

**Town of Northwood
Conservation Commission Minutes
February 2, 2021**

Chair Levergood called the meeting to order at 7:00 p.m.

Present:

Chair Grace Levergood, Vice-Chair Fred Borman, Wini Young, and Susan Romano, and Grace Mattern.

Town Staff present:

Linda Smith, Land Use Specialist and Susan Austin, Land Use assistant

MINUTES:

October 27, 2020

Chair Levergood made a motion to accept the minutes of October 27, 2020, with correction that do not affect the content of the minutes. Ms. Young seconded. Motion carried by roll call vote 4/0/1 Ms. Mattern abstained.

January 5, 2021

Chair Levergood made a motion to accept the minutes of January 5, with correction that do not affect the content of the minutes. Ms. Young seconded. Motion carried by roll call vote 4/0/1 Ms. Mattern abstained.

Special Exception

Special Exception: Camp Yavneh 18 Lucas Pond Road; Map 124, Lot 15. Steep Slopes Overlay District

Justin Macek from TF Moran was present for the applicant, along with Corey Caldwell, a licensed land surveyor. He presented the board with plans for a project at Camp Yavneh. The proposed project is located at 18 Lucas Pond Road, on a 55-acre parcel of land. The land is owned by Camp Yavneh, and is currently used as a Jewish overnight summer camp. The parcel is located in the general district, as well as the wetland conservation overlay and steep slope districts. The campground is situated along the north shore of Lucas Pond Road. It is comprised of bunk houses, indoor and outdoor recreational areas, classrooms a dining hall an art center, and other amenities. He shared his screen to the commission that showed a plan that laid out the entire campground. He stated that the areas in the orange color to be 20 to 24.99% slope. Areas in the darker orange are 25% slope or greater. For proposed work, they are proposing the construction of 4 new bunkhouses, and an addition to the existing MARP infirmary building. The primary intent of this project is to provide improved camp ground facilities and accommodations to provide better separation between campers and counselor throughout, as a result of the Covid-19 pandemic, as requested by the state. It is important to note that Camp Yavneh has no intent to increase the total occupancy of the camp group. Instead, campers and counselors will be displaced from the existing bunk houses, into the new bunk houses, resulting in a equal number of occupants throughout the campground. This plan set has actually been broken into two plan sets. The first plan set includes construction of three different bunkhouses, which is G12, G13, G11, and B12 and B13. The second plan set

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consists of bunk house B11 and the addition to the existing MARP infirmary building. They reduced the scope of work, per the last planning board meeting in January. The first plan set for the B11 and the MARP addition require no zoning relief, the second plan set for bunkhouses G12, G13, G11, and B12 and B13, do require zoning relief in the form of a special exception for the construction of bunkhouses G12 and G13 which is located in the Steep Slope Overlay District. The plans submitted as a part of this Special Exception only include the construction of G12 and G13, G11 and B12 and B13.

The second plan is a blow up of G12 and G13, which is requiring the special exception. In the zoning ordinance, article 6, section E4, a special exception is required for the construction of a 2,050 square foot proposed bunkhouse in G12 and G13. Because it is located in a contiguous area of 2,000 sf. containing 20% slope or greater. Originally the footprint was supposed to be a little bit larger, and the extents overlapped into the 25% sloped area. In working with the client, they have reduced the footprint and moved it forward and they are staying out of the red area, which represents the 25% steep sloped area. The proposed bunkhouse is lifted on post and buried footings, which results in a lot less impact to the steep slope overlay district than an excavated base and foundation. Furthermore, existing drainage patterns are maintained as water can flow underneath the building. This also results into less of an impact to the steep slopes overlay district. They will have to relocate a few existing features as shown here, there is an existing propane tank that they plan on locating outside of the overlay district all together. The associated gravel pathways that provide emergency exit and entrance access to the bunkhouse are outside of the 25% steep slope area. All associated improvements stay out of the 25% prohibited area. They have made every effort to pull the bunkhouse forward and reduce the footing size to eliminate impacts.

