

**Town of Fitzwilliam
Conservation Commission
Meeting Minutes
February 11, 2019**

Members Present: Paul Kotila, Chairman; Barbara Green; Hiel Lindquist; Kevin Woolley and Susan Silverman.

Members Absent: Dorothy Zug and Cheryl Norsky.

Others Present: Paul Grasewicz, GRAZ Engineering; Darlene Olsen, Ken Olsen, Richard D'Aprile, Dean MacLeod, interested parties; and Laurie Hayward, Land Use Administrative Assistant (LUA).

Call to Order: The meeting was called to order at 7:08 pm.

Review Minutes: The Chair took up the minutes of January 14, 2019. **Lindquist moved the minutes be accepted as written; Woolley seconded and the motion was voted unanimously.**

Consultation: Paul Grasewicz spoke regarding a proposed expansion at 12 Spicer Point. Grasewicz showed maps of the property and explained that David Spicer wants to add a 30-foot addition to the structure at 12 Spicer. The Chair asked about the amount of the property that falls in the Wetlands Protection Overlay District (WPOD). Grasewicz pointed out lines on his maps indicating areas that are 50 feet from Laurel Lake and 75 feet from the lake.

The Chair asked about the roof line. The Chair noted that there is an exemption for additions in the WPOD language. He explained that he is concerned about the amount of impermeable surface. Silverman noted how tight the space is and asked how the run-off will be managed. Grasewicz told Members he will be going through DES Subsurface division for permits. Asked about the foundation and whether there will be a basement, Grasewicz stated that there is no basement planned and there will be a frost wall and slab floor for the proposed extension.

Green explained that she attended the last Planning Board meeting when this proposal came up. Green asked the LUA for an explanation of the Planning Board request that Grasewicz meet with the Conservation Commission. The LUA explained that the Planning Board addressed that there is a provision for expanding already existing structures in the town zoning and even if the structure is in the WPOD; however, the Planning Board looked at other parts of the Ordinance as well. The LUA read from the Zoning Ordinance, Chapter 127.16.1 Wetlands Protection Overlay District, Section F.

“Burden of Proof. The applicant shall have the burden of proof by a preponderance of credible evidence that the proposed work will not have an unacceptable, significant or cumulative effect upon the wetland values protected by this section. Failure of the applicant to provide suitable evidence may be cause for denial.”

The LUA added that she thought the Planning Board expressed that the specific word “cumulative” may have applications in this case. The Planning Board determined that there was reason to require that each of the Planning Board, the Zoning Board of Adjustment, and the Conservation Commission review this proposed expansion as prescribed in the WPOD language in Fitzwilliam Zoning Ordinances.

Lindquist mentioned that his primary consideration is mitigating the run-off from the roof. Silverman asked Grasewicz about the elevations of the house plans that he brought. There was a brief discussion about the orientation of the house and the roof to the lake and the neighboring property.

Silverman asked about the well radius and the well on the neighboring property. Grasewicz explained that the owner signed off to permit the leach field to be within the usual 75-foot setback. Grasewicz added that the agreement regarding the well setback was registered with Cheshire County Registry of Deeds. Grasewicz pointed out that they will have to get a Shoreland Permit from the state. He pointed out that it is a fairly level lot and the current leach field is raised.

There was a brief discussion about the form that goes with the Fitzwilliam Construction Permit that requires multiple sign-off when construction falls in the WPOD, including Conservation Commission, Planning Board, and Zoning Board of Adjustment.

Grasewicz left the meeting at 7:35.

The Chair took up the WPOD form and asked members to give their thoughts on the proposed addition at 12 Spicer Point. There ensued a discussion which included concerns:

- about the **additional run-off** that would be a direct result of the addition proposed and the roof orientation will tend to send run off equally into the lake and to neighbor’s property;
- that there has been a **deterioration in Lake Laurel water quality** and that is primarily attributed to run-off and the proposal could make the problem worse;
- **there is uncertainty whether the mitigation discussed is adequate** and mitigation is absolutely necessary because the proposed addition would further reduce the already limited and inadequate (based on DES standards) permeable area on the lot;
- **the septic field is currently inadequate** and inside the WPOD (50%). The proposal would likely require the expansion of the septic field;
- **the leach field is within the 75-foot setback** from the neighbor’s well and that may represent a health and safety issue.

The Chair noted that their response would not fit in the small space on the form. The LUA suggested that they add a page which describes Conservation Commission concerns. The Chair asked her to draft a response and send it to him for review. The LUA agreed to use the draft minutes to do that.

Trails Updates & Design: The Proposed Katie Metzger Town Forest Trails. The LUA pointed out that some of the interested parties at the meeting are here to learn more about the trails that have been flagged for the Katie Metzger Forest. Darlene Olsen, stepped forward and explained that she lives west of a portion of the flagged section that she understands will be a trail. She and her husband, Ken, both spoke about concerns regarding the current location of the flags for the proposed trail and how close those flagged sections are to their property line. Concerns were discussed including:

- that that the best location for the parking lot may result in significant run-off from the parking lot onto their property;
- that people will try to park in their driveway or use their driveway as a turn-around;
- that walkers may bring problems caused by dogs and trash;
- the need to protect the wetland on their property;
- hunters may represent a danger; and
- there may be an impact on wildlife.

The Olsens asked about maintenance of the trails. The Chair explained that the Conservation Commission does the maintenance. The Olsens asked if they can get a map of the proposed trails. The Chair pointed out that Conservation Commission Members have not been out since the flags were placed and do not expect to do that until perhaps April when weather and ground conditions permit.

