

**Town of Northwood  
Conservation Commission Minutes  
October 3, 2023**

Chair Levergood called the meeting to order at 7:15 p.m.

**Present:** Chair Grace Levergood, Vice-Chair Wini Young, Grace Mattern, Priscilla Merrill, Steve Hampl, and Michael Romano.

**Town Staff:** Land Use Specialist Linda Smith, and Land Use Administrative Assistant Lisa Fellows-Weaver.

**MINUTES**

***September 5, 2023***

**Chair Levergood made a motion, seconded by Ms. Merrill, to approve the minutes of September 5, 2023, as written.**

**Chair Levergood amended the motion, to approve the minutes of September 5, 2023, as amended with edits that do not alter the content. Vice-Chair Young seconded the amendment. The motion passed; 4/0/2. Ms. Levergood and Mr. Hampl abstained as they were not at the meeting.**

**Public Input** – none

**Appointments**

***1. Chris Demeritt, Upper Deerfield Road. Map 235; Lot 1. Conservation Easement Monitoring***

Vice-Chair Young explained that this land is protected by a conservation easement. She stated that the Commission tries to monitor and walk the boundaries once per year. A few months ago, when walked, it appeared there had been some activities occurring on the land that are of some concern; damage to the stonewall was also noted. She commented that this is a problem and needs to be addressed. Mr. Demeritt agreed.

Mr. Demeritt explained that when he purchased the land, he was able to access it for cord wood and hunting and that is what he would like to continue doing on the property. He stated that he uses a side-by-side and a tractor. He has not touched the stone wall. He noted that there were two large boulders at the entrance, which are now no longer there.

Vice-Chair Young explained the easement restriction prohibits recreational vehicles. She added that it is up to the Town to stop this type of activity and up to the Conservation Commission to monitor the easement and add signage. She added that the owner is permitted to use motorized vehicles.

Mr. Demeritt stated that he would be agreeable to adding signage indicating no motorized vehicles; however, he would still like to be able to get wood and have access to do that. He suggested adding signs at both openings. He noted that there is a fence along the boundary and “No Trespassing” signs; he did not place either of these.

Vice-Chair Young suggested changing the classification of the road to a Class A trail which may allow for some type of closure, similar to snowmobile trails. Mr. Demeritt stated that would restrict access to his property and he was not agreeable. Discussion ensued relative to adding a gate or some form of closure. Ms. Smith explained that the access cannot be locked off with a gate.

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A brief discussion was held regarding the existing hunting stands on the property. Mr. Demeritt noted that there is one older one and three are new.

Vice-Chair Young stated that the Commission needs to walk the boundaries every year and note changes. She explained that notification will be sent to the property owner prior to the Commission accessing the land.

Mr. Demeritt stated that he would like to determine if the easement can be amended. He recalls wording allowing amendments after 30 years. Ms. Smith stated that when conservation funds are used as part of a purchase, it is in perpetuity. Vice-Chair Young stated that the easement transaction was in 2011 and some conservation funds were used.

All members were agreeable to placing signs at both openings.

Members thanked Mr. Demeritt for coming in and working with the Commission.

**2. Sharon & Michael Sirois, 8 Lufkin Drive. Map 223, Lot 4 - Special Exception Application**

Sharon and Michael Sirois were present to meet with the Commission for a Special Exception from Article VI.A(4)(a), structures within 20 ft. of a wetland buffer/setback due to the construction proposed for a new dwelling within the setbacks.

Mr. Sirois explained the proposal is to demolish the existing dwelling and build a new house within the same footprint. He stated that they were before the Commission previously and received a positive recommendation to the ZBA for the Special Exception for the NE corner of the house with an encroachment of 7.5 feet into the wetland buffer of the 20-foot setback. He explained that there was a discrepancy with the survey, and they have obtained an updated plan from a new surveyor, previously distributed to members, which indicates that the NE corner of the house is actually 10 feet into the buffer. He added that the NE corner is not changing; it is the same footprint still with an additional encroachment. He stated that they wanted to make sure that the Commission would still support the encroachment with this change. Mr. Sirois noted that they were proposing a 7-foot deck, which was denied.