Corey Caldwell stated that they did look at other areas of the site to fit the girls bunk house's 12 and 13. He referred to the drawing, shown in the lighter gray lines are the existing bunkhouses. They can't go into the white, because all of that land is occupied by other buildings, leach fields or utilities. The only place this building can go is in this area. They would have more concerns if they were on foundations, however they are not. They are on these concrete piers. The corners of the buildings are on the support, and there will be a few supports in the middle of the building, but the ground will stay the same underneath the buildings. Runoff and stormwater can all flow under that building. They could move it quite a bit to the northwest, however, then it becomes isolated from the other bunkhouses, and the camp experiences is to try to keep these bunkhouses in pretty close proximity so that one isn't isolated from the others.

Chair Levergood asked about the erosion control plan. Mr. Macek stated that a silt sock is shown along the perimeter, down gradient of the proposed construction. They do have an erosion control plan for the submittal for construction of boy's bunkhouse B11 and the MARP addition. They are working on a final erosion control plan to submit for this new set for these three proposed bunkhouses. Chair Levergood stated that it was one of the requirements in the steep slope overlay district. Mr. Macek stated that it was almost done. Chair Levergood stated that they she didn't have any

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issues, but she would ask the other members if they had any questions. Mr. Borman asked if the bunkhouses had indoor plumbing, and would any trenches have to be made for that? Mr. Macek stated that the bunkhouses will have indoor plumbing. They will have showers and toilets in the bunkhouses. They are still coordinating with the state to determine the best placement for the potential septic tank. They are conducting a feasibility analyses to determine if they can tie into existing tanks or if they will be required to install a new septic tank. The existing leach fields, however will have no increased load, since the number of campers and counselors will not be changing. Ms. Young asked how far away from the lake this was. Mr. Macek stated that it was a little over 500 feet. Ms. Romano asked if the buildings G12 and G13 were the only new buildings. Mr. Caldwell stated that there were 5 new buildings in total, but G12 and G13 were the only ones that needed relief from the Zoning Board with a special exception. Ms. Romano asked about the building in the wetland buffer, B12 and B13. Mr. Caldwell stated that they have submitted and received a shoreland permit on that building.

Chair Levergood stated that they would send a memo with their findings and/or concerns, and thanked them for coming.

Ms. Mattern asked how much authority did the Commission have over applications like that? Chair Levergood stated that they can point things out, and share their findings and/or concerns, but ultimately it was up to the ZBA with special exceptions. Ms. Smith stated that the zoning ordinance for the special exception has a requirement that the applicant going to the ZBA must first come to the Conservation Commission for review and comment. It is now posted for changes to that which includes noting that they must be written comments. Ms. Young stated that the applicant did go through the 5 points in their application.

Ms. Austin stated that she would mail a copy of the Developmental Zoning Ordinances to the Ms. Mattern

Docko/CMA Letter

Ms. Young stated that the ZBA granted the variance to Docko that was needed for the road construction, called Site E and Site D. That variance was suggested in their letter of last June. The CMA letter, a lot of it does overlap with what the commission asked them to require and what they recommended. The only things she can see that they might respectfully remind the Planning Board are the stump grinding, Mr. Borman attended the September 24 meeting and they discussed instead of spreading the stumps, stump grinding was better. Mr. Holden stated at the meeting that they could do that. In the letter they discussed blasting and blasting BMPs, and that was one of the commission's concerns as well, that no blasting take place outside of the three designated pits.

