



TOWN OF BOW

Conservation Commission

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Approved as amended on March 18, 2019.

Bow Conservation Commission Meeting – February 11, 2019 Minutes

The extra meeting of the Bow Conservation Commission was held on February 11 at 7:00 p.m. Chair Sandy Crystall called the meeting to order.

Members present: Sandy Crystall, Wendy Waskin, Amanda Kallenbach, Michael Hansen, and Bob Ball.

Items for Consideration/Discussion

Review wetland applications and provide comments to NHDES:

File # 2019-0140 - Applicant: G Gardner Contracting LLC; Create a 34-lot residential subdivision with two conventional frontage lots, 32 open space lots, one open space lot and a lot to be merged with Knox Forest. The open space lots will be accessed by a new cul-de-sac and a new road that will loop between two existing roads. Town clerk signature 1/18/19; intervention submitted 1/29/19.

Chair Ms. Crystall opened the meeting by mentioning that the Commission needs to submit comments to NHDES on the wetlands application for G Gardner subdivision to follow up on the intervention letter. She also noted that Jenn McCourt, project engineer, and Tom Sokolowski, project wetland scientist, were in the audience to answer questions.

Then Ms. Crystall referred everyone to the packet that had a portion of the applicant's NHDES wetlands application with responses to the 20 questions from the NHDES rules. Each question was reviewed.

1. Need for proposed project. Mr. Ball noted that some residents expressed concerns about any need for additional housing in Bow. He also asked whether the developer had requested any waivers from Section 3.02.P of the Town of Bow Subdivision regulations. He concluded with asking whether the proposed plan was indeed the least wetland impact as it seemed that the vernal pool along Smokey Road would be impacted. He wondered if bringing the road through Boulder Lane would be better.
Ms. McCourt explained that the proposed plan shows the least wetland impact for the 34 lot subdivision and how Mr. Ball's suggestion will actually create more wetland impacts.
2. Plans showing least impact to wetlands or surface waters on site. Ms. Crystall noted that the regulations do not consider the number of lots in a subdivision and there is possibly a way to come up with a plan with even less wetlands impact. Mr. Hansen asked about the wetland crossing and whether a culvert will be used. Ms. McCourt explained that the wetland crossing was planned at the narrowest spot to minimize the impacts and confirmed the use

of a culvert. Ms. Crystall also noted that for wildlife the type of crossing matters just as much as if it creates a corridor.

Then members asked the applicant's engineer about the distance from the culvert crossing to the closest vernal pool (about 650 feet); how wetlands inhabitants usually cross the wetlands (Mr. Sokolowski explained that critters can go through the culvert or on the road itself); the use of uplands to provide access to the site (Ms. McCourt said that wetlands will be impacted only by the road, none of the driveways will require conditional use permits); and width of the culverted stream how it was measured (about 2-3 feet).

Mr. Hansen asked which storm was used to size the culvert and Ms. McCourt said that she used a 25-year storm event but did check that a culvert will pass a 50-year one as well. S

3. Type and classification of wetlands. Ms. Crystall listed the types noted in the application.
4. Relationship of wetlands impacted to the ones nearby and surface waters. Ms. Crystall said that the wetlands proposed for impacts are part of the wetlands complex and vernal pools are nearby as well. Mr. Ball asked about the vernal pool along the proposed Boulder Lane. He also asked about the location of the headwaters of the stream and if the water leads towards the Town Pond. Ms. McCourt showed the location on the map and confirmed the water direction towards the Town Pond. She also explained that this was the reason why the stormwater was planned to be treated, detained, and infiltrated before it reaches the Town Pond. She also noted that the discharge rate will be equal or less than what is existing today. Ms. Waskin asked about width of the open space strip (50 feet) and how it will work with drainage and discharge. Ms. McCourt showed the stormwater management features for the cul-de-sac area on the map.
5. Rarity of the wetland and surface waters. Ms. Crystall noted that despite the application stating that the impacted wetlands are not a rarity, vernal pools are considered sensitive resources although none are directly impacted here. Mr. Ball asked how a vernal pool would not be affected if its buffers are impacted. Ms. Crystall responded that in this case impact means filling parts or the whole vernal pool.
6. The surface area of the wetlands that will be impacted. 5,985 square feet.
7. Impacts on plants, fish, and wildlife. Ms. Crystall noted that Natural Heritage Bureau DataCheck did not produce any hits and the vernal pools are not directly impacted. However, she added, the stormwater treatment is proposed within the vernal pool buffers and which means removing the canopy around the vernal pool, and this will have a negative effect. Ms. McCourt responded that the only vernal pool with a buffer impact will be the one along Smokey Road extension and that canopy will be removed only on the northern side, thus not having an adverse effect as the shade provided to the south will remain. Ms. Crystall added that the sun in the summer is quite high in the sky. Ms. Waskin noted that vernal pool amphibians will somewhat be impacted as they have to travel through the area that will be a road. She also asked a question about bat verbiage in the application. Mr. Sokolowski explained that the tree cutting will be done according to bat seasonal timeframe (avoiding May through September) in order to not disturb them. Mr. Ball noted that the plan seems to fragment the existing open space and it is not clear how the other animals that migrate along the brook to the Town Pond will be affected. Ms. McCourt answered that there is plenty of open space allocated within the subdivision as well as the Town Forest adjacent to it; there are no walls proposed, therefore, the animals can still travel through peoples' backyards.
8. Impact on public commerce, navigation, and recreation. Mr. Ball noted that Bow Open Spaces raised a concern with the development being too close to existing trails and affecting recreation. Ms. Waskin also noted that many residents were

concerned with loss of access to the Town Forest trails. Ms. McCourt responded that access will be provided between the lots and the open space parcel of the subdivision. She noted that the parcel to be donated will be adjacent to the Town Forest, will enlarge the area, and will include the two boulders that are closest to the trails. Ms. Waskin reiterated to Ms. Crystall the need to add the town forest access concern to the list of comments to NHDES. She also asked about visual impacts and aesthetics. Ms. McCourt responded that she was not quite sure that visual impacts were relevant to NHDES wetlands application. Ms. McCourt asked Ms. Crystall about obtaining a shape file for the trails in Knox Forest. Ms. Crystall said she will provide her with it.

9. Project interference with the aesthetic interests of the general public. Ms. McCourt noted that the parcel is currently under current use, therefore the access to it is not being obstructed. Ms. Crystall also noted that providing a single point of access to the Town Forest directs people a certain way and is much better for wildlife.
10. Project interference with public right of passage or access. Ms. Crystall noted that this issue was addressed in the discussion prior. Ms. Waskin reiterated the visual impacts.
11. Impact upon abutting owners' properties. Mr. Hansen noted that this impact should be relative to the stream crossing and asked which size culvert was proposed. Ms. McCourt responded that a 50-year storm requires a 24-inch culvert. Mr. Hansen asked if it would be more beneficial to install a bit bigger pipe given the size of the stream. He then asked how the bankfull width was determined. Mr. Sokolowski responded that he relied on his visual recollection when describing the width. Ms. Crystall noted that increasing the culvert size for the stream crossing could be another recommendation. Ms. Waskin also said that abutters were concerned with potential adverse impacts to their wells. A short discussion ensued about relevancy of the wetlands impacts on private wells. Ms. Waskin asked that it be noted that concerns were voiced about the hydrology of the area and how the road may affect it. Ms. Crystall added that there was testimony about the Mother's Day Flood and washouts on Robinson Road. Mr. Ball noted that the abutter to the lots on the northwest side of the cul-de-sac may be impacted by stormwater runoff. Ms. McCourt showed the direction of stormwater flow and explained the detention and drainage features in that particular area. She added that the design will have to be reviewed by NHDES and Town engineer to ensure that stormwater runoff is designed to the current standards and there is no impact. Mr. Ball asked about who will maintain the stormwater ponds, and Ms. McCourt said that the Town will, as it currently maintains all other existing stormwater ponds in the area. She added that a maintenance manual will be provided to the Town.
12. Benefit of the project to health, safety, and well-being of general public. Ms. Crystall said that this project was not a public facility, therefore, it would not apply.
13. The impact of the project on quantity or quality of surface and ground water. Mr. Hansen asked about calculations for meeting the peaks for infiltration and whether frozen conditions were taken into account. Ms. McCourt responded that calculations were done in accordance with NHDES alteration of terrain requirements and there is science out there that shows that infiltration still works in frozen conditions as designed. Mr. Hansen added that his backyard is very sandy and this winter it is not infiltrating. He then asked if the ponds have the capacity to hold the water. Ms. McCourt answered in the affirmative and added that all stormwater ponds can hold extra volume to hold water during a 50-year storm event and also have emergency outlets to prevent breaching. Ms. Crystall brought up the potential impacts of road salt which cannot be treated and will impact vernal pools. Discussion ensued about chlorides showing up in groundwater and ways to avoid that (e.g. reduce or eliminate road salt) and the fact that watershed already has issues with chlorides.