Chair Levergood stated that this is an old camp from the 1940's. She stated that this is within the same footprint, she does not feel that this is a huge change.

Vice-Chair Young asked what would be in that area to protect the buffer. Ms. Sirois stated that currently there is a row of trees there. Mr. Sirois stated that there would be nothing changing in the area. Ms. Sirois noted that the garage is new, but the house would be the same footprint; it is a new foundation. She added that they have received a shoreline permit from NHDES and there were no issues with the National Habitat Bureau.

Vice-Chair Young asked about the age of the septic system. Mr. Sirois stated that the system was replaced 13 years ago.

**On a motion made by Ms. Mattern, and seconded by Mr. Romano, the Commission voted unanimously to send a memo to the Zoning Board stating that the Commission does not have any concerns with the additional 2.5-foot encroachment into the wetland buffer of the existing structure.**

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**3. Michael Cowan and Maryann McDermott, Kramas Lane. Map 102; Lot 9.  
Special Exception Application**

Tobin Farwell of Farwell Engineering Services represented the application for a Special Exception for relief of Article VI.A.(4), to build a single-family residence within the setbacks of the Wetlands Conservation Overlay District.

Revised plans were distributed.

Mr. Farwell gave a brief overview of the proposal. The property has a new owner. He explained that two years have passed so any approved variances have expired. The existing foundation has heaved, and it is not able to be used. A new proposal is being presented to build a new house with a smaller footprint that ends up being further from the wetlands; however, a Special Exception is required due to the driveway location as it will be within 20 feet of the setbacks within the Wetlands Conservation Overlay District. He stated that the wetland delineation has been completed. He added that the wetlands permit expires in 2024; the septic design will expire at the end of October and will be updated with the shoreland permit approval. He noted that the driveway will be a gravel driveway.

Vice-Chair Young noted that the prior NHDES wetland permit had a restoration plan of approximately 562 square feet required. Chair Levergood referred to a letter from the Conservation Commission, dated September 4, 2018, which also mentioned the required restoration plan. Mr. Farwell stated that he was not aware of any restoration requirement; however, he was aware of a 92 square foot impact by the septic pipe trench.

A discussion was held regarding the foundation. Mr. Farwell stated that the existing foundation will be removed as the proposed location for the new house is where the existing foundation is. Vice-Chair Young noted that the area of the existing foundation was shallow. She asked if the area would need to be built up for the new proposal. Mr. Farwell replied no, the new house will not be a full basement; the elevation will be about the same.

Vice-Chair Young asked what measures will be taken to protect the wetland when the foundation is removed. Mr. Farwell explained they will use proper erosion controls as the construction happens using silt sock for sediment retention.

Vice-Chair Young asked about the well location. Mr. Farwell stated that the well is on the lakeside of the house.

**On motion made by Chair Levergood, and seconded by Ms. Mattern, the Commission voted unanimously to hold a site walk on October 12, 2023, at 8:30 a.m.**

***Expedited Minimum Impact Application: Cowan, Kramas Lane. Map 102; Lot 9. (40-day hold - 9/5/23)***

Mr. Farwell asked about the status of the Expedited Minimum Impact Application.

Ms. Weaver stated that the Commission motioned to place a 40-day hold on the Expedited Minimum Impact Application at the September 5 meeting, to allow for further review.

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Both the Special Exception and the Expedited Minimum Impact Application were continued to the next meeting, November 7, 2023.

**4. LSF, Inc., 268 Jenness Pond Road, Map 203; Lot 19. Special Exception Application.**

Scott Frankiewicz, of NH Land Consultants, was present via conference call due to illness.