She thinks that the Planning Board might want to send the findings from CMA to DES. Outstanding water resource or watershed, but they said again that there is no significant communication with outside areas and the wells are at least 2,000 feet away. They mentioned that they wanted to make sure the BMPs for the protection of

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water quality from blasting operations would be in the excavation permit. On the 3rd page at the top, where it says “requires that the application include the elevation of the highest annual groundwater table, within or next to the proposed excavation” She stated that she assumes that these kinds of things would be in the excavation permit, this is saying that they require it. It does have an emphasis on ground water in that paragraph. The application does not include these descriptions which relate to the question of the hydrogeologic settings and the characteristics of the proposed quarry. The next paragraph talks about blasting regulations. It does have the RSA 85 A:17. Review and regulation of both surface impacts and ground water impacts from large disturbances of land. That should be covered in the Alteration of Terrain permit. One of the points that has been brought up is that all of these entities should be speaking to one another, for example, the Planning Board converses with the wetland board and the AOT board. All of these things should be taken into consideration at the same time. In the third paragraph, infiltration to ground water significant quantities of surface water at various places in the sequential excavation, and that groundwater flow from that would need to occur from the infiltration location has not been characterized. Ms. Young asked if all of these points go to the applicant? Does the Planning Board require that these be fixed by the applicant? Ms. Smith stated that the applicant receives it immediately upon receipt by the town. Ms. Romano stated that she watched the Planning Board meeting with Mr. Holden, and what struck her was the very last paragraph of this report, it seemed to stimulate a lot of conversation. This is something that they brought up at one of their previous meeting, what happens if you dig down 100 feet out, even though they have the 100-foot buffer, what happens to the water level inside of the prime wetland. It looks like they are addressing that from an engineering standpoint, and that is very good. She was very impressed with what they are doing to preserve the water level. Chair Levergood stated that she would say that this letter should go to DES as part of the permitting process, although she doesn’t know how they guarantee that it happens. Ms. Smith stated that they could recommend it to the Planning Board, although the AOT permit is through the state, but they can suggest it, the Planning Board asks, they more than likely would agree to it. Ms. Smith also stated that it wouldn’t hurt to have Commission presence at that meeting, and if there are any issues to address, they could bring them up. The next meeting is on the 25th.

Update on the School lot/Town Forest Lot

Mr. Borman stated that they have been busy putting up boundary tags. The Parsonage and Lalish lots are completely tagged. He started putting tags on the School lots, but only in the area where they had noticed the ATV trespass last summer. One of the private landowners has actually dropped trees across his side of the stone wall on the west side, and put a private property on the logs that he stacked. Someone has been riding through there. Ms. Young stated that she started tagging on the Little Acorn property, the former Low property as it’s listed in the annual report. Another issue that they found. (Ms. Young shared her screen) There are two lots that make up the School Lot. Actually, the School lot goes across Lucas Pond Road. If you are driving down Lucas Pond Road, there are these lots that are non-conforming. The School lot was established in the 1700’s, it isn’t recent, yet there are non-conforming lots here that Ms. Smith was going to look up where these were established and if the were

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established and it's an okay thing to do, they should be changed into at least two acres. There is one house on the first lot. When she did all that clarifying of where the lands were, she didn't realize that this was two separate lots, one is lot 11, and the other is across the street, so that would need to be changed in the annual report. This is concerning because it is a town forest, and she has no idea when they put them in. In referencing the road, it is marked as Town property. Chair Levergood asked who owns Lot 42, she has town of Northwood as the owner. Ms. Young stated that there are little lots in that area that were leased for years. Then back in the early 90's, they sold the lots around the pond. But there are still a bunch of little lots and even around the shore line that say Town of Northwood. She doesn't know if they are considered part of the Town Forest, or something altogether different. But before they start tagging, they need to find out if it needs a tag. Mr. Borman stated that this might be an area they probably should have resurveyed, based on what Ms. Smith finds. Small lots tend to encroach on other lots over time.

