

**Town of Northwood
Conservation Commission Minutes
December 2, 2014**

Chairman Steve Roy calls the meeting to order at 7:05 p.m.

Present: Chairman Stephen Roy, Vice Chairman Steven Hampl, James Ryan, Wini Young, Thomas Chase, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

Absent: Paul Lussier, Alternates Loren O'Neil, and Michael Matson.

MINUTES

The minutes are postponed to the next meeting.

CONSIDERATION of APPLICATIONS

Special Exception

Camp Yavneh; Map 124; Lot 15

Materials are provided and reviewed for a proposed bridge. Mr. Roy reads the denial from the building inspector relative to Article VI, Section (A)(4)(a)&(b) to construct a bridge for the productive use of land not within the Wetlands Conservation Overlay District and to place a structure within 20 feet of the edge of a wetland. Mr. Roy states that it appears that this is a free standing bridge.

Mr. Roy asks if the applicants have contacted NHDES regarding the state's stream crossing rules. Ms. Smith explains that the applicant indicated that they have contacted NHDES and were told that as long as they were on the high side of the banks they would not need any permits from NHDES.

Mr. Roy states that the issue is that the abutments are within the 20' buffer on either side of the wetlands. He states that the towns' wetland overlay district establishes a buffer of 20' around any jurisdictional wetland boundary; the state does not have specific wetland buffers. He states that when the buffer is proposed to be impacted an applicant can request a special exception from the ZBA.

A discussion is held regarding the proposed structure and the size of the bridge. Mr. Roy states that the design of the bridge will allow precipitation to fall through the bridge as opposed to running along the surface. Pictures are reviewed. Mr. Chase asks if the stream buffer is 20' back from the edge. Mr. Roy further explains that the stream's jurisdictional boundaries are typically the edge of the bank. Mr. Roy states that the bridge appears to be landing within the buffer on either side of the stream, which results in the special exception application to the ZBA. He adds that there is not really much of a bank on this stream. Discussion ensues.

Bridge designs and elevation plans are further reviewed. Ms. Smith states that the bridge will be 20'. Mr. Roy notes that there is communications with NHDOT regarding the bridge.

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Ms. Smith explains that the camp has purchased an abutting property with an existing residence. She states that the camp intends to utilize the residence. She explains that the driveway leads to the house but there is no connection from the driveway to the proposed internal road; they will not be connected at this time. She adds that this is a means to access the house on the adjoining lot and into the main portion of the camp property.

Mr. Roy states that it does not appear that this will become a public thoroughfare. Ms. Smith states that this is for access only.

Ms. Smith states that the role for the commission is to look at what has been presented. Mr. Chase states that he feels that the proposal to build this bridge over the stream is a reasonable request as it appears that this will allow the camp to have access to the residence without having to access any main roads.

Mr. Ryan expresses concern with the town being liable and he asks if any legal documents have been provided or will be created to protect the town. Mr. Roy states that this is a private bridge on a privately owned parcel. He adds that liability is a concern for the building inspector and the ZBA. Ms. Smith states that the building inspector has had lengthy conversations with the applicant relative to the liability. She states that the other option is that the camp would be required to install a bridge that has been stamped by an engineer. She states that the building inspector is working with the applicant and she feels that there will be some type of sign-off for the town.

Mr. Ryan mentions the Payment in Lieu of Taxes (PILOT) program. He explains that Camp Yavneh is not a part of the PILOT program anymore and does utilize the town's services. Mr. Roy states that his concerns should be directed to the selectmen as he does not feel that this is an issue for the conservation commission.

Ms. Smith states that there is a plan of the entire camp with wetland delineation stamped by a wetland scientist. She states that this area of the camp is off to the side and has not had any activity. She states that there have been discussions relative to this being an intermittent stream, and if it is jurisdictional wetlands. She states that they were not able to get anyone out to view the site immediately to determine if this is a jurisdictional wetland, which would require this application to come before the commission and ZBA. They decided to assume that it is a jurisdictional wetland and proceed with the application process for the CC and ZBA. Ms. Smith suggests that should the commission recommend the special exception be granted to add a condition that the span where the bridge will be placed, a wetlands scientist would confirm where the jurisdictional wetland is in that specific location. Ms. Smith states that the stream is actually runoff from

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Rte. 43 that crosses the property. She states that the plans show the area as a "brook".

Mr. Roy agrees that adding the condition for a certified wetland scientist walk the site is reasonable. He states that he does not feel that the commission can consider input relative to the special exception until there is plan that depicts actual boundaries. The consensus of the board is that there is not enough information provided and the commission is not able to make any judgments.

Mr. Chase asks what the classification is of a jurisdictional wetland. Mr. Roy replies that flowing streams are jurisdictional wetlands and are subject to wetland requirements.

Mr. Roy makes a motion, second by Mr. Hampl, to draft a memo to the ZBA indicating that the conservation commission needs further information about the request, specifically a plan that has a delineated boundary on it by a certified wetland scientist, thereby, defining where the buffer begins on either side of stream with the bridge design overlaid on top of that so the area can be properly evaluated in order to determine the span, the impacts, and where the setbacks begin and end. Motion passes unanimously; 5/0.

Land Acquisition/Projects

Non-Public Session

Mr. Roy makes a motion, second by Mr. Hampl, to enter into a non-public session per RSA 91-A:II(d) at 7:34 p.m.

Roll Call Vote

Steve Hampl –yes

Jim Ryan – yes

Wini Young – yes

Tom Chase – yes

Steve Roy – yes

Motion passes unanimously; 5/0.

Mr. Hampl makes a motion, second by Mr. Ryan, to come out of non-public session at 7:56 p.m. and seal the minutes.

Roll Call Vote

Steve Hampl –yes

Jim Ryan – yes

Wini Young – yes

Tom Chase – yes

Motion passes unanimously; 4/0.

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Mr. Roy offers to draft a letter and left the meeting during the non-public session.

OTHER BUSINESS

School Lot Hemlock Tree

Ms. Smith states that she has received an email from Kevin Martin, the Rockingham County Coordinator for the NH Big Tree Program. The email references a large hemlock tree in the School Lot. She reads the email and explains that Mr. Martin has accessed the town's property and has taken pictures of the tree, also provided and reviewed. She states that Mr. Martin would like to nominate this tree to be a part of the program as he believes that this is the second largest hemlock in NH. She adds that Mr. Martin has also requested if there is an easy known access to the area for access and guide people there for viewing.

Mr. Chase states that he met Mr. Martin at the NH Association of Conservation Commissions (NHACC) annual meeting and reviewed his book.

A discussion is held relative to the location. Ms. Smith states that she is concerned with the fact that the access to the tree is through the School Lot and is a part of the town forest, which is managed by the commission. She states that she asked Mr. Martin if he would like to meet with the commission regarding the tree and he explained he charges a fee to visit and present his book.

Copies of the tax map are to be emailed to the members and the discussion is continued to the next meeting.

ADJOURNMENT

**Mr. Chase makes a motion, second by Mr. Ryan, to adjourn at 8:19 p.m.
Motion passes unanimously; 4/0.**

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary