

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF OCTOBER 26, 2016

In attendance were Jean Walker—Chairman, Amy Pollock, David Nieman, Evelyn Miller, Chuck Freiburger, Karen McRae, David Pierce—Selectmen’s Representative, Barbara Schult—alternate, and Patty Gale—Planning & Zoning Assistant.

Jean Walker called the meeting to order at 7 pm. She asked the Commission to introduce themselves.

PUBLIC COMMENT

Cathy Whooten said she is here because she is involved with the Woodland Trust application. August 11th was the first Planning Board meeting in which the applicant was requesting an extension on his application. During the meeting, there were comments made regarding the position of the Conservation Commission, specifically on the drainage system. It is her understanding that, at the time the Conservation Commission met with Mr. Coughlin in January, there were no plans presented to Conservation. What has transpired in the minutes, which she will present for the record, are concerning to her because she thinks the Conservation Commission needs to clarify to the Planning Board by the next meeting on November 10th exactly what your position is regarding this drainage plan. She would like something sent in writing to clarify their position. She read the minutes from the Planning Board Minutes: *“We did go to the Conservation Commission in January when submitting the Alteration of Terrain Permit. They thought it was a better system. We’re not using the Hancor System. The only question they had was who would own the conservation easement.”* Even more concerning was on page 17 of those minutes where it is written that *“Meghan Theriault said a big packet came in during the winter. She’s not reviewed it. It wasn’t on the Planning Board agenda at the time and she was working on other stuff. It’s been approved by AOT and Conservation Commission is in favor of it.”* She and Cathy Prezkaza are here asking the Conservation Commission to clarify exactly what their position is to the Planning Board, by November 10th, regarding the new drainage system they have presented with this application.

Jean Walker said nothing can be discussed tonight. The plans are in front of the Planning Board. The Planning Board and DPW are reviewing them at this time and they should come back to the Conservation Commission for comments.

Cathy Whooten said she was concerned that the Conservation Commission was rubber stamping the plan without having seen it. Your clarifying your position would be helpful to the Planning Board.

PUBLIC DISCUSSION:

Recommendations requested by the ZBA in regards to the following applications:

Luke Nelson, Applicant/Owner, is seeking Variances to remove existing trailer and rebuild a single-family home on a lot that only has a half an acre whereas one (1) acre is required. Another variance is required to building the home within the inner 50’ of the 100 ft. Wetland and Surface Water Conservation (WSWC) District Buffer. This concerns Section 4.3 (Table of Dimensional Regulations), and 13.3 (WSWC District) and 13.3.3.5 of the Goffstown Zoning Ordinance. The property is located on 93 Mountain Road, (Map 4 Lot 95), zoned: Residential-1.

Luke Nelson, property owner/applicant, said they’ve not started removing the trailer yet. He wants approval first. They are not living in the trailer.

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Jean Walker said he is within the 50-foot buffer, and asked if he is planning to build further down on the lot.

Luke Nelson said it will be where the trailer is on their map. It will be to the left and up above. It will actually be further away from the water. The shed is only about 20-something feet from the water and they are way further away from the water than that. We are about 45 feet from the water. It's the furthest we can do.

Jean Walker said there isn't a lot of space from the home to the brook.

Luke Nelson said there is 45 feet. The existing house across from the river is about 30 feet from the water. We have town water and a septic is already on the property. But we are going to put a new one in the same spot, but it will be turned away from the water. The plans haven't been made yet.

Jean Walker asked about the bulldozing.

Luke Nelson said they are taking out stumps. That is where the house will be.

Evelyn Miller said it looks like the trailer is further away from the house. Maybe there should be another site walk with several people looking at this. It looks like there is a lot of stuff being stacked by the water.

Luke Nelson said it is the brush they are removing and will be burned. The house is further away from the trailer than the water. But it is quite a bit larger.

Patty Gale explained the lot is undersized and the comment they would provide to the ZBA is regarding building the house within the buffer. Because he is building within the 50-foot buffer, the application is required to get comment from the Conservation Commission.

Jean Walker said it's only ½ acre and it's not like you have a lot of land. You have to have a larger septic than what is there now.

