with storm water control.

Mr. Weiler suggested that Ms. Holmes share that information with Mr. Hirshberg who is working on the storm water Management project around Chalk Pond.

Mr. Weiler mentioned that he found information at the Merrimack County Conservation Commission District Office of a website which provides information about services provided to Town officials. Such services include consultation services, view of plans, recommendations, etc.

Mr. Annable pointed out that different agencies use different methods of calculating run-off, so they may result in solutions to run-off Management methods.

Conservation Plan Draft

Ms. Poole was present to review the preliminary draft of the Conservation Plan.

The Board made comments, corrections and suggestions. Ms. Poole asked the Commission members if they thought she was moving in the right direction with the creation of the Conservation Plan. The sense of the Board was that the direction seems good.

She stated that she emailed Mr. Weiler a more current draft than the August 20, 2007 draft the Commission was reviewing. At the next work session of the Conservation Commission, Monday, September 17, 2007 at 2:00 p.m. at the Town Office Building, the most current draft will be reviewed.

Chalk Pond Storm Water Management Plan

Charlie Hirshberg was present to discuss the Chalk Pond Storm Water Management Plan. He explained that the current approach to the Management relates to looking at diverting the runoff around the developed portion of Chalk Pond. He and the committee has been working on developing an ordinance that can be applied town-wide to address the impact of storm water and erosion. They have also been trying to correct some of the problems that are already happening at Chalk Pond. What is happening on one of the developed sites is that slopes to the east drain down toward Chalk Pond. There are areas above that that are not developed, but stripped of vegetation. Right now the runoff is going through the developed area, into the ditches, and into the pond, erosion and all. The gravel roads are a big contributing component to the erosion of sediment. The continued increase in volume and intensity of eroding sediment is filling in the ditches which compounds the inefficiency of the current drainage system. In order to divert the clean runoff around the developed area, a wetland permit needs to be obtained. This action will require going into jurisdictional areas and will need the endorsement of the Conservation Commission. The current plan is to take clean water runoff on Crest Road, which is a 17% grade tractor path, and take it down to the west of where the well fields are very permeable with lots of gravel. Some of the runoff already goes there, but the proposed plan would deliver more runoff in that direction. The excess currently goes through an 18" culvert under Chalk Pond Road. Part of the plan proposes to build a berm between Chalk Pond Road and the permeable area to create a method of retention and replace the culvert under Chalk Pond Road with a 36" culvert in the event of overflow. The Chalk Pond Water Company has installed new wells, but they still do not have enough water to meet their needs. So, this diversion will also help their situation.

Mr. Weiler asked if any of the Conservation members had any objection to the plan of diverting clean runoff water around the developed area of Chalk Pond.

None of the members objected. Mr. Weiler advised Mr. Hirshberg that he believes that the Commission can support the plan as described this evening. It is good that the intensity and volume of runoff going into the Pond is controlled.

Mr. Hirshberg commented that he is also looking into a watershed grant to help fund the plan. There will only be approximately 60 sq ft of jurisdictional area affected as a result of this plan. There is also an issue with the property ownership of Crest Road. It doesn't appear to be deeded to anyone. The only recourse to follow in order to find the owner is to go back to one of the heirs of one of the developers. The Chalk Pond Association as the applicant will file the wetlands application. None of the pipes will be eliminated, but additional ones will be added so that the new size will take more flow during times of high volume and the flow will split and slow the velocity.

Mr. Annable asked Mr. Hirshberg if replacing the culvert under Chalk Pond Road will still be necessary after the berm and flood retention pond is constructed. Storing the storm water behind the berm would enable the culvert under Chalk Pond to be left alone, thereby requiring less earth disturbance.

Mr. Hirshberg commented that it is an option to replace the culvert or not. Replacing the culvert is not essential to the success of this plan. It is good not to disturb the soil because the soil will help stabilize the earth. Also, the recharge area for the existing water system should not be disturbed in order to protect the current water quality.

Mr. Annable asked Mr. Hirshberg if, to the best of his knowledge, the water would meet drinking water standards.

Mr. Hirshberg stated that currently the water system does meet drinking water standards, and that is why he does not want to disturb the existing water system. The intent is to promote the same quality of water, just more of it. Mr. Hirshberg stated that he would like to submit the wetland application next week and asked if the application can be signed-off by the Conservation Commission when the application is submitted to the town.

Mr. Weiler assured Mr. Hirshberg that the application will move onto the wetlands board speedily.

Murray-Bateman Boathouse

Charlie Hirshberg, Civil Engineer, explained that he is working on a project to renovate a boathouse in Bell Cove owned by the Murray-Bateman Family. Mr. Hirshberg explained that the existing boathouse has no living space above land, and all of the bathroom piping hangs over the water and is routed to a leach field on land. He informed the Commission members that he discussed the situation with DES and they are very much in favor of the proposed changes which will get the plumbing off the water. The existing boathouse is structurally in poor condition. The proposed plan is to rebuild a seasonal structure with 15' of living space over land, having a higher roof than the boathouse. The boathouse roof is proposed to be slightly raised to allow for a shallow truss but not to create additional living space. The proposed alterations are not changing the existing functionality and intent of seasonal use. The 15' of living space over the land will comprise a bathroom and bedroom. These alterations will require a Wetland's Board Shoreline Variance and a Zoning Board of Adjustment Variance.

Mr. Weiler commented that if you are doing construction in the buffer zone and you have a permit from DES, you do not need any further permits from the Town of Newbury.

The Commission members discussed the permitting protocol for work on the shoreline.

Ms. Holmes stated that all activity near the water should have to also go through Town permitting and satisfy the Town regulations as well as the State regulations.

Mr. Hirshberg commented that the Zoning Board of Adjustment directed this project to DES for approval first.

Mr. Weiler commented that Mr. Hirshberg should look into the regulations because there is a provision to prevent an applicant from getting the run-around between the State and Town.

Ms. Holmes commented that this issue should be discussed further at a joint meeting of the Boards.

Mr. Hirshberg commented that the State's shoreline criteria are almost identical to Newbury's. The applicant is going to file for a wetlands permit from the State on the boathouse first. The square footage of the bedroom and bathroom is the same, it is just being moved from over the water to over the land so that the pipes run directly into the ground and not cantilevered over the water. Mr. Hirshberg stated that a letter of support from the Conservation Commission would be helpful to expedite this application and explained that his main purpose for coming to the Commission now is to introduce the application now in the beginning in the interest of time.

Mr. Weiler stated that the Commission needs to see the application in order to know what to write in its letter of support.

Mr. Geddes suggested that the Commission should handle this application the same way as all of the others and not wait until the next monthly meeting, but act upon it as soon as it is submitted to the Town Clerk. The Commission members agreed with Mr. Geddes.

Conservation Plan Draft – continued

Ms. Levine suggested that instead of reviewing the draft page by page, the Commission should give Ms. Poole a general o.k. and have a subcommittee review the draft in detail.

In light of the amount of work and the late hour, Ms. Poole suggested a daytime Worksession. The Commission members agreed and scheduled Monday, September 17, 2007 at 2:00 p.m. for a Worksession on the most recent draft.

Mr. Geddes made a motion to adjourn. Ms. Holmes seconded the motion. All in favor.
Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Linda Plunkett