14. The impact of the project to cause or increase flooding, erosion, or sedimentation. Ms. Crystall noted that there are always potential issues with increased sedimentation when construction is underway. Mr. Hansen noted that the Commission was going to recommend that there are inspections during construction. Ms. McCourt responded that the Town engineer will do the inspections and the building inspector will do so once construction of individual houses begins. Mr. Ball asked about maintaining the road and who will be responsible and at what stage. Ms. McCourt said that the Town eventually will accept the road, but the developer will be responsible for maintenance until then. Ms. Crystall wondered whether the design could be upgraded to account for a larger storm event than a 50-year storm.
15. The extent to which a project located in surface waters reflects or redirects current or wave energy. Ms. Crystall said this question did not apply to this project.
16. The cumulative impact if all parties owning or abutting the affected wetland were also permitted alterations to the wetland to the extent proportional to their property rights. Ms. Crystall noted that this question is not as straightforward. She provided an example that if someone had a small lot and proposed a bigger impact, someone with an even bigger lot, may then be able to increase their impact proportionally to their lot size. Members briefly discussed the purpose of the question. Ms. Crystall added that the amount of impact is very small in this particular case (Ms. McCourt specified that it is 0.8% only). Mr. Sokolowski also spoke about the meaning of the question and said that 0.8% is a very small impact for cumulative effect. He added that the proposed wetlands impacts for this subdivision could not be enlarged later; the neither the subdivision regulations, nor the NHDES would allow it. Ms. Crystall noted that some lots do show extensive wetlands on them and maybe the lot lines could be adjusted to protect those wetlands. Mr. Sokolowski said that the lots are not as small as they seem on the plan and the 4K area that is shown is much bigger than needed by an individual septic system. Ms. Crystall responded that once the houses are built, homeowners can and often do impact the wetlands by cutting vegetation in the buffers and creating lawns, or placing additional structures in them. Mr. Ball added that the use of fertilizer also negatively affects the wetlands. Mr. McCourt inquired whether there were any such problems in Bow. Ms. Crystall responded that a resident put irrigation system in the open space portion Ms. Waskin added that enforcement of such activity is very problematic.
17. The impact of the project on the values and functions of the total wetland complex. Ms. Crystall noted that a wetlands values and functions analysis was prepared by Mr. Sokolowski and Ms. McCourt confirmed that. Ms. Waskin asked if the answer to the question in the wetlands application stated improvement from the project and Mr. Sokolowski responded that it was an optimistic way to look at it. He added that the stormwater system will provide treatment to the water leaving the site. Ms. Crystall stated that there will be habitat disturbance by the road fragmenting the area. Ms. Kallenbach added that the area is identified as highest ranked habitat in New Hampshire, and Ms. Crystall noted that this was probably due to the land being adjacent to the Town Forest. Ms. Kallenbach continued to say that peatland under the powerlines is a high value wetland, and Ms. McCourt responded that those wetlands will remain on the open space parcel. Mr. Sokolowski reiterated that wetlands impacts will be minimal and Ms. Crystall noted that there are still going to be impacts.
18. Impacts upon the value of sites included in the latest published edition of the Natural Register of Natural Landmarks. Ms. Crystall said there were no such impacts.

19. The impact upon the value of areas named in acts of congress or presidential proclamations as national rivers, national wilderness areas, national lakeshores. Ms. Crystall noted that this was not relevant to this project.
20. The degree to which a project redirects water from one watershed to another. Ms. McCourt said that there is no redirection of water.

Ms. Crystall also noted that some abutters were concerned with the wetlands delineation. Ms. McCourt requested that Ms. Crystall note in the comments that these concerns were expressed by the general public and not a professional wetland or soil scientist. Ms. Crystall said she will and added that the Commission still recommended independent review. Mr. Ball then spoke about updated plans for the driveways for the lots off Robinson Road and asked if redesign or driveways affected the open space calculations in any way. Ms. McCourt responded that those are regular size lots and provided the details for the updated driveways.