Luke Nelson said the trailer has two bedrooms. The house would have three bedrooms. Living there would be his wife, his daughter, and himself—unless they have another child.

Patty Gale said it generally gets conditioned upon the septic system.

Luke Nelson said the existing septic system can't stay. It is 30-40 years old.

Karen McRae asked if the house is 35 x 58 feet.

Luke Nelson said he just did that, but the house is actually way smaller than that. We did it so you could see where about on the map the house could be.

Jean Walker said 35 x 50 would have a hard time fitting on that lot.

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Luke Nelson said all the setbacks are on the plan. The only setback not met are because the law was changed. Otherwise he would have met them all.

Patty Gale said if it were just the wetlands outside of the 50 feet, he would have been able to do this. Because it is surface water, he has to go to the ZBA.

Jean Walker said the brook is a pretty good sized.

Luke Nelson said it is about 7 feet wide. At the widest, he has seen it at about 10 feet. When the dam broke a long time ago, we had no problem with our land. The land across from us was flooded up to their house because they are way below them.

Evelyn Miller said a lot of water comes off the mountain so it's a very important stream. When we were there a day ago, it was really moving.

Jean Walker said the hole you dug was full of water. Behind the trailer the land goes up. You are talking about putting the house further up on the hill.

Luke Nelson said it is 25 feet from the other property line. The way we have the house now is the best way we could have it on the property. The driveway won't be moving. The trailer is going and the house will be built. Everything else will remain the same.

David Nieman said if the house were turned around, you could avoid being in the 50-foot buffer.

Evelyn Miller said the driveway comes to the shed, and you are proposing to walk to the house.

Luke Nelson said he'd prefer to have the driveway closer to the road. He could put a loop where the trees are on the right side to have a turn around. The house size is 36 x 28 feet, on a full cellar.

Karen McRae said she'd spin it and get it as far away from the brook as possible. With a full cellar, they would have flooding.

Luke Nelson said our land is 6 feet up from the water. Further back, it is 8-10 feet up. They dug 12 feet down and didn't have any water. With that rainstorm, it should have been full of water.

Evelyn Miller said she lives on a hill and still has a sump pump in the basement.

Jean Walker asked why they don't want to turn the house around to bring it further from the brook.

Luke Nelson said he can't bring it closer to the road. The land goes in a V shape.

David Nieman said it's hard to make sense of the plan with the drawing.

Patty Gale said when they go to the ZBA they aren't required to have engineered drawings.

David Pierce asked if the Commission's discussion would be different if the applicant agreed to turn the house as suggested.

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Jean Walker said concerns are the 50 feet, and it's a small lot with a lot of water.

Karen McRae said there is no septic design or leach field shown so we don't know where that is going.

Luke Nelson said the septic system isn't moving but will be larger, because that is required. You are talking 25-30 gallons' difference. The location is shown on the map. The leach field will go where he is currently digging where the stump is.

Patty Gale said part of the building permit process requirement is that the septic system fits the number of bedrooms in the house. The ZBA would condition an approval on that, and the design would accommodate where it is going.

Jean Walker said she's not comfortable with this.

Evelyn Miller suggested the Commission have a site walk.

Luke Nelson said he thought the Commission already walked the property.

Evelyn Miller said they didn't have any plans. They looked at it.

David Nieman said these plans don't show much. The building footprint doesn't correspond with what is going to be built. There is no topography. There isn't enough information to make a rational decision.

Jean Walker asked about the size of the house.

Luke Nelson said the ZBA asked them to make it smaller.

Jean Walker said two Conservation Commission members walked this and weren't comfortable with this.

Patty Gale said to be fair, Mr. Nelson isn't familiar with the process and doesn't have an engineer working with him. He has gone to two different boards not knowing what will be asked of him.

Evelyn Miller said, regarding the size of the house, they would change the 35 x 58-foot box to 36 x 28 feet.

Luke Nelson said the house would be situated on the property in the same way it is showing now. The 36-foot side will be parallel to Mountain Road.

Karen McRae said you are out of the 50-feet if you put it that way.

Jean Walker explained the size of the house didn't measure up with what was left over from the lot. It was two different things.