Mr. Frankiewicz reviewed the history of the project noting the Commission's site walk in August, and the Commission's September 5<sup>th</sup> meeting, at which time the Commission gave a recommendation of support for the Special Exception, as presented, without any widening of the roadway due to the potential of impacts to the buffer for a four-lot subdivision with two common driveways. He explained that there was much discussion at the September 21<sup>st</sup> ZBA meeting relative to the road and meeting the Rural Road Standards, which are 16 feet with 2 foot shoulders. The owner has decided to upgrade the driveways to the Rural Road Standards. A revised plan provided showed both driveways increased to those standards in the common areas and also indicated the additional impacts to the buffer.

He reviewed the revised plans and explained the four impacts as follows:

Wetland Buffer Impact #1 – Southern Driveway

- 2,240 sq. ft. (former impact)
- 4,040 sq. ft. (current impact)
- **2,000 sq. ft. additional impact**

Wetland Buffer Impact #2 – Southern Driveway

- 1,920 sq. ft. (former impact)
- 3,175 sq. ft. (current impact)
- **1,255 sq. ft. additional impact**

Wetland Buffer Impact #3 – Southern Driveway

- 1,420 sq. ft. (former impact)
- 2,210 sq. ft. (current impact)
- **790 sq. ft. additional impact**

Wetland Buffer Impact #4 – Northern Driveway

- 300 sq. ft. (former impact)
- 400 sq. ft. (current impact)
- **100 sq. ft. additional impact**

Mr. Frankiewicz stated that the Applicant will propose the expansion of the driveways if a second house would be built and require a building permit on these driveways and require to be constructed and improved before the issuance of a Certificate of Occupancy for the second house. If a second house is not built the driveways will remain with the only impacts being the maintenance of the existing driveways, within the wetland buffer area. He added that the intent of the subdivision, as stated at prior meetings, is for estate planning purposes for the owner; the additional lots will not be up for sale or be built on in the foreseeable future. The Applicant has also stated that he is not opposed to conservation easements, as noted in a prior meeting with the

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Commission. He read a letter from Mr. Daniels noting potential deed restrictions for development.

Vice-Chair Young stated that the only way to protect the property is with an easement held by a land trust, perhaps for the back land.

Ms. Mattern stated that she will mention the potential of this easement at the next Bear Paw Regional Greenways meeting.

A discussion was held regarding the road and the Commission's prior recommendations. Ms. Weaver stated that there was much discussion held by the ZBA regarding the condition of the road. They expressed concern with safety of not only two cars being able to pass by each other, but the concern of one car and a delivery/fuel truck, or in the case of an emergency, two fire trucks being able to pass each other. Also, concern was mentioned relative to the condition of the surface of the driveway with soft shoulders, ditch areas, and changes too due to weather events.

**On a motion made by Mr. Romano, and seconded by Chair Levergood, the Commission voted unanimously to send a memo to the Zoning Board stating that the Commission supports the increase in impacts to the wetland buffers, as described, due to the proposed expansion of the driveways to be 20 feet wide as described by the Rural Road Standards, 16-foot wide and two-foot shoulders.**

**New Business**

***1. JC Builders, 721 First NH Tpke. Map 222; Lot 41. Standard Dredge & Fill Application***

Scott Frankiewicz, of NH Land Consultants, was present via conference call due to illness.

Mr. Frankiewicz stated that the permit has been submitted and accepted by NHDES with changes noted at last months' meeting. He stated that nothing new has changed.

Chair Levergood asked if the change in culvert size will impact the Montieth property. Mr. Frankiewicz replied no, there will be no impacts.

The Commission did not have any additional comments or concerns based on Mr. Frankiewicz's comment noting that nothing has changed since last month's meeting and the previously held site walk.

**On a motion made by Ms. Mattern, and seconded by Mr. Romano, the Commission voted unanimously to not provide any comments to NHDES for the Standard Dredge and Fill Application for JC Builders, 721 First NH Tpke, Map 222; Lot 41, based on the discussion held noting that nothing has been changed.**

***2. Shoreland Permit: Elsen, 59 Lower Camp Road. Map 125; Lot 57.***

Scott Frankiewicz, of NH Land Consultants, was present via conference call due to illness.