Ms. Smith stated that the history of the other lots that are marked "town owned" is that occasionally they received complaints from people down in that area about issues relative to these lots. After someone came in for a ZBA application, there were some questions about a lot, she went back and looked into the issue of the leased lots, and the town decided that they would look into whether the town could sell the lots. The Town set up a process by which there was a warrant article, the voters accepted it, and they allowed people who had the leased lots to buy it at 25% below assessed value, the next year was 15% below and the next year they had to pay full price. Many people did buy the lots, but in that warrant article, it specifically stated that as part of it, the private roads and the town beach area, and two lots that have access to the pond, and maybe two remaining lots that the town has in that area, are to be deeded to the Lucas Pond Association. It never occurred, apparently. The attorney that did the original work could not find anything that they did that would indicate that the lots were conveyed. The town tax maps still show that they are not. She stated that she brought it up to the TA two years ago and it wasn't a priority. She is hoping that this can be addressed. The warrant article needs to be followed through, and that was the agreement and it would take it out of any jurisdiction of the town, including the private roads that the association plows. As far as those small lots that are in front of the small school lot, she believes that all of those tracts were included in the Town Forest, but she will verify that. She has seen something that has indicated that, but she would need to go back and see if she can locate more details on it. Ms. Young brought up a question of, once you designate a lot Town Forest, can it be changed? There is a real possibility that the lots could be conveyed out by a warrant article. It has been brought up that the Town could create revenue by selling land. The concern here is that there is a procedure that they have been following that says "a non-conforming lot can only be sold if it is to an abutter who will merge it with their lot to create a more conforming lot." Some of those lots could be combined to create a buildable lot. Certainly, it is something to think about, whether or not creating a warrant article to merge the front lots with the back lot. If it's determined that they are town forest, then they probably should eliminate the lot lines. Since they are separate lots of record, they could be conveyed without subdivision. The School lot goes back to what is referred to as the "Kings Grant" There is quite a history there. The timber that

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was harvested was intended for the school and the Parsonage lot's timber was intended to be for the churches in town. Mr. Borman stated that it was set up similarly in many towns. Ms. Smith stated that the members could work directly with the Board of Selectmen and see if they would be willing to put a permanent conservation easement non development on those lots. Ms. Young stated that she wondered how binding the deed restrictions that they have put on other conservation lands were, now that they know that it was possible to change a lot from town forest to not town forest? Ms. Smith stated that those are binding because they were bought with conservation funds. Ms. Mattern asked if there was a map that showed all of the town forest lots? Ms. Smith stated that they have a large map at the Town Hall, but as part of their dues with SRPC, they can have them send an electronic version of that. Chair Levergood stated that they still need to get the maps that go with the Forest Management program. Ms. Young stated that the state has them as well. It would be nice if they could add that to the website. As well as the conservation overlay districts. Chair Levergood stated that she has found that information on the AXIS-GIS link on the website. Ms. Young stated that she wanted to let Ms. Smith know that she missed that the School lots are listed as two lots when she gave Ms. Smith the information for the annual report. Ms. Young stated that she sent Ms. Smith corrections from the last year. One page lists Upper Camp Road as 102 acres, and that actually is half of the school lot. The other one is on the page with the Conservation Land, the town forest, The School Lot West is the smaller lot. She will forward these to Ms. Smith.

Ms. Romano stated that she would be happy to make maps for the members. She will coordinate with Ms. Young.

Tom Chase arrived at 8:12 PM

Ms. Young stated that she also sent Ms. Smith her revision of the checklist, and list that she suggested as a yearly review. She stated that they could send it out for the March meeting, and see what the rest of the members think.

RSA 91: A and Emails

Ms. Smith stated that she wanted to caution people to not communicate on opinions or discussion via email amongst each other. As it notes in the information she sent along, it's very easy to suddenly have a quorum. If everything goes through either the chair or herself, then they can disseminate the information out to the rest of the members. It always has to be a one-way street. The public doesn't have any way of hearing the discussion that leads up to a decision.

Trail work

Chair Levergood stated that they members who are working on the trails should be recording the time they spend on them, so if in the future they need to go for a grant they would have matching hours. Mr. Borman stated that he is at the point of cutting that it is becoming non productive time-wise, because he is walking in for an hour working for two, and then walking back out for an hour. He would really like to

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coordinate having at least two people with chainsaws so they can get more done in a day.