David Nieman suggested telling Mr. Nelson the date of the site walk and then Mr. Nelson could stake out the four corners of the house.

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Luke Nelson said it is already staked out. They are metal poles sticking up about four feet.

Karen McRae said there would be no other buildings on that lot—decks, garages, sheds. That is the end of building on that lot.

Luke Nelson said there is a deck on the back side of the house but it wouldn't interfere with the water.

Karen McRae said it does. It adds in square footage of the house that is closer to the water.

Luke Nelson said the deck is not on the side of the house with the water. The front of the house is facing the water. The back of the house is on the road side.

David Nieman said these are more points why we need a site walk.

Karen McRae asked about a garage.

Luke Nelson said we're not putting a garage on right now. We haven't decided on one now. He has no plans on it for now.

Patty Gale said if he decided to do that at another time, he could come into the ZBA and ask for another variance.

Evelyn Miller asked for a proper drawing with anything else they are going to add onto the house, showing the proper size.

Patty Gale said he is scheduled with the ZBA on November 1st. The next meeting after that would be December 6th. Without input from you they may continue until their December meeting.

The Conservation Commission set a site walk date with the applicant for Saturday, October 29th, at 8:30 am.

Patty Gale said she wouldn't be here to forward comments to the ZBA. She asked if a Commission member could contact Jon O'Rourke with comments from the site walk.

Jean Walker said she would get them to him on Monday.

David Nieman said there are comments from the site walk, but there is also a decision from the Commission. We would make our decision at our November meeting.

Patty Gale suggested November 16th, which is the week before Thanksgiving instead of the evening before Thanksgiving.

Evelyn Miller explained there would be a site walk, and the applicant's attendance would be helpful. Then they would forward comments to the ZBA, but there would be no formal decision from the Conservation Commission because the site walk would only entail a few members. That would occur at their meeting on November 16th when they are together as a Board.

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David Nieman said any report to the ZBA would say we did a site walk and would meet on November 16th to decide. The site walk is not a Conservation Commission meeting.

Luke Nelson asked if the ZBA would have an answer on November 1st.

Patty Gale said the ZBA would probably continue the meeting to December 6th.

SITE PLAN PRESENTATION:

A Site Plan presentation from Meridian Land Services for the proposed storage facilities on Map 6 Lots 1-2 & 1-4, (eight storage buildings on lot 1-2 totaling 46,800 sq. ft., and six buildings on lot 1-4 totaling 24,800 sq. ft.). The Property is located on Goffstown Back Road/Tower Lane and owned by McDonough Family Properties, LLC., Zoned: Commercial Industrial Flex (CIFZ) (Need to provide comments to the Planning Board.)

Jay Heavysides, from Meridian Land Services, this is on Tower Lane, at the Manchester town line. It was an Industrial subdivision approved in 2000, with three more lots added in 2005. The road was built at that time. It has sat there for a long time. We are proposing two more lots. The first is a front lot on the corner of Tower Lane and Goffstown Back Road. The second lot comes off from the cul-de-sac in the back of the property. Both facilities are self-storage units. The drainage will flow into rain gardens at the end of the pavement. They have been designed to infiltrate as much water as possible. There is a slight increase in the peak rate of run-off for the 2 and 10-year storm in the front lot. The 25 and 50 year storms have a decrease. We are infiltrating all the increase volume generated. The back lot is the same but has no increase in the volume or peak run off. Both systems are designed to infiltrate that don't require a lot of maintenance. The rain gardens will look natural. There is a stone reservoir underneath it. On the back one, the reservoir comes back. It is almost twice the size of the footprint of the bark mulch to give more storage underneath. We are 26 feet off the right-of-way, and more than that off the road. There will be some landscaping. There is some along Tower Lane and Goffstown Back Road. The lower portion, where the wetlands are coming in, won't be disturbed. Out back is back from everything, but they are putting some landscaping. He addressed the plan to show where the landscaping would go. Underneath the towers is brush so we can't touch that area.

Jean Walker said that is the entrance to Goffstown so it would be nice to have it look nice for people coming into town.

