

# TOWN OF FITZWILLIAM

## CONSERVATION COMMISSION

### MINUTES

**Monday, March 15, 2021**  
**7:00 PM**

*Note: Due to the COVID-19 pandemic, the Conservation Commission met remotely via phone/video conferencing, as allowed under NH Executive Order 2020-04, Emergency Order #12.*

**Members Present:** Paul Kotila, Kevin Woolley, Hiel Lindquist, Susan Silverman, Beth Vanney, and Terri Robbitts

**Members Absent:**

**Guests Present:** Tom Gerry, and Dr. Rick Van de Poll

Chairman Paul Kotila called the meeting to order at 7:00 p.m.

#### APPOINTMENTS

**Erwin and Frigon Merrifield: construction of a deck and dock within 75 feet of a wetland (WPOD) at 460 East Lake Road. [Map 21, Lot 23 – Rural District]**

The LUC gave background on the case stating that the deck and dock were taken down due to safety issues. The original contractor rebuilt the dock two feet bigger than the original footprint. A complaint was made to DES, who then made the owner remove the deck and dock, and rebuild it within the original footprint.

Tom Gerry, builder representing the owner, stated he came on board after the original contractor died. Mr. Gerry has pulled out all of the concrete and stated that no concrete will be used on the water edge. He will use galvanized posts in the water and the deck will be connected to the house, so no concrete will be needed. He will use cedar decking with a ¼ inch gapping. All cutting (sawing) will be 75 feet away from the water. Mr. Gerry stated he cleaned up the water by removing rubbish that had accumulated. He would like to finish the project by June 1, which is the DES deadline. He will use the same plan as the original deck and dock. The reason behind the replacement is due to safety issues. The entire project area is 12x26 feet; 9ft 3in is on land with the remainder over water.

Susan Silverman felt a site walk was needed. She also preferred that the Planning Board resolve the case and then the application should come to the Conservation Commission.

Mr. Kotila asked if work can occur before the ice out. Mr. Gerry felt it was probable. There will be minimal land disturbance and the use of the auger might be easier when ice is present.

Kevin Woolley stated that special equipment is needed to install the techno posts. Mr. Gerry agreed but stated they will utilize the existing posts. He will anchor the stairwell to the house at the top and bottom using LVL instead of replacing the posts in the ground. The LVL will sit between the joists to hold the load.

Hiel Lindquist asked for confirmation that the posts in the water will be reused. Mr. Gerry stated yes. He will only use an auger.

Ms. Silverman suggested bush plantings to handle the runoff from the roof, and asked if there were any gutters. Mr. Gerry planned the same as before, which is grass on the slope. There are no gutters. His only concerns were the blocking of the cellar door, which is on the ground level on the left of the deck, and ice dams in the winter time from the gutters. He is open to suggestions, but suggested a rain diverter with pea stone. Ms. Silverman

suggested native shrubs and plantings, along with a rain diverter, to help mediate the water runoff. Mr. Gerry stated he will install a rain diverter, then consider stone and shrubs. He does not want to commit to a plan until he gets into the project.

Beth Vanney asked if the State required a vegetation plan. Mr. Gerry said no, they were only concerned with the pillars in the water. Ms. Vanney suggested that he speak with Ms. Jackie Wood in regards to vegetation plans. Mr. Gerry said he will install a rain diverter, and then work on the runoff second.

Mr. Kotila recommended a site walk and asked that it be coordinated with the Planning Board.

**Jacqueline Wood: construction of a shed within 13 feet of Laurel Lake at 446 East Lake Road. [Map 23, Lot 3 – Rural District]**

Jacqueline Wood was not present for the appointment. However, she did submit the updated drawing as discussed in the February meeting. The Conservation Commission reviewed the diagram and confirmed the plan.

**Mr. Kotila motioned to approve the runoff plan for the proposed shed at 446 East Lake Road. Terri Robbitts seconded. Motion passed unanimously.**

Yes: 6 [Kotila; Lindquist; Woolley; Silverman; Vanney; Robbitts]; No: 0; Abstained: 0

**Dr. Rick Van de Poll and Natural Resource Inventory update**

Mr. Kotila asked to review the list of questions that Dr. Van de Poll asked. Mr. Kotila stated the reason behind the appointment is to give guidance on what the Conservation Commission is looking for so that Dr. Van de Poll can provide a proposal and begin assisting.

