

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

In attendance were Jean Walker—Chairman, Collis Adams—Selectmen’s Representative, David Nieman, Chuck Freiburger, Evelyn Miller, Sue Tucker, Amy Pollock and Karen McRae. Also in attendance was Patty Gale—Planning & Zoning Assistant.

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

Milfoil:

Goffstown Waterways Association seeking help with Grant process.

Pat Stagno, Goffstown Waterways Association, said they have done all they can for the grant. They have filled it out but don’t know yet if they will get it. They submitted three bids for the work. They came back at about \$7,500 for 8 or 9 days of work for divers. Amy Smagula feels they don’t need any other kind of work this year.

Jean Walker asked if this bid is for up the river.

Pat Stagno said it is included. That’s why they named it the Waterways. A lot of the milfoil is behind Ace Hardware and further upstream.

Susan Tucker said she contacted New Boston who said they have no milfoil in their sections of the river.

Jean Walker said that is why it’s important to get the river section done before it gets to Namaske. There is no sense in doing Namaske if we don’t handle the upper part.

Pat Stagno said that is what they hope to do in 2017. There is one spot on the lake they may get but most is in the river and upper pond.

Collis Adams asked how many members are in their association.

Pat Stagno said most are abutters and there are probably about 86 members.

Jean Walker asked how the Commission could help.

Pat Stagno said she is trying to get the member’s emails. Snail mail is expensive. We had a breakfast at the Oddfellows. A member had made a nice quilt and we made \$80 from that. We have enough to do another mailing at this point. We are doing all right. The year before we asked for donations and got that from a lot of people. People are more than willing to help. She hasn’t gotten around to sending out requests for dues this year.

Jean Walker said the Commission appreciates what they are doing.

Pat Stagno said we are a 501-C-3 organization.

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Jean Walker said Conservation Commission has \$15,000 budget and Namaske is asking for \$20,000. There is a meeting coming up December 1st at 7 pm with the Budget Committee to discuss increasing the amount.

Patty Gale said it would be good to have someone from the Waterways Association and Conservation Commission there.

Jean Walker said last year we gave most of the budget to Namaske.

Pat Stagno said the work they have done in the last couple of years has made a big difference on Glen Lake.

Evelyn Miller said the Conservation Commission appreciates it, and she thinks the whole town does also.

A resident on Elm Street asked about what is being done to contact Francestown. It doesn't help if we do our part and then it filters down from New Boston.

Evelyn Miller said she would call them. That used to be the source, but if New Boston is cleaned up she suspects it is in Francestown. They will contact someone there soon.

Jean Walker read an Email from Namaske Lake Association requesting roughly \$20,000.00 for matching Grant Funds for 2017.

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. Also, Comments to be reviewed from the October 29th site walk of the property.)

Jean Walker said they did a site walk on this property. She hoped the applicant/owner would be here today but he isn't.

Chuck Freiburger said he's not as concerned about what's there as he is about what is going to be there.

David Nieman said what is there is digging holes without a permit, no sedimentation controls, brush piled along the edge of a river—cut with a chain saw.

Karen McRae said they should have a motion to put the site walk report into the permanent record and send it onto the ZBA as part of our discussion on this manner.

Collis Adams asked if the Planning Board was involved.

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Karen McRae said they are not.

Jean Walker said, besides the site walk report, there was no erosion control and there was digging being done in a hole that was going to be washing into the brook.

Evelyn Miller said the applicant may not have known, but there are a number of violations on site.

Patty Gale said some of the issue may exist from the previous owner.

Jean Walker said she guesses the trash is from the previous owner. The brush pile and the hole were done by the applicant. He wasn't concerned about them being near the water.

David Nieman said there in Jon O'Rourke's staff report he recommends the Board find the application has no regional impact.

Patty Gale explained regional impact is in regards to if there is an impact to another Town from an application that is before the Board. If it is determined that there is a regional impact then we are required to notify the surrounding Towns to allow them time to provide comments to the Board if they have any issues or concerns.

David Nieman said one of the biggest reasons for these buffer zones is to cut down on non-point source pollution, which is the biggest problem in pollution these days. How does that not have a regional impact when this is counter to those efforts?