Evelyn Miller said there is a mix of trees—flower trees and shade trees. She asked about the lighting.

Jay Heavysides said everything is building mounted and downcast. There is fencing all around the building portions. The fence goes to the back of the building. The part that has doors will be fenced in. You can't access from Goffstown Back Road so there will be no fence there. Snow storage can go on top of the rain gardens. We've been in contact with DES and it's been shown it doesn't damage the system. If there is any sand stuff it will end up in the rain garden.

Evelyn Miller asked about salt use.

Jay Heavysides said he would have to ask his clients, but he doesn't think so.

Evelyn Miller said salt would affect a rain garden.

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Jay Heavysides said we show typical plants that can go in a rain garden, and they should be salt and drought tolerant. It only rains once in a while and will dry out. We shouldn't assume they will be wet all the time.

David Nieman said the snow in the rain garden will be what is removed from within the buildings. It won't be from off Tower Lane.

Jean Walker said if anything dies in the rain garden you have to build it up again.

Jay Heavysides said every couple of years they will have to replace the bark mulch. He looks at it as being replaced as needed.

Evelyn Miller asked if there would be a maintenance contract.

Jay Heavysides said for the AOT permit they have to have a maintenance plan. Everything has to be kept in working kitchen, replace the bark mulch as needed, and plants shall be replaced if they die.

Evelyn Miller asked who says they need work.

Jay Heavysides said before 2008 the State didn't have these requirements on the rain garden. Now they do.

Evelyn Miller asked if it is self-enforcing.

Jay Heavysides said it varies from town to town. Some require a report.

Amy Pollock said rain gardens are great but need to be maintained and sometimes rebuilt.

David Nieman said he recalls this being a very sandy area. If it is, it seems the water will be affected and will percolate out.

Chuck Freiburger asked about the pond in the back lot.

Jay Heavysides said he believes it is still there, but it is not on his lot.

Karen McRae asked about signage. It also says car wash.

Jay Heavysides said it's an example of another facility. It will have a sign but will say storage. It will be downlit. Uplit lighting is not allowed in this zoning.

Evelyn Miller made a motion to reflect the Commission's concerns are to make sure there is a maintenance record and they have an ongoing report of a maintenance record for the rain garden, and they are concerned about the landscaping in front. It is an entrance to Town and would like it to look good.

David Pierce said the Planning Board has asked them to make sure it's not a blank wall.

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Karen McRae said as an entrance to the Town, it should look as nice as possible.

Karen McRae seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Utility Replacement Line Work Presentation by Kristopher Wilkes of VHB for Eversource Energy (PSNH)

Curt Nelson said he is from Licensing at Eversource, and Will Craig from Community Relations.

Kristopher Wilkes said they've not submitting anything yet. They have been working on coordinating the Planning Board and ZBA. He provided the Commission with some information. They are presenting a 3.2.7.1—an overhead distribution line that runs from River Road in Weare and extends to the Goffstown town line. It crosses Gorham Pond Road and terminates at Pattee Hill Road. Total distance is 2.6 miles. 2.1 miles of that is in Goffstown. It is a rebuild projected. The poles to the right of way easement will be replaced. They are approximately 50 years or more old. Eversource is trying to identify infrastructure that is outdated and are trying to increase reliability in the grid. It is an in-kind replacement of the existing line. There is a total of 85 single wood poles. 68 are in Goffstown. He has a certified wetland scientist who has delineated the wetlands along the way. They were able to shift pole locations to avoid wetland resources and streams. In doing that they've reduced the total number of poles. Rather than 68, there will be 42 poles. They will shift slightly from their current line. Their alignment won't change. A lot of the right-of-way hasn't been maintained over the years. Access is difficult so vegetative maintenance will take place to establish clearance standards for the line. Crews will access the right-of-way where they can use existing roads. It will be all low-ground equipment. When they have to cross wetlands, they will use timber mats to minimize ground disturbance. The mats are pulled out when they leave the area and the area is repaired. They will be submitting a permit to DES for the wetlands matting. We will have to follow Best Maintenance Practices. A benefit of the project is that we are eliminating all the poles from the wetlands. There are two Goffstown prime wetlands. Those are sensitive areas and a pole sitting within one will be removed. The other has two close structures that they will be removing. There will be a greater span between poles.