Lindquist suggested that anyone interested in what these trails would be like check out trails in the Widow Gage Town Forest. The Katie Metzger Forest trails would be similar. The Chair reiterated that they do not know yet where the trail will be placed and he explained they will walk the flagged areas and make decisions in the spring. The Olsens asked that they be notified when the Members plan to walk the area and when there is any activity about trail decisions.

Richard D'Aprile also spoke about his concerns and wondered whether the Forest trails should be open to the public. The Chair explained that properties are purchased with public money and the idea is to use the property to benefit the public. Green emphasized that they use a low impact approach to developing trails. Members pointed out that anyone is welcome to visit the Land Use office and speak with Laurie Hayward about concerns and status. They also stated that the reason that the Conservation Commission sent abutters a letter regarding the plan to mark trails in advance of creating hiking trails was to let them know about potential activities. D'Aprile reiterated his concern that the proposed trail is very close to his property.

D'Aprile asked a question about Class VI roads. He questioned why there are places in Fitzwilliam that have so many "no trespassing" signs along old dirt roads. He gave the example of Old Tory Road near Rhododendron Road and Widow Gage Road. Members agreed that where there are Class VI roads, anyone can walk those roads as Class VI roads are the town's and open to the public. The LUA reminded Members that there was a recent concern regarding "no trespassing signs" that she understood was resolved with the removal of the signs after she notified the Town Administrative Assistant of the problem. Silverman spoke and suggested that Lindquist check for signs and let LUA know where they are so that she can let Select Board the locations of any private "No Trespassing" signs on town owned Class VI roads.

Lindquist asked about the forest plan for Katie Metzger Forest and whether the Conservation Commission Members actually want to do what they had discussed. Lindquist explained that he spoke with Wendy Weisiger at the Society for New Hampshire Forests. He stated that she said that there is a company that does forest maintenance work and does not charge; but they do take the materials out and do not pay the town a timber cutting fee. The Chair mentioned the importance of maintaining the forest through pruning and other methods. There ensued a discussion about types of companies and arrangements that can be made to maintain and improve the forest.

Property Updates: None.

Solar Array Proposal: The Chair asked the LUA for an update. The LUA explained that NextEra has requested another meeting be held on Tuesday, February 19th. NextEra is unwilling to participate in a Planning Board Site Plan Review. However, they have indicated a willingness to pay Fitzwilliam costs to hire experts. The Planning Board has also contacted an attorney with experience assisting towns that have concerns and wish to be heard in the Public Hearing by the New Hampshire Site Evaluation Committee.

Monadnock Advisory Committee Update: Lindquist let members know that the next meeting of the committee will be held on Thursday, February 21, 2019. Lindquist also explained that the town should have a report from the Monadnock Advisory Committee that is published in the Fitzwilliam Annual Report. He asked the LUA to confirm that was received and will be in the report Annual Report.

Site Walk Reports: None.

Dog Waste Cleanup Bags: Nothing to report.

Old Business: Lindquist asked whether Rick Brackett has agreed to be a Stone Pond contact. The Chair asked Silverman whether she knows what the status is of the bridge that gives access to Stone Pond. Silverman does not know the status; but suggested that Gene Cuomo be brought in. And that there be some consideration of being prepared to write a warrant article for the 2020 Town Meeting.

Silverman told Members that she plans to attend the HB 326 hearing in Concord. Wooley indicated that he plans to attend as well. The Chair asked Silverman if she thinks there is value in sending something from the Conservation Commission to the State Representatives to give their opinion on the bills before them. It was agreed that it doesn't hurt to contact the local congressmen to support the bill. Silverman told members that they can contact Gregg Thompson, John Hunt, and John O'Day.

Budget Reports: The Chair moved that the Commission approve a payment to Lew Shelley for his trail mapping work for the total \$4000 Silverman seconded the motion. There was a short discussion about whether Shelley's work is done or not. The Chair stated that he feels Shelley has done the work contracted. The only concern came down to making sure that Shelley plans to come back to walk the trails with the Members once the weather and ground conditions will permit. The

Approved as amended March 18, 2019

Chair agreed to clarify that with Shelley. **Members agreed to pay the full amount as long as Shelley agrees to come back and walk it. The motion to pay the full \$4,000 was approved unanimously.**

Initiatives: Nothing new.

Correspondence: The LUA pointed out that there are two letters from DES in members' folders.

1. A DES Enforcement order regarding the Coyle property on Old Pierce Road.
2. DES approval to cut timber for Casey Gibson.

Other Business: Meadowood Task Force. Kevin told Members that he spoke with Ed Goodell about the contamination at the site. The Chair asked what the state is monitoring for. Wooley stated it was PFAs, substances that are there as a result of the firefighter training that took place on the property. Woolley discussed his concerns about the seriousness of the hazardous materials used, he also noted that the dam may present an issue. He asked the LUA to assist in the effort to get more information from the state regarding testing and the level of concern the state has regarding the Meadowood property.

Silverman noted that the fire departments used the property so long ago and at a time when there was not the understanding of the dangers that people do have now. She spoke about potential changes on the Town Warrant, regarding the structure of the fire department which would have the fire department report to the Board of Selectmen. The Chair stated that the annual report this year is dedicated to Katie Metzger.

Adjournment: There being no additional business to conduct, Lindquist moved to adjourn. The meeting was adjourned at 8:32 PM. The next meeting will be held on Monday March 18, 2019 at 7:00 PM.

Respectfully Submitted,

Laurie Hayward
Land Use Administrative Assistant