



TOWN OF BOW

Conservation Commission

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Bow Conservation Commission October 17, 2022 Unapproved Minutes

15 The regular meeting of the Bow Conservation Commission was held on Monday, October 17, 2022, at
16 7:00 PM in Room C of the Municipal Office building at 10 Grandview Road. Chair Sandy Crystall
20 called the meeting to order at 7:00 PM.

21 Members present: Sandy Crystall, Bob Ball, Dik Dagavarian, and Alex Grene. Tina Blanks was absent.

1. Aquarion Water Co. - Wetland CUP #410-22- Well Exploration

24 Chair Crystall recused herself due to a conflict and Mr. Ball, took over as acting chair.

25 Mr. Josh Davis, Aquarion Water presented information about the process and described that they are
26 seeking the Planning Board approval to drill the test well at site A. He clarified what they are looking
27 for in terms of approvals, and acknowledged that it was different than what he described at his last
28 meeting with the Commission. If the well drilling is not successful at site A, they will come back for
29 additional approvals.

30 Mr. Davis addressed disturbance of trails, cutting new trails, wetlands, buffer zones. The state's
31 drinking water program has a 50-foot buffer for the vernal pool, while the town has a 75-foot buffer.
32 The CUP is for about 1200 feet of disturbance and site staging to drill well at site A, inside of the 75
33 foot buffer, but outside the 50-ft state buffer --staging area for drill rig, pickup truck that goes next to
34 it, and containment area for the spoils from drilling the well.

35 Mr. Davis described their goal for the pipeline is to directional drill from outside of the buffer to the
36 road. They will need to confirm that this approach will work. or else they will need to do the work with
37 an open cut. If the well drilling at site A works, they will come back in for approval of the pipeline,
38 and will seek a state wetland permit as required.

39 Acting Chair Ball confirmed with Mr. Davis that the Commission was providing a recommended
40 approval only on drilling the well at site A. Mr. Davis confirmed that, so they can do a flow test. They
41 would come back in for site B or to pursue the pipeline approval/ permit.

42 Acting Chair Ball asked about the state's environmental review. Mr. Davis responded that the state's
43 environmental review would be contingent on local approval. Site B was approved by the state in a
44 previous environmental review. They changed the access road. Site A is about to be out for 30-day
45 public comment at the end of this month.

46 Acting Chair Ball asked anyone in the audience if they had any questions or comments.

47 Mr. Larry Weltsek, 13 Rocky Point Drive mentioned that the pipeline that is being proposed will be
48 along his property line, and they are not opposed to it. Mr. Weltsek questioned being able to directional
49 drill due to the boulder and rocks present and mentioned that there is another wetland on his property.
50 Acting Chair Ball asked Mr. Davis if this area described by Mr. Weltsek had shown up on the
51 delineation. Mr. Davis said that they had delineated wetlands only on town property.

52 Ms. Sandy Crystall, 1 Shore View Drive, mentioned that Aquarion will need to indicate the extent of
53 their delineation. Usually an entire property gets delineated, but if not, the extent of the delineation
54 must be indicated. Mr. Davis responded that they stayed on the town property and delineated within
55 100 feet of the proposed route. Acting Chair Ball noted that it was difficult to tell from the map how
56 much was delineated.

57 Mr. Bob Dawkins, 21 South Bow Road, asked if Abenaki was a for-profit water company. Mr. Davis
58 answered, yes, it is a private company. Mr. Dawkins state that he doesn't have a concern about wells
59 going there; however, he's not sure about not paying the town for the use of the property.

60 Mr. Tom O'Donovan, 20 South Bow Dunbarton Road, asked a variety of questions, including whether
61 there was a quorum, which Mr. Ball confirmed. Mr. O'Donovan asked for a clarification of the 50 vs
62 75-foot vernal pool buffer, about the potential directional drilling that was described, how long the
63 monitoring will continue if Site A becomes the well (and suggested that any monitoring should include
64 at least one drought year), why the impact was proposed through the middle of the wetland rather than
65 going around the wetland, and about restoration of the access route to the well location. Mr.
66 O'Donovan expressed concerns about the substantial impact to a Town Forest.

67 Mr. Davis explained that the presence of water is expected closer to the wetland. He described the
68 piezometers that will be installed to check for impacts to the groundwater and will be their gauge for
69 how much, if any water can be withdrawn. They plan to do the work as soon as possible. Mr. Davis
70 was unsure for how long the monitoring would be conducted. He indicated that the depth of directional
71 drilling is in the 4-6 ft depth range. Mr. Davis noted that for the pipeline, there are wetlands that are
72 not shown on the map that they could not go around and noted that the idea of going out to the road
73 and following the road around would be the most expensive option, but would avoid impacts to the
74 wetland. Mr. Davis explained that for the drilling and access, they will remove some trees and add
75 some rocks for stabilization and address restoration of the access route. He also described that Site A is
76 the reduced impact option compared to B, which has a wider area of wetlands..

77 Ms. Crystall, 1 Shore View Drive, made several additional points. She noted that a full delineation will
78 be required if any wetland impacts are proposed. She explained that the state requires consideration of
79 the least impacting alternative, which requires identifying all the wetlands on the site and unless all the
80 wetlands on the site are shown, you can't demonstrate that you are proposing the least impact. She
81 mentioned, regarding the impacts of groundwater pumping, from her experience in the groundwater
82 and surface water programs at NHDES, the groundwater program has a stronger consideration of
83 impacts to wetlands than the surface water withdrawal program. Ms. Crystall inquired whether the
84 route to site A is shown the same as the previously identified location and Mr. Davis confirmed that it
85 was. Ms. Crystall had inquired with NHDES groundwater staff about water companies using town
86 land for water supply and two examples were identified and didn't represent a comprehensive review
87 effort. Ms. Crystall mentioned that this is for an existing built-out community, so there won't be
88 additional demand on the system, just trying to meet demand currently. The town allows water supply
89 on town land that has an easement, and this land does not have an easement. This is one of the reasons
90 why the town protects the land.

91 Questions were raised whether it is up to the Selectmen to grant permission to use the land. The
92 Selectmen have the authority to grant them an easement, but the Conservation Commission has to
93 grant approval because technically it manages the property as a town forest. Ms. Crystall added, that an
94 extension of the temporary license to explore was granted by the Selectmen at their last meeting.

95 Acting Chair Ball asked the Commission members for any questions. Mr. Dagavarian asked about the
96 length of the section of directional drilling identified. Mr. Davis provided an estimated distance of 300
97 feet. Mr. Ball asked Mr. Davis why they didn't consider directional drilling the entire route and
98 mentioned that it is a question for the next part of the work. If water was found at site A, but the

99 pipeline was not approved, would that kill the project to follow the existing roads? Mr. Davis
100 indicated that it would.

101 Ms. Crystall asked about the 50-foot state buffer. If that is the groundwater program's requirement. Mr.
102 Davis responded that their cleared area is within the 50-75 ft buffer area. The proposed staging area is
103 shown as the gray circle on the plan.

104 Ms. Crystall mentioned that at the previous meeting with Aquarion, Ms. Cindy Klevens ,of the
105 NHDES Drinking Water and Groundwater Bureau, had stated that Aquarion's Abenaki water system is
106 one of the most expensive water system in the state and anything that is done to improve the water
107 system is borne by the customers. Mr. O'Donovan suggested that people on residential wells pay the
108 same for their private wells per year based on information from NHDES.

109 Mr. Grene has some questions for a later stage. He is curious about the least impacting alternative issue
110 raised especially if there is a need to move to site B.

111 Acting Chair Ball asked what happens if you do the well at site A and it is not successful, to what
112 condition do you restore the site? Mr. Davis responded about what to plant to restore. Mr. Ball
113 suggested that he have something recommended in mind to provide to the Planning Board.