Karen McRae clarified the poles would be 5-10 feet taller and wooden.

Kristopher Wilkes said yes. They will be 40 -45 feet whereas they are no 30-35 feet.

Karen McRae said there is 4 feet of ground disturbance per pole and 2 square feet of ground wires.

Kristopher Wilkes said those are specific to uplands only. That is to give an idea of the ground disturbance. But there will be no disturbance in the wetlands. Guide anchors won't be needed at every pole. As far as existing structures and wetlands, standard procedure is to cut the pole flush from the ground and leave the rest.

Chuck Freiburger asked if they used helicopters to do this.

Curt Nelson said they sometimes do use helicopters. They use to mobilize structures that are highly inaccessible. He doesn't know they are planned for this project.

Karen McRae said you will be taking two poles out of the crossing where the golf course comes through.

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Kristopher Wilkes said yes.

Evelyn Miller asked if the poles being cut off in the wetlands are treated with creosote and other chemicals.

Karen McRae said they have been treating them all along.

Kristopher Wilkes said after 50 years, whatever affects aren't around. The DES agrees that it is best to leave them.

Curt Nelson said this is a right-of-way we have an easement on. It is used to bring power from one location to another. This line is important from reliability standpoint. Our goal in this situation where we have the vegetation maintenance rights is to want to clear the full easement rights. The PUC has encouraged us in this.

Karen McRae said all rights-of-way are not equal.

Curt Nelson said the PUC regulates these more on the federal level. From a reliability standpoint, we feel it is important to clear the full easement width. We love our trees but the habitat on utility corridors are important to wildlife. There is that added benefit. You would see a lot of plants and things you don't see elsewhere. Eversource is engaged in a mechanical only vegetative maintenance.

Karen McRae said there should be no chemical spraying in this area.

Curt Nelson said there is none planned for this.

Amy Pollock asked if they have to be informed if they choose to use chemicals.

Curt Nelson said they would. There is a permitting process for use of herbicides for the right-of-way. There is also notification to abutters that would happen. We don't have imminent plans but there may someday be the intent to use herbicides.

Jean Walker asked if they are involved in removing the ravens from the Rimmon Street Substations.

Kristopher Wilkes said they are not involved in that.

Patty Gale said they aren't required to go to Planning or Zoning because they are doing maintenance to an existing line. There is a provision in the Zoning Ordinance that allows them to do that.

Kristopher Wilkes said construction is scheduled for winter. It is in February and should really help. It should take a couple of months.

MINUTES: Approval of the September 28, 2016.

David Nieman made a motion to approve the minutes to the Conservation Commission meeting of September 28, 2016. Chuck Freiburger seconded the motion. VOTE: 5-0-2. Barbara Schult and Amy Pollock abstained. Motion carries.

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BUDGET: The Conservation Open Space Fund at Citizen's Bank has a balance of \$92, 248.94. The Operating Budget Balance is at \$2,494.48. The People's United Bank CD of \$275,000.00.

Invoice for NH Association of Conservation Commission Annual Dues of \$666.00. (Need vote to appropriate funds.)

Karen McRae made a motion to appropriate the funds to pay the invoice for the NH Association of Conservation Commission Annual dues in the amount of \$666.00. Evelyn Miller seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Vote to Change or Cancel the Next Meeting, November 23, 2016, Night before Thanksgiving.
Jean Walker said the Commission has already voted to change their meeting to November 16th.

CORRESPONDENCE:

Copy of letter to Kimberly Peace thanking her for her service as a member of the Conservation Commission.

Email from Eversource regarding notifying that they will be relocating of Ravens from the Rimmon Street Substation that are causing damage to the substation and creating power outages.

Email from Amy Smagula stating that she did include the area upstream from the Dam in the bid

Guidance for the Goffstown Water Ways Association.

Piscataquog News Fall 2016.

NHACC 46th Annual Meeting & Conference November 12, 2016.

Supply Lines With The Source Newsletter.