Patty Gale said if it affects more than the Town of Goffstown and other towns are notified, it relates to things like traffic, etc.

Evelyn Miller asked if this was part of the water shed from Manchester.

Collis Adams said he doesn't see a regional impact.

David Nieman said it's impacting the Merrimack River and the Gulf of Maine.

Collis Adams said you could make that argument for any project in Goffstown.

Karen McRae said we don't have an ordinance to say you can't spread pesticides or lawn care products on that.

Evelyn Miller said with the things that are so close, if there was a spill of hazardous waste, that would have more impact than a wetland.

Collis Adams asked about the process if regional impact is determined.

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Patty Gale said you contact other towns and they will have the opportunity to comment.

Jean Walker said it's not impacting the region, but is impacting the water.

Evelyn Miller said when the owner presented his application to us, we had questions about the size of the house. There may be a garage and a deck. The house may be a different size. That was to be corrected. When we were on site we really questioned all of that.

Patty Gale said she has the house floor plans and elevations that were submitted to the ZBA. She doesn't know if they were required to submit more or site layout plan to them. The septic has to function and be for a specific number of bedrooms and if it needs to be upgraded the building department will require that.

Karen McRae said in the past we have said if there is a taken down, if it is non-conforming, the new structure has to fit the footprint of what was there. This is a non-conforming lot. It has its other problems and is only ½ acre where an acre is required.

Evelyn Miller said it is also the fact that everything would be done within the 50-foot buffer.

David Nieman said it's on a slope going down to the stream.

Evelyn Miller said it is quite a slope.

Jean Walker said the driveway is in front of the brook and is about 8-10 feet from the brook.

Evelyn Miller said she wouldn't give it that much. It runs right along the edge.

Susan Tucker said there is a trailer on it now. It was occupied. There is a driveway on it now. It probably went in before we had this buffer requirement. Now it's non-conforming because it is ½ acre. Is it true that we can't deny them to replace the structure and put it on the existing footprint? Do they still need a variance to do something on this lot that only replaces a structure?

Evelyn Miller said that's not within our jurisdiction. What we are to do is to look at this. The ZBA could make the determination that this is not buildable.

Patty Gale said they can only act on the application before them. They can't design it for them.

Collis Adams said the plan shows the 35 x 58-foot footprint of the house. It is 40% larger than the houses around them.

Patty Gale said you can comment that the size of the house doesn't fit the size of the lot.

Evelyn Miller said regardless of the size of the house, it is within the 50-foot buffer and is a constantly running stream. She doesn't see room to put a house and a septic system and a driveway into that lot.

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Karen McRae said she doesn't think there is a leach field to the septic tank. She thinks it is the old style.

Patty Gale said you only comment regarding building within the buffer.

Collis Adams said he has a concern with the size of the house. It is within our district overlay. We have the right to ask them to avoid and minimize, to the greatest extent possible, within our overlay district. Otherwise, why have the district?

Evelyn Miller asked if the 50 foot was within the entire area.

Amy Pollock said this didn't include the deck, either.

Patty Gale said this plan is from the GIS and sometimes it is wrong. The green line is the buffer line.

Karen McRae said this doesn't represent what is on the ground. The shed is in the wrong place. The back page is inside out as far as locating structures. The shed is further away from the brook, trailer and driveway.

Collis Adams said it is confusing because there are two different overlays.

Karen McRae said the applicant is showing the well, septic, and buildings further back on the lot. They aren't there. They are down where he has his house. He's not redoing the driveway. He may want a deck and garage, and may want more bedrooms.

Collis Adams said he'd like to see a development plan for the lot, including contours and placement of buildings.

Patty Gale said you can make the comment to the ZBA that you can't make a comment without additional information.

Evelyn Miller said, with what they have, they don't recommend granting the variance.

David Nieman said after being on the site walk he can't imagine any development plan that wouldn't be a bad idea. It's not an appropriate place.

Patty Gale asked if the comments from the Commission are what's in the report about no erosion control, and based on what has been submitted, the Conservation Commission doesn't recommend this.