Ms. Young stated that NALMC had a wonderful interactive map of all of the lots in the NALMC neighborhood that Rick Vanderpoll did. It does have a lot about the Deslaurier Lot and the unique habitat in that area. It has descriptions of town lots as well.

Mr. Borman stated that he was speaking with Phil Auger, and he mentioned that they were working on the trails on the Parsonage and Lalish lots, and he mentioned to him that many years ago, he saw some receipts for the construction of the stone walls around the Parsonage lot. Ms. Young stated that the Historical Society might have more information.

CORRESPONDENCE

Chair Levergood stated that they had received a letter from DOT that needed action. They are asking for mitigation efforts on the bridge on Route 107. They are asking if there are any projects that the DOT could use for mitigation, since they will be doing a wetlands impact. Ms. Young stated that she had sent the members a copy of the hazard mitigation plan, and even though that was a larger scale, there are small issues that could be corrected, for example, the erosion along the edge of Route 4, where Route 4 crosses over the Narrows Brook. There might be some cutting as well. Ms. Smith stated that the best way to handle this would be to decide at this meeting what to say, or for the members to give her permission to write it. Mr. Chase stated that if they were going to do the work down in the Narrows, is there some way for them to look at the stream from that culvert down to Northwood Lake and see if someone with an experienced eye might see some way to improve that section of the stream that flows from the culvert down to Northwood Lake? Mr. Borman suggested a site walk before they do the work.

Mr. Borman made a motion to allow Chair Levergood to draft a response to DOT. Mr. Chase seconded. Motion carried by roll call vote 6/0.

Ms. Romano commented that she had done some research on the checklists that they were discussing at the last meeting, and she found that they were really complicated. Even the checklist that they included with today's application had all of the various types of applications. She thinks they should probably put a link on the website and have the applicants look at that, rather than having them do it again for the Conservation Commission. The other thing she wanted to mention was, going back to what Ms. Mattern was saying at the beginning of the meeting about the process of approving the applications? She also did a little research about that and sent that around to the members. IN situations like today's application, should they have gone on a site visit? It seems like that is what the Conservation Commission is being recommended to do. Is that something they should do? Chair Levergood stated that for some of these applications, a site walk is definitely necessary. For Camp Yavneh, she feels pretty comfortable about the work going on there. But if others want to see it, that door is always open. Ms. Smith stated that the procedures stated that the Commission would do a site walk 7 days ahead of the meeting date. But this application was added to the agenda rather last minute. They didn't have to

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necessarily give them comments tonight if they didn't feel comfortable to do it. In this particular case it was the application itself that maybe didn't warrant that level of investigation. The other side of it is that they are under a rather tight time restraint and they are working with both the ZBA and Planning Board. They are hoping to be able to break ground as soon as they can. The more standard approach is that they go look at the site before they make comments.

Membership Terms

Mr. Borman asked if his term was up in March? Ms. Smith stated that Wini Young and Steve Hampl are up for renewing, and Mr. Borman was up the previous year, but was inadvertently not appointed.

Emails from NHACC

Mr. Chase stated that he received an email from the NH Association of Conservation Commissions, which he forwarded to Mr. Borman and Chair Levergood, which talked about House Bills which were important to conservation commissions. The question he asked was if some of these House Bills are things that they would support the legislature doing, should they write a letter on behalf of the Northwood Conservation Commission to their representatives encouraging them to support these bills? Mr. Borman asked if that was considered lobbying, and shouldn't they direct their support to NHACC rather than the elected officials? Ms. Smith stated that she agrees with Mr. Borman. Unless the whole commission is in agreement, and even so she would say with caution, it would be best to respond through NHACC, or respond as individuals.

Future Meeting Date

March 2, 2021

Motion to adjourn is accepted at 9:00 pm

Respectfully submitted,
Susan Austin, Land Use Assistant