Dr. Van de Poll stated he has assisted about 75 towns with their NRI's. The NRI can be simple or detailed with field work. He felt it is best to be efficient and effective in a document which ties into the Master Plan, is usable with ordinances, and creates baselines for the future.

Ms. Vanney felt there is no quantitative information on resources and no clear status of resources, besides that they exist. She felt the NRI must include actions. Dr. Van de Poll felt that the Center Harbor NRI is the dream model. The NRI included statistics that made it possible to craft a water resource ordinance. They had the data to create recommendations and was also a blueprint for future use. It helped find problems and then formed recommendations to create an actionable plan to mediate. Mr. Kotila liked the formatting – documentation first, then recommendations. It helped show priorities and also what data was missing. The NRI is a fairly detailed document of data. Dr. Van de Poll commented that having the wetlands study done helps as that has been mapped already and you can follow the data to make sure resources are at the level that the town expects. Ms. Vanney asked if the NRI can be updated more frequently, say on a rolling basis. Dr. Van de Poll stated yes. In Center Harbor, the NRI helped start a vernal pool study in the schools.

Ms. Silverman felt that there can be improvement in identifying the cutting of forest land, in regards to setbacks and leaving a certain amount on the property. Ms. Vanney felt this needs to quantify things. Dr. Van de Poll stated according to the State report, NH is 76% forest, which is down from 10 years ago (82.5% forest). It is important to know what the stressors are; how severe the stressors are (health compromised); what can be done (education), etc. Dr. Van de Poll discussed timber intent to cut, specifically in Pembroke. How many properties over 50 acres had timber intents over time. However, timber management is very different today than 30 years ago. Heavy equipment affects soils and is a bigger issue than the cutting of timber. However, municipalities can only promote best management practices and education. Ms. Vanney felt that timber is not harvested properly but it can be documented. Dr. Van de Poll stated it is best to have clear communication of the value of buffers. It saves money for mitigation of issues elsewhere in town when proper land management is used.

Mr. Kotila steered the conversation to what kind of information is needed and where it can be found. Dr. Van de Poll requested a clearer picture of what is expected and then he can submit a proposal. He suggested bartering with SWRPC to exchange mapping and data for the printing of the maps. He stated that Lebanon and Pembroke

mapped all the agriculture land using aerial mapping. This found all the prime farm land in town. Ms. Vanney asked if the early succession forests be used. Dr. Van de Poll said yes to help quantify.

Dr. Van de Poll suggested using steep slopes with a 2ft contour overlay. Mr. Kotila stated there is no ordinance regulating steep slopes; however, the NRI should identify where they are located. Dr. Van de Poll suggested nothing less than 20%. He mentioned that Sandwich is a good example of what not to do. The ordinance was not written well and favors the developer, not the Town. Mr. Kotila stated he would want to outline the NRI first.

Dr. Van de Poll asked about scenic viewpoints. That topic is a study in and of itself and he does not feel it is the most valuable. Mr. Kotila felt there could be benefits from a community survey, but he does not recommend a scenic view survey. Dr. Van de Poll stated he can do a scenic view '101' to make recommendations for future studies.

Ms. Vanney stated she has surveyed 120 lots in town for invasive species with 80% having them, mainly bittersweet. She utilizes the EDD mapping (hosted by University of George Center for Invasive Species and Ecosystem Health) and is slowly building up the system. Dr. Van de Poll felt this is a perfect community science project. Using the co-occurrence mapping, everything gets the same points and there is not much out-take. He prefers a different system. However, the co-occurrence mapping helps people learn what is in their backyard and surrounding area. Ms. Vanney felt it is good to show properties in trouble, rich properties, or potential contaminations near water sources. Dr. Van de Poll stated that EDD Maps has some utilities but is generally too broad based. Most needs exceed the system's capacity and it is harder to extract the data to make it useful.