114 Acting Chair Ball asked if they would get a right-of-way. Mr. Davis responded that once they
115 determine that it is a successful well, they would ask for an access easement for the well and pipeline.
116 Mr. Ball asked about the directional drilling and how power gets to the pumps, and any environmental
117 impacts for the pumps. Mr. Davis said they have not addressed that.

118 Acting Chair Ball stated, the question on the table is, does the Commission approve the drilling of the
119 well and the Wetland CUP to encroach on the buffer zone?

120 Acting Chair Ball asked Mr. Davis if the submitted documents include the correct numbers for the
121 buffer impact. Mr. Davis responded that the numbers are included but the buffer impact alone is not
122 specifically called out. Mr. Davis clarified that the request now is for 1,200 square feet of the buffer
123 impact required to drill the well at site A. (No direct wetland impact.)

124 Mr. Davis mentioned the hydrologist describing drilling 10 feet off the wetland.

125 *Mr. Grene made a motion to recommend approval of the Wetland CUP for up to 1,200 square feet of*
126 *wetland buffer impact for the well drilling (at site A) on this town forest property, contingent on:*

127 *1) Submittal of a restoration plan for site A, and*
128 *2) Addressing the power required for the well.*

129 *Seconded by Mr. Dagavarian. The Vote on the motion was 3:0:1.*

130 Ms. Crystall returned to being the Chair.

131 **2. Coastal Forest Products site plan & wetland CUP #411-22**

132 Mr. Nick Golon with TF Moran, on behalf of Coastal Bow Properties located at 652 River Road. Mr.
133 Golon described that he was providing an update after meeting with the Commission in August. The
134 project involved the expansion of the paved stockyard, a future building addition in the range of
135 100,000 square feet, additional shed storage, relocation of fueling station and maintenance building
136 and additional trailer storage. Coastal needs to maximize use of the rail service to support their
137 activities at the site in Bow.

138 Mr. Golon described the meetings and site walk with involved state agencies, and updated wetland
139 impacts and impacts to wetland buffers. He described the changes that were made after discussion with
140 the state agencies; now the proposed impacts are 1.89 acres. The wetlands have been remapped as the
141 delineation was close to the limit of five years old and the ephemeral streams were not delineated.

142 They were also addressing some long-standing drainage issues. They are restoring an excavated ditch
143 that is considered jurisdictional and are hoping to have it count towards their mitigation requirement.
144 They updated the wetland functional assessment, which details the communities on the site and the
145 newly mapped ephemeral streams. Mr. Golon described that they can recreate the sediment /toxicant
146 retention and groundwater recharge functions, but they can't recreate the wildlife habitat on the site.
147 This is why they are looking for upland buffer preservation opportunity in the town of Bow.

148 Mr. Golon addressed more specifically the Wetland Conditional Use Permit application package cites
149 the rationale as well as the amount of impact; 82,531 sq ft of wetland impact (1.89 acres), and 161,356
150 square feet of buffer impact. The wetlands are naturalized -- they were a result of excavation but they
151 have developed strategies to mitigate the impacts of those and locate land to mitigate other impacts.

152 Chair Crystall mentioned that she had not seen the required wetland functions and values assessment
153 with the Wetland CUP application. Mr. Golon responded that they have updated it and he will provide
154 it. They have a wildlife habitat assessment and the functional assessment, which describes the
155 potential habitat of hognose snake or black racer. Mr. Golon responded that they have designed the
156 drainage structures to minimize the threat to snakes getting caught in the structures. They have
157 devised a grading and drainage scheme to avoid any closed drainage; there is one catch basin proposed
158 directly in front of the future warehouse.

159 Chair Crystall asked about the paved storage yard and asked how will they deal with the winter
160 treatment because stormwater management does not treat the chlorides. Mr. Golon responded that they
161 are using bioretention areas. They will propose to use the Green SnowPro program to apply
162 appropriate levels of salt on the site.