Karen McRae said if this is a lot of record, you can't just deny him the right to build on it. If he wants to build on it, he has to show us the build out plan, the topography, where the septic and leach field are going. It has to be done right and according to best management practices for being in the buffer.

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Collis Adams said without a specific site development plan, they can't ascertain the impacts to the water resources being in the 50-foot buffer are going to cause.

Jean Walker said there will definitely be impacts. There is no way around it.

Susan Tucker said as presented to us today, we can't recommend it. She'd hate for him to do a lot of engineering.

David Nieman said he suggests saying that we would not recommend this to proceed. From all evidence we have seen, it is not appropriate for this development. And there are no specific detailed site plans to indicate it could be done.

Karen McRae made a motion that the Conservation Commission does not recommend the granting of the variances based on the impacts to the inner 50 ft. WSWC District Buffer, and based on the evidence in the application that has been presented to them without any site development plans of the property, and no erosion control methods in place, as well as from the findings of the site walk that was conducted on October 29, 2016. The findings of the site walk are as follows: "On October 29, 2016, Jean Walker, David Nieman, and Evelyn Miller site walked a property on 93 Mountain Rd., map 4, lot 95. This is a ½ acre lot. It is a right triangular shaped lot with Mountain Rd. on one long side and Whittle Brook running as the property line on the other long side. From the road, the land steeply drops toward the brook. The widest part of the lot is where the steepest descent to the brook is. In the past, a shelf was cut into the steep slope of the lot about 2/3rds of the distance from the widest part of the lot. This shelf was to accommodate a platform for a mobile home trailer. At present this trailer home is situated about 30 feet from the brook with a dirt driveway/woods road running between the house trailer and along the brook bank. The existing septic tank is located next to the house trailer and does not appear to have a leach field. There is a newly excavated hole exposing boulders and tree stumps. It is located between the existing septic tank/trailer home and brook. It had stakes placed around the whole to indicate the location of a new house. It is approximately 35-40 feet from the brook. Presently, the lot is covered with old trash, tires, TV's, discarded household furniture (i.e. mattress, couches, tables, chairs). Unfortunately, the brook bank has been used as a receptacle for trash, a huge freshly cut brush pile, and excavated dirt piles and boulders." Susan Tucker seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Minutes: Approval of the October 26, 2016 and Non-Public Minutes of October 26, 2016.

Karen McRae made a motion to approve the public and non-public minutes to the Conservation Commission meeting of October 26, 2016. Evelyn Miller seconded the motion. VOTE: 6-0-1. Sue Tucker abstained. Motion carries.

Budget: The Conservation Open Space Fund at Citizen's Bank has a balance of \$92, 264.57. The Operating Budget Balance is at \$2,494.48. (No updates received.) The People's United Bank CD of \$275,000.00.

Karen McRae said we haven't spent any money. We might have to spend some money.

Correspondence:

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Forest Notes Magazine

NH Extension Brochure for Seminar on December 14, 2016

Email from Town Administrator Sue Desruisseaux about Namaske Lake and the Waterways

Karen McRae said the proposal contained only one bid for the Namaske Lake Association. It seemed to be very high and they were charging for all kinds of other things. The prices are extremely high. They are charging exorbitant prices for a business out of Massachusetts, and the bill is sent to Arkansas. Is there someone local? We had the diver in other places in the past.

Collis Adams said if you want to reject the bids you go back out for additional bids.

Karen McRae said they are asking the Town to put up the money.

Jean Walker said we have \$15,000 for milfoil in our budget every year. Last year Namaske got almost the whole thing. This year they would definitely do their share out of the \$15,000. Now they are asking for \$20,000.

Patty Gale asked if the bids go to Amy Smagula and she picks for the grant.

Collis Adams said we have one bid and don't know if it's a reasonable bid or not.

Evelyn Miller said this is going on the ballot. Do we want to send a memo to the Budget Committee, with a courtesy copy to Namaske Lake Association, that we recommend they get additional bids?

Karen McRae said they submit the grant application to Amy Smagula and she makes her decision on that.

Collis Adams said the grant is contingent upon funds from the Town. One bid is not appropriate. The memo should go to the Budget Committee and the Selectmen recommending more than one bid be received.