Ms. Silverman felt we may want to invest in digital mapping but must keep cost and budgeting in mind. Dr. Van de Poll felt giving access to the public is not hard to do. Ms. Silverman wanted more research done but it is the direction that she felt the Town should go in. Dr. Van de Poll felt integrating into the tax maps is the best as the layers can be toggled on and off.

Dr. Van de Poll felt he had enough information to provide a proposal. It will be an a la carte version with options. Mr. Kotila stated the Commission is relying on Dr. Van de Poll for help as the NRI is moving beyond just recording of information. Ms. Silverman agreed stating accessibility is an issue. The NRI must be available to everyone. Ms. Vanney agreed as well stating that data and inventory should be living and a tracking timeline should be created. Dr. Van de Poll felt that is more of a staff responsibility, especially for conservation land.

Dr. Van de Poll asked if there will be a Master Plan chapter. Ms. Silverman felt this is the sort of integration she is looking for.

Dr. Van de Poll stated that obtaining grants is difficult. In the past, funds from the moose license plates and LCHIP were used but that has since ended.

Mr. Lindquist asked about the prime wetlands bill before the state legislature. Dr. Van de Poll stated it was voted down again 10-9 in committee. However, this was a closer vote than he expected.

Ms. Vanney asked about a budget to test water to track water quality. She would like an updated plan in place to keep information updated and relevant. She felt that people care more if they see effects of their actions.

### **OLD BUSINESS:**

**Proposed Prime Wetlands project:** Mr. Kotila stated that warrant article passed.

**Shoreland Protection Overlay District ordinance:** The LUC stated that the Planning Board has formed a sub-committee to work on the drafting of the Shoreland Protection Overlay District. Rick Van de Poll would assist as well. Mr. Kotila and Ms. Vanney volunteered to join the sub-committee. However, the current status is in the air following the election results.

**Rail Trail project:** Kevin Woolley stated he will meet with Mike Kowalczyk on March 26 to see how things will work. SWRPC will finish the plan, and then the towns take over with funding and the actual work. Mr. Kowalczyk has done this same sort of project for the Ashuelet Trail.

**Schupack Easement Appraisal:** Mr. Kotila explained he has not yet heard back from the appraisal company in regards to their questions. However, once he has received the final appraisal, he will make an appointment with the BoS.

**NEW BUSINESS:**

The Commission felt the BoS should follow-up about the DES letter for Mark Raitto in regards to a violation of tree cutting.

Ms. Silverman relayed that 32 trees have been cut on a property on Icehouse Point on Laurel Lake.

**UPDATES TO ON-GOING BUSINESS:**

**Review of Draft Minutes:** February 22, 2021.

**Ms. Robbitts motioned to accept the minutes of February 22, 2021 as written. Mr. Lindquist seconded. Motion passed unanimously.**

Yes: 6 [Kotila, Lindquist, Woolley, Silverman, Vanney, and Robbitts]; No: 0; Abstained: 0

Mr. Kotila requested that the review of minutes be listed as the first item on the agenda going forward.

**Dog Waste Cleanup Program:** Mr. Lindquist inspected the dog waste basket and it is beyond repair.

**Mr. Lindquist motioned to approve \$120 to replace the dog waste basket. Ms. Silverman seconded. Motion passed unanimously.**

Yes: 6 [Kotila, Lindquist, Woolley, Silverman, Vanney, and Robbitts]; No: 0; Abstained: 0

**Trails:** Mr. Lindquist stated that the Blue Trail in the Town Forest looks good.

Ms. Silverman asked about the Take-A-Challenge hike through recreation. The LUC stated they still want to involve Conservation and she anticipates that Sheena Royce, Recreation Coordinator, will attend next month's meeting.

With there being no further business, **Mr. Lindquist motioned to adjourn the meeting. Ms. Silverman seconded. Motion passed unanimously.**

Yes: 6 [Kotila, Lindquist, Woolley, Silverman, Vanney, and Robbitts]; No: 0; Abstained: 0

Meeting was adjourned at 8:51pm.

Respectfully submitted,

Lori Nolan  
Land Use Coordinator

**Approved as written on April 19, 2021.**