

**Town of Northwood
Conservation Commission Minutes
December 15, 2021**

Vice Chair Romano called the meeting to order at 7:08 p.m.

Present:

Wini Young, Vice-Chair Susan Romano, Tom Chase, and Steve Hampl

Town Staff present:

Linda Smith, Land Use Specialist, Susan Austin, Land Use Assistant

MINUTES:

November 3, 2021

Ms. Young made a motion to accept the minutes of November 3, 2021 second by Susan Romano. Motion carried 4/0

Special Exception Application

David Pelletier Construction Old Turnpike Road and Ye Olde Canterbury Road, Map 215 Lot 21-1. Applicant is proposing a common driveway with a wetland impact of 520 square feet and requests the following relief:

- A special exception as specified in the zoning ordinance Article VI Section A. (3).(h)

Scott Frankiewicz from NH Land Consultants was present to discuss the application. Mr. Frankiewicz stated that he had a special exception application that he was going to go before the ZBA for later that month for a driveway that had an impact of 520 square feet. The driveway is proposed to be a common driveway servicing two lots on Old Turnpike Road. He stated that the proposed drive way is in a location that has the least impacts on the wetland that also provides the required sight line. The subdivision will be considered an open space subdivision. He stated that Tom Sokolowski is the wetlands scientist of record on this application, and will be preparing the NHDES wetland impact permit. Ms. Young asked about how much natural vegetation will be left to allow the runoff to go? The more vegetation that was left will be better for the level of that wetland. Mr. Frankiewicz stated that as far as he knows, the applicant was not planning on cutting any of the vegetation in that buffer. Ms. Young asked if the Planning Board had any concerns about the flooding that has occurred on Old Turnpike Road? Ms. Smith stated that the Planning Board has not discussed that. Ms. Young stated that she was concerned about the flooding, and she would hope that the Planning Board does look at that and suggests something that ensures that a buffer is left to help to stop the increased runoff. Ms. Romano asked how long the flooding has been an issue? Ms. Smith stated that it had to have been on and off for at least 30 years. Mr. Frankiewicz stated that during construction there will be run off control during construction.

Discussion continued, with the members agreeing on the following comments.

Due to concern for flooding along Old Turnpike Road in the portion adjacent to the wetland, the Conservation Commission believes that the additional impervious surface of the driveway and building footprints may increase flooding. We recommend mitigating impacts of the impervious surfaces by adding water retention areas, following Wetlands Best Management Practice Techniques for Avoidance and Minimization

RSA 36-A:4-a, I(b)

Vice Chair Romano presented the members with a proposal from Bear Paw Regional Greenways

Bear-Paw Regional Greenways would like the Town of Northwood to consider the adoption of

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RSA 36-A:4-a, I(b) Optional Powers, as follows:

The wording of the question under subparagraph I(b) shall be:

Shall the town vote to adopt the provisions of RSA 36-A:4-a, I(b) to authorize the conservation commission to expend funds for contributions to qualified organizations for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the town will retain no interest in the property?

Bear-Paw is working to bring this RSA to the attention of conservation commissions around our region. In 2009, the Strafford Conservation Commission adopted this RSA, which has facilitated conservation projects, particularly for privately-owned conservation easements.

The Town wanted to both increase the number of conservation projects while reducing future liability and responsibilities to future generations of Town Conservation Commission members. An Executory Interest means that all stewardship responsibilities would fall to the town, should a land trust not sufficiently enforce the terms of a conservation easement.

Responsibilities include:

- Annual land monitoring and documentation
- Enforcement of the easement terms, including legal defense and associated fees
- Oversight of easement management plans
- Coordination with any new landowners that purchase the easement land

Conservation Easements include a clause for the unlikely event that if the land trust were to dissolve or merge that a willing and capable land trust would take over the easement stewardship responsibilities. In addition, the New Hampshire Attorney General acts as a backup interest in all conservation easements. Essentially, all conservation easements have multiple backup protections regardless of a Town's Executory Interest.

From a conservation perspective, passing RSA 36-A:4-a, I(b) would allow for a smoother project funding process. There are a number of potential project landowners who are interested in conservation options but are opposed to a Town-held Executory Interest. This RSA also does not restrict the Town from holding an Executory Interest; that is still always an option. This would simply allow for more flexibility to determine Executory Interest needs on a per project basis.

Ms. Smith discussed the history of easements in Northwood. She stated that the town residents voted to put 10% of the current use penalty funds to the Conservation Commission, then it was revised to 50%. The concern has always been that if this comes up as a warrant article, people would rather reduce the amount going to the Conservation and put it towards the general fund to reduce taxes. That has always been the real base reason why the Commission has always voted against this.

Upcoming Meeting: January 18, 2022 at 7 PM

NON-PUBLIC SESSION

Motion is made by Vice Chair Romano, second by Wini Young to go into a Non-Public Session at 8:30 pm under 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

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Roll call vote: Vice-Chair Susan Romano: yes; Wini Young: yes; Tom Chase: yes; and Steve Hampl: yes.

Motion is made by Vice Chair Romano, second by Tom Chase to come out of the Non-Public Session at 8:40 pm

Roll call vote: Vice-Chair Susan Romano: yes; Wini Young: yes; Tom Chase: yes; and Steve Hampl: yes.

Motion is made by Vice Chair Romano, second by Tom Chase to seal the minutes. Vote: 4/0.

Motion is made by Tom Chase, second by Steve Hampl to authorize Wini Young and Susan Romano to write a memo to send to the ZBA with concerns about the special exception application.

Motion to adjourn is accepted at 8:32 pm

Respectfully submitted,
Susan Austin, Land Use Assistant