Evelyn Miller said would go to the December 1, 2016 Budget Committee meeting to represent the Conservation Commission.

Plan Reviews:

Map 21 Lot 11, Subdivision Review Hearing for a proposed two lot subdivision creating one new lot.

Owner: John J. Stencavage Family Trust, c/o Tom Stencavage, 520 Mast Road, Zoned: RSBO-2 (Residential, Small Business Office-2)

Patty Gale said the lot will be serviced by sewer and water. Legally it is two lots from when the lots were consolidated by the Town back in the 60s. They are adjusting the lot lines in a subdivision.

Jean Walker said there are no wetlands.

Evelyn Miller made a motion to find the Conservation Commission has no issues or concerns. David Nieman seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

Map 21 Lot 26-1, Subdivision Review Hearing for a proposed two lot subdivision creating one new lot, 476 East Dunbarton Road, Rick & Janice Briggs, Zoned: Agricultural.

Patty Gale said this came in on Monday. They received a variance because they didn't meet the frontage requirements. The Planning Board hasn't seen it yet.

Karen McRae said it's poor planning to have a well on someone else's property. There are concerns for contamination.

Jean Walker said there are a lot of wetlands on this property.

Evelyn Miller said the new lot will have its well on the old lot.

Collis Adams said it will have to have cross easements.

Karen McRae said she thinks it's a problem.

Collis Adams said there are good soils and an area for the septic system.

Karen McRae said it's draining toward the wetlands.

Collis Adams said it meets the setbacks.

Sue Tucker said the back area is a prime wetland. It doesn't look like there is any way of getting there once the other lot is created. Will they want to get back there for something else? Should we suggest no further subdivision?

Patty Gale said the house already exists on the main lot. They won't be able to build back there without adequate buildable area.

Evelyn Miller said the Board could say there is no further subdivision after this one, and that there will be no more development on this property. There is no road anywhere.

Patty Gale said they have access for the house with the frontage along the road.

Collis Adams said they should alert the Planning Board that we are concerned about development of the remainder of the parcel, and whether, or not, there is dry access to get to it.

Karen McRae said there isn't any dry access to the back. It's all water back there.

Evelyn Miller made a motion that the Conservation Commission recommendation be that, after this two-lot subdivision creating one new lot, there be no further subdivision of this lot because the property is wet, there are prime wetlands, and there is no dry access. Sue Tucker seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Non-Public Session per RSA 91-A:3II(d), (Real Estate)

GOFFSTOWN CONSERVATION COMMISSION
MINUTES TO MEETING OF NOVEMBER 16, 2016

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: Amy Pollock – aye; David Nieman—aye; Jean Walker—aye; Chuck Freiburger—aye; Susan Tucker – aye, Evelyn Miller—aye and Karen McRae - aye. All in favor. Motion carries.

The Board entered non-public session at 7:55 pm.

Karen McRae made a motion to come out of non-public session. David Neiman seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

The Board exited non-public session at 8:35 pm.

David Nieman made a motion to seal the minutes to the non-public session. Karen McRae seconded the motion. Roll call vote: Amy Pollock – aye; David Nieman—aye; Jean Walker—aye; Chuck Freiburger—aye; Susan Tucker – aye, Evelyn Miller—aye and Karen McRae - aye. VOTE: 7-0-0. All in favor. Motion carries.

Susan Tucker made a motion to schedule a public hearing for the open space project for the Florence Mae Tarr Sanctuary on December 14, 2016 at 7:00 p.m., Evelyn Miller seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Karen McRae made a motion to send a memo to the Budget Committee requesting \$20,000.00 be added to the Commission’s operating budget to cover the cost of surveying and legal fees associated with surveying the Town owned private road Crescent Lane, the Town’s Conservation Land and surrounding private properties on South Mount Uncanoonuc. Motion was seconded by David Nieman. VOTE: 7-0-0. All in favor. Motion carries.

Chuck Freiburger made a motion to adjourn. Amy Pollock seconded the motion. Vote: 7-0-0. All in favor. Motion carries.

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Gail Labrecque
Recording Secretary

These minutes are subject to approval by the Conservation Commission.