

TOWN OF FITZWILLIAM

CONSERVATION COMMISSION

MINUTES

Monday, September 21, 2020
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, Hiel Lindquist, Kevin Woolley, Susan Silverman, and Beth Vanney

Members Absent:

Guests Present: Robert Thompson, Jon Buschbaum, Dean and Kathy Zirolli, BethAnne and Robert Tatro.

Chairman Paul Kotila called the meeting to order at 7:05 p.m.

PRIMARY:

Consultation – Robert and Allyn Thompson – Constructing of a rear deck within the WPOD at 6 Pine Road. [Map 35, Lot 24 – Rural District].

Mr. Kotila asked the applicant, Robert Thompson, for an overview of his application. Mr. Thompson stated he built a rear [pond side] deck 5 years ago. When asking the Town for local septic design approval, the property was flagged for having an unpermitted deck. Mr. Kotila asked Mr. Thompson to describe the location and size of the deck. Mr. Thompson explained the deck is 52-55 feet to Scott Pond. The deck is 10 feet wide and 22 feet long with ramps on either end for easy access. One ramp is 3.5 feet wide x 9-10 feet long, while the other ramp is 4.5 feet wide and 9-10 feet long.

Mr. Kotila asked about the surface and deck. Mr. Thompson replied that the framing and spindles are made with pressure treated wood, while the decking and railings are cedar. There are 6x6 posts set into the ground, while everything sits on concrete cinder blocks.

Mr. Kotila asked if it was permeable. Mr. Thompson said the decking and ramp boards are spaced 3/16" apart. Mr. Kotila explained that the Conservation Commission's main concern is the permeable of the land at this location. He further explained that the property is located within the WPOD. Mr. Thompson understood and said water can go through the deck. Even on hard rains, there is no evidence of run-off. Mr. Kotila asked if the deck had a roof over it, in which Mr. Thompson indicated there is no roof. Kevin Woolley asked what material is located underneath the deck. Mr. Thompson said dirt and gravel.

Mr. Kotila then discussed the site walk scheduled for the next day. Three members of the Conservation Commission will be able to attend the walk, in conjunction with the Planning Board and ZBA.

BethAnne Tatro, an abutter, explained that there is currently a boundary line issue unresolved between Mr. Thompson and her property. There is a conservation issue due to the proposed septic system and its location to the Tatro's well. She requested the group look for run-off of the deck and camper during the site walk. She noted that Mr. Thompson wants to add another deck on the other side of the camper. Last week, the property smelled like raw sewage. She questioned the proposed septic system as it will connect two properties, zigzagging across a road and by her property. He and other neighbor also want to upgrade the road to Class 5 standards. She commented that his submitted measurements are not exact and nothing matches. She did not feel the Town should make any decisions while there is a boundary line issue still unsettled. She also did not feel that 3/16" gap between boards can drain water properly. Mr. Thompson has also cut down many trees and now there are no trees left between his and her property. She will not enter his property during the site walk, but will be available for any boards. Mr. Kotila responded saying that the Conservation Commission has only been asked to review the deck. The other issues are important but the Commission was not asked to review them.

Consultation – Dean Zirolli – Constructing of a shed within the WPOD at 257 Sunset Road. [Map 37, Lot 11 – Rural District]

Mr. Kotila welcomed Dean Zirolli to the meeting and asked him to describe his project. Mr. Zirolli said his property is on Sunset Road on Rockwood Pond, almost at the end. He is looking to install a 10x16 foot prebuilt shed from Cheshire Shed. The proposed location will be 56 feet from the shoreland. The area has been cleared and was formerly raised garden beds – a little niche in the woods. The location is heavily wooded and the house will block any visibility to other neighbors. It would have hardly any visibility from the Pond and parking area. John Holman will install the 12x18 foot crushed stone pad. The shed itself is made with natural pine board and batten windows and end doors. The roof is a charcoal metal roof.

Mr. Kotila explained that the primary concern is with permeable surfaces and water run-off. The property and proposed application is within the WPOD. Mr. Kotila then asked Mr. Zirolli if there is any reason why he can't put the shed 25 feet further away from the Pond [outside of WPOD]. Mr. Zirolli indicated there is no reason, but he would need to cut some trees down. He has walked the property in all seasons and it is never wet. He can move outside of the 75 foot buffer due east of Pond. Beth Vanney asked to clarify location asking if it will be to the side of the raised beds. Mr. Zirolli replied in the affirmative saying it will be partially in the former raised bed and into woods. Ms. Vanney felt that was an easy and simple solution.

Mr. Zirolli asked if enlarging the crushed stone pad would help with run-off. He is thinking to make the pad be two feet on each side, rather than the standard one foot. Mr. Kotila asked what that would cover. Mr. Zirolli indicated dirt and grass. It is currently where they store kayaks and other equipment.