Ms. Crystall said that she will draft a letter to NHDES with all the comments gathered and forward it to the BCC members for their review before she sends it to NHDES. Ms. McCourt asked for a copy of the letter

Mr. Ball said that there was a site visit scheduled at the property on February 16th at 9:00 AM. He asked how much wetlands were flagged for the Commission to see. Mr. Sokolowski explained what he flagged and said he will stop by the property before the sitewalk and check again.

There were some members of the public in the audience and Ms. Crystall allowed them to ask questions.

Patricia Ramsay, 5 Nesbitt Drive, asked about when the Town will take over the maintenance of the road and about the phasing plan. Ms. Crystall explained that after the Town accepts the road as substantially complete, there is a time period when the developer has to post a guarantee. Ms. McCourt went over the phasing plan: first, the Robinson Road lots, next, Boulder Lane, then Nesbitt to the wetlands crossing, and lastly from there to Smokey Road. Ms. Waskin asked about maintenance of the stormwater features and whether the Town will be maintaining them. Ms. McCourt answered in the affirmative. Ms. Crystall also added that the Town may monitor the construction process and Ms. McCourt agreed.

Linda Millman, 80 Robinson Road, asked about certain conditions of the wetlands permit that were only referenced in the regulations and wondered how a responsible developer was to know about them and what needs to be done. Ms. McCourt answered that all the conditions would be incorporated into the design, and state and federal permits. Ms. Crystall elaborated that plans usually have notes on them with all the conditions listed. Ms. McCourt concurred and said that there are detail sheets on the plans. Ms. Crystall added that sometimes it is appropriate to spell out the conditions on the permit. Mr. Sokolowski added that the permits state that the project has to be developed according to the plans, which is also helpful if the developers change in the process. Ms. Crystall reminded everyone about the site walk on February 16th at 9:00 AM.

File #: 2019-0187 – Applicant: NHDOT: Rehabilitation of a 48 ft. CMP; proposed slip lining with 42” metal liner; Town Clerk signature: 1/16/19; intervention submitted 1/29/19.

Ms. Crystall noted that the project was a maintenance project, thus no mitigation was required.

NRI RFP/Q – review comments

Ms. Crystall noted that she received the comments from a reviewer on the RFQ/P and he suggested making the scope of work an attachment to the RFQ/P. She also asked if anyone was willing to format the final document. Ms. Waskin agreed to do it. The timeframe was also discussed and agreement was that two weeks was sufficient.

Other items

Saturday, Feb. 16, 9 am. Planning Board site walk for G Gardner Contracting LLC.

Ms. Crystall noted the sitewalk.

Turee Pond milfoil contract & grant

Ms. Crystall said that she was not able to get into the budget process on time, therefore, the Commission will have to vote on whether this year's treatment should be covered by the BCC fund. Ms. Waskin noted that she just wants to reiterate that she objected the treatment itself. Ms. Crystall said that the cost would be around \$21,000 and the grant portion of that from NHDES would be around \$5,000. She also noted that this is only for a single chemical treatment with ProcellaCOR. *Mr. Hansen made a motion to approve the expenditure from the BCC funds for milfoil treatment. Ms. Kallenbach duly seconded and motion passed, with everyone present voting in the affirmative but Ms. Waskin, who objected.*

Other

- a)** Ms. Crystall noted that she sent another email to Bow High School to remind them about possible projects that could be done in cooperation with the Commission.
- b)** Ms. Kallenbach asked about NHANRS membership renewal and whether the Commission was interested. *Mr. Ball made a motion to approve the expenditure of \$20 to renew the membership. Duly seconded by Mr. Hansen, motion passed unanimously.*
- c)** Ms. Crystall also noted that she will be recusing herself from the vote on the Gardner subdivision at the Planning Board meetings as she is already involved with the case as the Chair of the BCC. A short discussion ensued about Ms. Crystall's recusal and whether there was a conflict of interest. *Ms. Kallenbach made a motion to allow Ms. Crystall to represent the BCC at the Planning Board on the Gardner project. Ms. Waskin duly seconded and motion passed unanimously.*

Unapproved Minutes 01/07/2019, 01/14/2019, and 01/28/2019

The three sets of minutes were reviewed and changes were made. Mr. Ball made a motion, duly seconded by Mr. Hansen to approve the all three sets of January 2019 minutes as amended. The motion passed unanimously.

Mr. Ball made a motion, duly seconded by Mr. Hansen to adjourn the meeting and the vote was unanimous. Meeting adjourned at 9:45 PM.