163 Chair Crystall asked about the status of identifying appropriate land protection options. Mr. Golon
164 explained that have to be in the realm of 20 acres. One parcel that was identified has an Eversource
165 easement and the parcel is smaller than the amount needed to meet mitigation requirements. Ms.
166 Crystall noted that it has about 1,000 feet of Merrimack River frontage. Mr. Golon described that are
167 looking for a site with the wildlife habitat characteristics. Ms. Crystall noted that based on NHB
168 information from a nearby site, that area has significant rare wildlife in the vicinity. Mr. Bob Dawkins,
169 21 South Bow Road, mentioned that he walked the property, and observed that between the easement
170 and setback from the river, there was likely little developable area. Ms. Crystall asked about
171 considering land within the watershed that is west of I-93 that appears to be high value. Mr. Golon
172 mentioned that they are looking for parcels instead of just contributing to the Aquatic Resource
173 Mitigation Fund, as the owners. Mr. O'Donovan, Bow Open Spaces, mentioned that it would be good
174 to coordinate so they are not working at odds with one another.

175 Mr. Golon described the status of several properties that their real estate person has been checking out.
176 There was a discussion regarding the town buying land for conservation (or not) and the commission's
177 responsibilities that include land conservation. Ms. Crystall noted that it is important to buy the land
178 now, because at some point, there won't be any land left to buy for conservation. Mr. Golon will
179 continue in that direction to accomplish what the owners prefer. They used the town's information
180 about Conservation Focus areas to check out potential land to conserve and one parcel that has been
181 identified seems like a viable lot. They want to be sure that its "checks all the boxes" before spending
182 money on wetland delineation, wildlife assessment, etc.

183 Mr. Golon mentioned that if there are any parcels to be considered to let him know. Mr. Dawkins
184 mentioned there is a large parcel that he wants to follow up on but he wants to have an idea that the
185 funds would be available before he does so.

186 Mr. Golon sought support for the project and wetland impacts, hoping for a recommendation for
187 continued support. Ms. Crystall explained that expects the Commission to participate in a site walk,
188 and the Commission tends to wait until after the site walk to provide recommendations. A question

189 was asked about the amount of mitigation funds and Mr. Golon replied approximately \$450K. He also
190 noted that the site walk will likely be scheduled at the upcoming Planning Board meeting.

191 Mr. Golon mentioned that any correspondence that the Conservation Commission may provide is
192 welcome. Mr. Ball asked if the mitigation process needs to be complete for the wetlands permit
193 application. Mr. Golon replied that they need to identify what type of mitigation they will be
194 proposing, but by the final approval, will have to have to get a purchase and sales agreement and have
195 other information developed. The Commission agreed that it appreciates Mr. Golon's team working
196 with it to identify a mitigation opportunity in town.

197 **3. Eric Thum - Richardson easement survey**

198 Ms. Crystall noted that Eric Thum postponed speaking with the commission until he receives a new
199 estimate for the survey.

200 **4. Culvert strategy**

201 Ms. Crystall noted that a draft scope of work was provided by Pete Steckler with Northeastern
202 Conservation Services. Commission members reviewed and discussed the scope, what culverts it
203 would address, existing culvert information available on the Aquatic Restoration Mapper, and the
204 Commission would still need to complete a grant application to seek grant funds for any identified
205 project. Members discussed obtaining priorities from Public Works (such as those included in the
206 CIP), concern about the gain for the cost of the scope of work under review, and its effect on
207 increasing chances of successfully landing a grant.

208 Ms. Crystall displayed the NHDES Aquatic Restoration Mapper and reviewed the information for the
209 Dean Ave. culvert. Ms. Crystall mentioned the need for cost information to support an application for
210 grant funds. Members inquired about what information is in the CIP regarding culvert replacement
211 work. Mr. Dagavarian mentioned that a lot of the culverts that need to be replaced for environmental
212 reasons are likely not on their (DPW) list. Discussed need for cost estimates for the culverts needing
213 replacement and ensure that the design standards will fully meet the state's stream crossing standards,
214 without the alternative design approach, so it is eligible for (ARM) grant funds. Discussed the scope of
215 work and using the mapper based on the culverts on DPW's lists. Mr. Ball will look at the Aquatic
216 Restoration Mapper User Manual for information about exporting the data for review.