Susan Silverman asked if the raised beds are no longer there, why the shed can't be located in that place. Mr. Zirolli answered that the raised beds are bordered by woods. It seemed like a perfect spot, but he would need to measure. Ms. Vanney commented that moving it outside of the WPOD is the best solution. Mr. Zirolli felt moving the location would cost him time and money, and seemed contrary to what the Conservation Commission is trying to achieve, but he is willing to try. Ms. Silverman countered asking if the raised beds are no longer there, what else needs to be removed. Mr. Zirolli stated typical overgrowth. If the location is moved further east, he is unsure it will fit outside of the 75 foot set-back without having to clear growth.

Mr. Woolley felt a site walk is needed.

Mr. Kotila commented that if the drawing submitted was to scale, the shed should be able to be moved 20 feet and be outside of the buffer. He felt moving it was a reasonable request. Mr. Zirolli asked if he can find a location outside of the 75 foot buffer, would he still need to continue going through this process. The LUC indicated that if outside of the 75 foot buffer, Land Use is not involved; he would just need to apply for a construction permit. Mr. Zirolli indicated that he has applied with the DES for a PBM shoreland permit and asked what his next steps are. Mr. Kotila suggested he call DES.

Mr. Zirolli ended the consultation saying he will measure and see what can be done about moving the shed outside of the 75 foot set-back.

While the Commission was discussing how to get to the Thompson site walk, Ms. Tatro asked about the second portion of the application – the septic design. The LUC explained that this came to the Commission because the BoS received a septic proposal for ultimately a house across Pine Road. The BoS will not sign off on the septic design until the deck issue is resolved.

Prime Wetlands:

Ms. Silverman asked if the Conservation Commission needed to vote to bring forward this project to the BoS and the Planning Board. This will take all three boards to carry; public hearings, warrant articles, ballots, etc are involved. She has reviewed the point system and bodies of water to form a list she would like included, but wants to make it official. Mr. Kotila felt this will be a more simple project than originally as there are only additions to the list; not starting from scratch. Ms. Silverman suggested notifying the Planning Board as it involved ordinances, and the BoS for the warrant item. She also felt that Rick van de Poll should be involved to speak with any affected neighbor. Ms. Vanney felt we did not need to involve Mr. van de Poll as we can handle sending out information. But Ms. Silverman felt a wetlands scientist must be available to answer any questions.

Hiel Lindquist does not remember ever voting on prime wetlands in Commission setting as it was handled by the sub-committee (Planning Board, BoS, and Conservation Commission). Ms. Silverman felt that Planning Board should be involved, but the sub-committee may not be needed. Mr. van de Poll could present to the land owners. Mr. Kotila suggested she have a conversation with the Planning Board for them to understand what the Commission is doing and to get them on board. He also suggested speaking with the BoS in regards to Mr. van de Poll and any associated costs. Ms. Silverman agreed and will work on it.

Ms. Vanney asked if there are any results or measurements to know if prime wetlands is working. Mr. Kotila stated the basic answer is no, but there have been many projects within the prime wetlands area. Ms. Silverman disagreed as she could not think of one new construction project. Mr. Kotila felt it mostly would be Scott or Sip Pond with new decks and additions.

Ms. Vanney asked if there have been any water testing as it could be good to show any changes at the five year point, especially if there will be additions to the list. Mr. Woolley felt Mr. van de Poll may be able to speak to that. Ms. Silverman commented that people can still do things on their property. Only 1% of land is affected. Ms. Vanney felt it was something to consider as it appears the topic is widely supported with the public. Mr. Kotila agreed but countered saying it is hard to demonstrate nothing happening. Ms. Vanney felt that even if water quality stays the same, we could show that it was previously declining – no change would indicate improvement. Ms.

Silverman commented that Laurel Lake is tested as it is state waters, but unsure about others. Mr. Kotila said that the state does do periodic testing, but usually only once every 10 years. The testing itself is not expensive, but having people test regularly is the challenge. Ms. Tatro commented that if it is for the Town, the health officer can take samples to the state lab for analysis. Mr. Kotila stated that is true, but this is not a bacterial test. Samples cannot come from the shoreline. Ms. Silverman felt that was a good suggestion, and further suggested partnering with local schools. It might be good for heavily used ponds.

Natural Resource Inventory Review:

Mr. Kotila relayed to the Board that the existing NRI should be reviewed to see what may be missing and what needs to be updated. His general thought is to update the NRI every 10 years.

Ms. Vanney felt that invasive species should be included. There is updated mapping available through EDD mapping. She suggested considering and including how invasive species can affect other items. Ms. Vanney further suggested asking the public to submit photos to track wildlife in Town. Ms. Silverman commented that there is a section on invasive's currently. She suggested having an online version with more photos and more interaction.

Ms. Silverman suggested including prime wetlands and stratified drift aquifers. The current NRI was written before prime wetlands was adopted. Mr. Kotila agreed stating the state has updated information and also the Town has updated items. It is another aspect to consider. Ms. Silverman also suggested adding in new conservation areas. Mr. Woolley mentioned that Sip Pond area is new.

Ms. Silverman commented that a lot of areas can be added into already existing sections. She asked if it is important to have a printed published version or only have an online version as it is never really 'finished'. Mr. Kotila said that when the NRI was created, there was a committee who divvied up the work. But the committee as a whole decided on how to organize. Some areas were not included or are missing. Having a committee was helpful as some people were interested in the topic but not being a member of the Commission. Ms. Silverman suggested soliciting those interested by putting in the newsletter.