Shoreland Impact Permit for Map 31 Lot 20A, Osburn, 11 Blue Jay Lane.

Intent to Cut Permit for Schricker, Map 4 Lot 63, New Boston Road.

A CONCEPTUAL SITE PLAN REVIEW

Map 4 Lot 20, Conceptual Review for a Proposed Four Lot Subdivision Creating Three (3) New Lots, Brookfield Investment Group, Owner, Lesynk Road, Zoned: Residential-1 & Conservation & Open Space (Conservancy). (This is just a conceptual review of plans to provide comments to the Planning Board.)

Jean Walker said some of us have walked this. There is already a house built on one lot that we are concerned about. It is just the foundation. It was going to be an open spaced subdivision but they have changed it to four lots. The front lots are one acre so they had to join the back lot to get their five acres.

David Nieman said this whole thing, which came up some time last year about splitting the property and historical research said it was more than one lot—did it get approved.

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Patty Gale said it did.

David Nieman said, because of that, we are looking at just this portion. It is now exempt from being an open space subdivision.

Jean Walker said it's still not great. We can make comments to the Planning Board on this with our concerns.

Patty Gale said they will have another plan because this is conceptual.

Evelyn Miller said they have an easement over someone else's lot to get to the back.

Karen McRae said she has a question about the integrity of the integrator for the French drain.

Evelyn Miller said she is concerned they may want additional development in the future by cutting off another lot for another building. We have to look at a possibility for the future.

David Nieman said in this case there shouldn't be a possibility for the future. There is a 100-foot wetlands buffer really close. Although they made a complete mockery of our rules and regulations in the fact of this existing house being built within the wetland buffer, which they completely got away with.

Jean Walker said a concern is that the wetlands were put over into the 5-acres to give them that 5 acres.

Patty Gale said it is part of the land. They just have to have enough buildable area.

Jean Walker said they shouldn't be able to subdivide that the 5 acres up there. They have 5.8 acres and need 5 acres.

Patty Gale asked if the well radius of lot 3 is a concern.

Karen McRae said there are two lot 3's. It's a concern. Look at all the proposed drainage. How much comes off Lot 40-3 that is off the road. This lot of 1.1 acres—what is the happy homeowner going to do if they don't want a rain garden for their front lawn?

David Nieman said this entire field is wet. He agrees that it is inappropriate.

Cathy Przekaza, abutter, said she has some information about a drainage easement that was filled by this applicant. Through the middle there is an existing deeded easement, as well as stone walls that were removed and crushed. She'd be happy to talk to the Commission about that.

Evelyn Miller explained her complain about the driveway with the easement. Because there is a cul-de-sac there, there is no room to put another house.

Patty Gale clarified that a concern is the possibility of future subdivision with that driveway.

Evelyn Miller said yes.

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Karen McRae said they are putting houses in the buildable area, which is also in the well area. It is in all of them.

David Nieman said his concern is that the entire area, from the road to the back lot, is extremely wet. It has always been wet. Look at the plan and look at all the drainage swales. Look at all the French drains and all the pathetic attempts that have been made to dry this lot out. To put a subdivision here is the height or absurdity.

Evelyn Miller said there is no question the 20-foot drainage easement was filled where there used to be a swale that was trying to catch the water that was sheeting off this property.

David Nieman said the first house was a complete violation of our regulations and they got away with it, which he doesn't comprehend.

Jean Walker said maybe they should ask them to remove that foundation.

Evelyn Miller said it was so wet they practically put a basement out of the ground and put fill in around it.

Amy Pollock said note 13 states the contours are from a build survey constructed prior to the construction of the house located on the parcel, and do not reflect proposed finished grades in areas around the house. She thinks there will be filling and raising.

Evelyn Miller said they brought in tons of fill.

Patty Gale summarized the concern that the lot is very wet and they have concern with subdividing in general.

Evelyn Miller said she thinks they are saying that they don't feel it is suitable for building. There is a lovely subdivision on Checkerberry Lane where water is always an issue.

Patty Gale said they go into the Planning Board and get a feel for different concerns with a conceptual plan. There will be another plan submitted.