217 Commission members expressed that additional information from DPW was needed before deciding
218 whether or not to go forward with the proposal.

219 **5. NHACC membership fee**

220 Ms. Crystall reviewed the services that NHACC provides to Conservation Commission members.

221 *Motion by Mr. Ball, seconded by Mr. Dagavarian to approve NHACC annual membership fee of \$500.*
222 *motion passed 4:0.*

223 Ms. Crystall reviewed NHACC annual conference coming up in early November. Those members who
224 can attend will register independently and submit receipts.

225 **7. Info from NHDES**

226 NHDES issued a notice of violation to Andrew Mattiace for some work on his property.

227 NHDES approved the SPN for Robertson Trail replacement of two existing rotted culverts.

228 Sawmill subdivision: at the last Commission meeting, it was mentioned that the timber harvesting
229 work had been started. Ms. Crystall explained that under the state rules, there is no violation doing the
230 work while a wetlands permit is under review, but at the town level, the forestry work cannot be done
231 until all permits are in place. Code enforcement visited the site, shut down the timber harvesting, but
232 allowed them to remove the wood that had been cut. Ms. Crystall mentioned that an NHDES memo

233 regarding a state meeting in September that addressed the permissible culverts widths and lengths 60"
234 x 76 ft and 60" x 64 ft. The memo also mentioned the requirement for compensatory mitigation (of
235 \$42,000) and addressing the additional information in the Request for More Information was
236 necessary.

237 **6. Other Items**

238 The packet included the information presented to the Select Board at its Annual meeting with
239 Committee/Commission chairs on 9/27. She added that verbally she noted the last payment on the
240 Hammond bond was scheduled for 2023.

241 For the Morgan Lot timber harvest, Ron. Klemarczyk, town forester, is going forward with the timber
242 harvest. The concern about leaving the larger hemlocks had been conveyed to him.

243 For the DHL warehouse, the conservation easement was approved by the Select Board.

244 **Robertson Trail update**

245 Ms. Crystall mentioned that the plan had impacts within the same footprint (10-ft wide), however, that
246 would mean an 8-ft wide trail surface, which is too narrow for the snowmobile groomer. She sent the
247 draft plan to the Bow Pioneers to get their concurrence on the approach (ensuring a 10 ft wide trail
248 surface). Ron will be revising the plan to the greater width.

249 Planning Board Items: Ms. Crystall mentioned that Zoning changes to be discussed next month, include
250 the ability to give money to land trust like Bow Open Spaces (change made to law in 2009 or so).

251 BHS student Senior project - Bow-Dunbarton Bioblitz Ms. Crystall asked him to present to the
252 Conservation Commission when his project is completed. (2:23:45)

253 **Misc.**

254 Ms. Crystall mentioned that she requested code enforcement to check out the encroachment on the
255 town forest by a homeowner at the end of Briarwood, where ground flags and a potential dog area
256 were present on town land. This issue had been raised by the state office of planning during easement
257 monitoring of the Fish and Game easement. Code enforcement met with the homeowner and the
258 ground flags were removed. Ms. Crystall asked Ron Klemarczyk to check out the town forest
259 boundaries in that area, which he has done. The trees will be re-blazed to make the boundary visible.

260 The minutes for 8/22/22 were reviewed and edits were suggested. *Motion to approve the minutes as*
261 *amended was made by Mr. Dagavarian and seconded by Mr. Greene. All voted in favor.*

262 The minutes for 9/12/22 were reviewed and edits were suggested. It was noted that the site walk at the
263 Mattiace property referenced in the minutes was not held at the subsequent request of Mr. Mattiace.
264 *Motion to approve the minutes as amended was made by Mr. Dagavarian and seconded by Mr. Greene.*
265 *Vote was 3:0:1.*

266 **Next meeting:** November 14, 2022 - 7:00 PM at the Bow Municipal Bldg.

267 Respectfully submitted,

268 Sandra Crystall, Chair

269 Bob Ball, Acting Chair