Mr. Frankiewicz provided an overview of the plan and property. He stated that the building permit has been issued pending both shoreland and septic system approvals. He noted that the septic system is out of the 250-foot mark. The proposal is to

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reconstruct the structure within the same footprint, with no expansion or changes. A new septic and well are being installed.

Ms. Young commented that she is happy the septic system is being replaced; it is the best thing for the lake.

**On a motion made by Chair Levergood, and seconded by Ms. Mattern, the Commission voted unanimously to accept the permit, as submitted, with no comments or concerns.**

**Old Business**

***Trails Day – Guptill Property***

The Commission discussed hosting a fall hike and set a date of Sunday, November 19, 2023 at 1 p.m. A flyer will be created with additional information and provided at the November 7 meeting for distribution. The Hike will be posted on the sign, Post Office and Town’s website.

**Town Staff Items**

The following items were reviewed and addressed; no action was required:

• ***Intent to Cut Requests***

- *MacFarland, Jenness Pond Rd. Map 206; Lot 36*

• ***NHDES Correspondence:***

- *Expedited Minimum Impact Application: Cowan, Kramas Lane. Map 102; Lot 9. (40-day hold - 9/5/23)*
- *Standard Dredge & Fill Application: Hughes, 7 North Lane. Map 108; Lot 90. (40-day hold - 9/5/23)*
- *Report of Alleged Violation: 248 Bow Lake Road. Map 210; Lot 11.*
- *Incomplete PBN – Cove Way. Map 202; Lot 27.*
- *Denied PBN – 416 Bow Lake Road. Map 105; lot 43.*
- *Denied PBN – 61 Bennett Bridge Road. Map 210; Lot 28.*

• ***Other:***

*Change of Meeting Time*

**On a motion made by Ms. Mattern, and seconded by Mr. Romano, the Commission voted unanimously to change the Conservation Commission’s meeting to begin at 6:00 PM, effective November 7, 2023.**

**Chair Report/Comments**

Chair Levergood noted that there was a prior discussion regarding events being held on Conservation land. There is a Town form that the Commission would like to request to be updated to include adding a sign-off from the Commission when Town events/activities occur on any land under the purview of the Conservation Commission, including Town Forests.

Staff will follow up on this item.

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**Correspondence/Other**

- ***NCC & BOS – Hannaford Monitoring Easement Site Walk***

Ms. Weaver stated that the request for a site walk of the Hannaford property with the Selectboard was provided and a date needs to be set. The Commission suggested October 30 at 9:00 a.m.

Staff will follow up on this item.

- ***Div. of Forests & Lands, Town Forest Cut – Lucas Pond Road. Map 244; Lot 11.***

Correspondence was received from the Division of Natural and Cultural Resources Division of Forests & Lands noting the approval to remove more than 50% of the basal area along 1,200 feet of Lucas Pond Road for the Town Forester.

- ***Letter of Resignation***

A resignation letter has been received from Ms. Merrill as a full member of the Commission; however, she would like to be reappointed as an alternate member.

**On a motion made by Chair Levergood, and seconded by Ms. Mattern, the Commission voted unanimously to accept the resignation of Ms. Merrill as a full member of the Commission and recommended she be reappointed to the Commission as an alternate member.**

- ***Trail Cameras***

A discussion was held regarding the Commission purchasing trail cameras for Conservation Land/Town Forests. The Commission requested that staff provide some examples of camera options and pricing for the next meeting.

- ***Signage***

Discussion circled back around to address the need for signage, specifically prohibiting non-motorized vehicles. The Commission agreed to place signage at both ends of the conservation easement/Demeritt property.

**On a motion made by Ms. Mattern, and seconded by Ms. Merrill, the Commission voted unanimously to grant authority to Ms. Young to purchase necessary signage prohibiting the use of non-motorized vehicles; not to exceed \$250. funding to come from the Land Conservation & Management Fund line.**

**ADJOURNMENT**

***Motion to adjourn was made by Ms. Mattern, and seconded by Mr. Romano, and unanimously accepted, at 9:21 p.m.***

Respectfully submitted,



Lisa Fellows-Weaver,  
Land Use Administrative Assistant