Mr. Woolley hoped the original electronic files are still available. Ms. Silverman commented that the LUC is interested in learning GIS. Mr. Kotila relayed that the committee did not do the mapping, just handled the organizing.

Private Dams – Stone Pond and Scott Pond

Mr. Kotila relayed to the Commission that the owner of the Stone Pond Dam is looking to remove the dam and donate the land above the dam to the Town. However, the Town is not interested in owning a dam. He has since asked the Town Administrator for an update on the three separate road crossings, but has not received an answer yet. Mr. Lindquist did not think the owners could remove the dam without first fixing the road as the culvert was too small. Mr. Kotila said the owners are exploring options now. Currently there is a program where the state will pay for private dams to be removed if they can prove water quality will improve. This happened at Horseshoe Pond. He is trying to find information from the Town, but it may not be advantageous for the Town to assist in removal. Funding is only available to private owners, not the public agencies.

Mr. Kotila relayed to the Commission that about a year ago, he received an inquiry from Mr. Brackett, who was interested in donating his land and dam to the Town on Scott Pond. Again, the Town is not interested in owning a dam and Mr. Kotila explained that to the owner. The dam is

currently not a problem or deficient. The owner is currently exploring options and has since contacted the Forest Society and Monadnock Conservancy. The Town is interested in conserving land, but not if it has a dam.

Ms. Vanney commented that she never heard back from the BoS in regards to the olive tree. The commission as a whole felt that the large projects in town – solar farm and steeple – have been completed and the BoS may have more time available. It was suggested that Ms. Vanney contact the BoS again.

Ms. Silverman relayed to the Commission that Terri Robbitts is interested in joining the Commission. She has recently retired and is a member of the Garden Club. Mr. Woolley felt she would be a great addition. Ms. Silverman felt she is a hard worker and a good fit with the group. Mr. Kotila requested that she be invited to the next meeting.

The LUC asked the Commission if they prefer to stay in the remote meeting environment or transition to hybrid. Ms. Vanney liked the remote set-up but felt it is hard to review documents and plans. Ms. Silverman agreed. She has attended a ZBA meeting in-person and it was still difficult. Mr. Kotila felt COVID is not going away. He is reluctant to go back to in-person meetings, but does not like remote. The group as a whole decided to remain remote.

Approval of Meeting Minutes: August 17, 2020

Mr. Lindquist motioned to accept the minutes as written. Ms. Silverman seconded. Motion passed unanimously.

Yes: 5 [Kotila, Lindquist, Woolley, Silverman, and Vanney]; No: 0; Abstained: 0

ON-GOING BUSINESS:

Budget Report: Expenses (including payroll) as of August 17, 2020

The commission agreed that expenses are in line and no further discussion was needed.

Matt Buonomano property: Mr. Kotila will follow-up with the BoS as they had tabled the topic until September.

Dog Waste Cleanup Bags: Mr. Lindquist relayed to the Commission that there was hardly any usage.

Invasive Species: Ms. Vanney relayed that she has been continuing to work on Barbara Green's property.

Meadowood Task Force Update: Mr. Kotila commented that Dorothy Zug is in contact with the EPA and will supply the report to the Commission once she receives it.

Monadnock Advisory Committee: Mr. Lindquist did not have anything to update.

Property Updates: There was nothing to discuss.

Solar Array Proposal – Chinook (NextEra): Mr. Kotila updated the Commission stating that Chinook agreed to put the undeveloped land into conservancy. Once the project is completed, the developed land will be put into conservancy, but the agreement does not specify to who. Mr. Woolley commented that the SEC hearings are happening now.

Widow Gage Trail: Mr. Lindquist added more maps, but no further discussion occurred.

Metzger Forest: Mr. Kotila was unsure how to approach Lew. Mr. Woolley suggested waiting until next year.

Ordinance Review: The LUC updated the board that the Planning Board is beginning to review the Wireless Communication Overlay District. The BoS also are discussing with the Planning Board about creating a junk/junky yard ordinance.

Ms. Vanney commented that the Fitzwilliam Garden Club has a nice Facebook page with articles. She felt it would be a nice addition if the Commission could have a similar page with maybe once a week postings to have a web presence. She felt it would be mostly educational, but could also include fun items or celebratory topics. Ms. Silverman said that Terri Robbitts currently handles the Garden Club page. The group supported the idea but did not have time to work on it themselves. Ms. Vanney requested that each member come up with five ideas, but she is willing to do the work.

With there being no further business, **Mr. Kotila motioned to adjourn the meeting. Mr. Lindquist seconded. Motion passed unanimously.** The meeting was adjourned at 8:46pm.
Yes: 5 [Kotila, Lindquist, Woolley, Silverman, and Vanney]; No: 0; Abstained: 0

Respectfully submitted,

Lori Nolan
Land Use Coordinator

Minutes approved as amended on October 19, 2020.