Evelyn Miller said they have mapped out the wetlands and put in all kinds of fill in the drainage swales to get around these things.

Patty Gale summarized the concern is that there are major concerns with filling and the suitability of building on this lot.

Evelyn Miller said to add the construction of the foundation. We didn't approve it.

David Nieman said they put it in pretending they were putting in a single house on this lot, then decided to put in a subdivision. It was an intention way of subverting these rules and we should be in an uproar over it. It's atrocious. It was incredibly deceptive and dishonest.

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Jean Walker said she remembers it was going to be one lot. They considered they were going to give us the back and the mountain.

Evelyn Miller said when we did a site walk we didn't know they had a foundation in there.

Patty Gale asked if they want a presentation if they come in with another plan.

The Commission consensus was yes, they want a formal presentation.

Evelyn Miller said to make it clear this conceptual plan is suitable. We don't think this lot is suitable. They were unhappy to find the foundation put in the first time. We know there has been a tremendous amount of fill.

Patty Gale said someone can go to the Planning Board meeting.

David Nieman said the boundary wall was removed and crushed.

Jean Walker said we went up there one day and the rocks were gone and the fill kept coming in.

Jean Walker opened the meeting to the public. Abutters weren't notified because this is a conceptual application.

Patty Gale said this is on the Planning Board will hear it tomorrow.

Cathy Przekaza said she has lived there for 30 years. The vista is the parcel the Commission is considering tonight. They have rights to develop the land. We are concerned about having the character of the neighborhood maintained, and the look and the aesthetic. The vista to the mountain is incorporated in our Master Plan. It is one of our natural heritage components in our Town. However residential units they can home, think about their position so they don't block the view from the roads. Regarding a development down the hill that she is a direct abutter for, they did research on the drainage areas. There was a deeded easement that comes up through there that goes perpendicular to Lesnyk Road. The entire easement has been filled. You can't see the drainage line that comes down. There is another easement they have filled also. As you look at the site from Lesnyk Road, the part from the left goes deeper into the site. The part on the right was clear cut. Then they put the house there. It is just to the left of the house, but not yet to the big pasture on the far left. The easement line is where the foundation line is, and to the left. She doesn't know who owns the easement. It is benefit for the drainage off the mountain.

Jean Walker said the best thing would be to take everything to the Planning Board.

Patty Gale said the Town Engineer may know who owns the easement.

Cathy Przekaza said she'd like to see the stone wall captured in the Conservation Commission comments. The location of the homes should be picturesque to the mountain and a benefit to the community.

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Karen McRae said we should remember the Conservancy Zone is a 5-acre zone. We zoned it that way because of the rock, water and slope.

David Nieman said the zoning line goes through the middle of the lot. How does the zoning rule work? Does it go to the stricter zone? There is less property in the residential portion.

Karen McRae said the zoning is a sensible construct to the land itself. It is for the land, not the developer.

OPEN SPACE COMMITTEE

NON -PUBLIC SESSION per RSA 91-A:3II(d), (Real Estate)

Karen McRae made a motion for the Commission to go into Non-Public session per RSA 91-A:3II(d) to discuss a real estate issue. David Nieman seconded the motion. Roll call vote: Karen McRae – aye; Amy Pollock – aye, David Nieman—aye; Jean Walker—aye; Chuck Freiburger—aye; Evelyn Miller—aye and Barbara Schult -aye. All in favor. Motion carries.

The Conservation Commission entered non-public session at 8:40 pm.

Karen McRae made a motion to exit non-public session. David Neiman seconded the motion. Vote: 7-0-0, all in favor, motion carries.

The Board exited non-public session at 9:50 pm.

David Nieman made a motion to seal the minutes to the non-public session. Karen McRae seconded the motion. Roll call vote: Karen McRae – aye; Amy Pollock – aye, David Nieman—aye; Jean Walker—aye; Chuck Freiburger—aye; Evelyn Miller—aye and Barbara Schult -aye. All in favor. Motion carries.

Made a motion to adjourn. Seconded the motion. VOTE: All in favor. Motion carries.

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Gail Labrecque
Recording Secretary

These minutes are subject to approval by the Conservation Commission.