



TOWN OF BOW

Conservation Commission

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Bow Conservation Commission

September 12, 2022

Approved Minutes

The regular meeting of the Bow Conservation Commission was held on Monday, September 12, 2022 at 7:00 PM in Room C of the Municipal Office building at 10 Grandview Road. Chair Sandy Crystall called the meeting to order at 7:03 PM.

Members present: Sandy Crystall, Dik Dagavarian and Alex Grene. Excused were Bob Ball and Tina Blanks.

1. Szafran - Wetland Conditional Use Permit (CUP) application # 409-22. Laurel Drive.

Mr. Don Gosselin, with Stevens Construction, contractor, who was present with the landowner Mr. Szafran, described the project, how they came to have the wetland and buffers identified, got a new septic design, select the best location for the new garage and apartment to minimize impacts to the buffer. Some of the buffer is currently lawn.

Mr. Gosselin described that they noticed water on the right side of the property. Mr. Gosselin described how and why the proposed garage was sited. With the input of his septic designer/soil/wetland scientist, they considered access to septic between house and proposed garage, existing lawn area within the buffer as minimizing impacts now and in the future. The house was built in 1985. Ms. Crystall mentioned that Natural Heritage Bureau DataCheck Report item on the Wetland CUP checklist was not checked and not provided. Ms. Crystall described the online process to request a DataCheck report. Mr. Dagavarian noted that the agent had addressed how the buffer would be impacted. He asked about the distance between the house and proposed garage is 14 feet.

Ms. Crystall asked about the tree line around the septic. The septic leach field has been replaced already. Ms. Crystall discussed the addition of buffer markers at 50-foot intervals at the treeline, rather than following the 50-foot buffer line, which would be in the middle of the lawn.

Mr. Grene made a motion to recommend approval of the Wetland CUP, condition on 1) the "clean" results of the DataCheck report and 2) posting wetland buffer markers every 50 feet at treeline in the area of the 50 foot buffer. Mr. Dagavarian duly seconded. Motion passed 3:0.

2. Andrew Mattiace, 1 Beaver Brook Drive

Mr. Mattiace had asked to speak with the Commission regarding a complaint about an alleged wetland /wetland buffer violation. The code enforcement officer conducted a site visit and looked at the sugar house area and the work on the Page Road side of the property. Ms. Crystall noted that she had not seen the complaint. She knew that the contract code enforcement officer, John Lazowski, did a site visit and she understood that some work was done in excess of the

wetland condition use permit approved in 2020.

Mr. Mattiace described that he has a portable saw in his front yard that he needs to move. He had cleared some trees, (15 x 30 feet) and moved some boulders in the wetland buffer on the Page Road side behind his house. He intended to restore the grade. The complaint came in and he stopped everything.

Mr. Mattiace wanted to understand the paths for resolution. After the complaint had been filed, he contacted the wetland scientist and learned that it would cost \$3,000 to get a remediation plan. Mr. Mattiace thought that maybe he can get a Wetland CUP to get the permit for work already done. He wants to have a flat surface and a path to access the area. He would like to get a conditional use permit for another bridge to circle around and collecting sap and moving logs. He asked if he can remedy the problem and put fill back in (to restore the grade where he had removed the boulders), and he can move the sawmill from his front yard. He wants to avoid doing a remediation plan. If he was to seek a CUP he would like to build a structure around the sawmill. He didn't seek a CUP for the recent work, as he didn't realize that moving rocks would require one. Mr. Mattiace was looking for guidance. Chair Crystall responded that for the original CUP, not all the wetlands were identified by the wetland scientist; the Planning Board and Conservation commission had accepted the additional information he developed about what is a wetland. Ms. Crystall stated that she understood that the code enforcement was in touch with NHDES. Mr. Mattiace confirmed that. Ms. Crystall stated that we would not move forward with any wetland CUP until we know about the wetland issue from the NHDES standpoint. According to Mr. Mattiace, NHDES is not going to get involved with this, since it is limited to a buffer impact.

Ms. Crystall noted that the Conservation Commission may want to see what is there. Mr. Mattiace described that it's a 15 x 30 foot hole four to six inches deep plus disturbance from the tractor/ excavator. Tim Sweeney had recommended throwing down some grass seed. Ms. Crystall mentioned while the seed would prevent erosion, it's not native. We need a plan for what you have, what you are looking for and review what is allowed per the zoning ordinance in terms of uses. Mr. Mattiace acknowledged that his work is not permitted without a wetlands Buffer CUP; it is like building a sugar house on the other side. Ms. Crystall noted that a sawmill may not be equivalent to a sugar house, because the sugar house is an agricultural activity. Mr. Mattiace described his inquiries to the Select Board and cited guidance from Bryan Westover about being allowed to have a portable sawmill on his property. Ms. Crystall asked other members about their thoughts. Mr. Dagavarian said he would like to see the property one way or the other. Makes sense to see it first. Mr. Mattiace mentioned that the CUP process would include a site walk. Ms. Crystall noted to take a look at it ahead of time. He thought that the Conservation Commission had already walked by. Ms. Crystall noted that the Conservation Commission had not been by to see the site. Mr. Mattiace mentioned that John Lazowski, the code enforcement officer was there. Ms. Crystall mentioned setting up a site walk. Mr. Mattiace mentioned that he is being sued by the person who filed the complaint. Mr. Mattiace asked about the possible outcome; he didn't see the value in the site walk. he asked if we had any photos, Ms. Crystall stated that the Conservation Commission does not have any photos.

Mr. Dagavarian made a motion to schedule a site walk on Wednesday September 21 at 6 pm.

Mr. Grene seconded. Motion passed 3:0.

3. DHL warehouse - conservation easement

Ms. Crystall described that this conservation easement for a 1.5-acre property is being required by NH Fish and Game for the expansion; a site walk for the expansion was done earlier in the year. Ms. Crystall described the area that has a steep slope and the land near the toe of slope. The area has rare, threatened and endangered species in the vicinity. The town/conservation commission will hold the easement as the grantee. Mr. Dagavarian asked why Bow Open Spaces won't hold the easement. Ms. Crystall mentioned that Fish and Game Dept. tends to work with the municipalities. Ms. Crystall noted that this easement has been sent for legal review; she has not heard anything further on the outcome. The Commission needs to vote to accept the easement, as easement holder. The Commission will need to monitor this easement.

Mr. Dagavarian made a motion to accept the easement and responsibility for monitoring it was duly seconded by Mr. Grene, motion passed, 3:0.

4. Upper Merrimack Watershed Association (UMWA) - Membership Fee

Ms. Crystall briefly described some of the work done by the UMMP. The membership fee is \$150.

Mr. Dagavarian asked about the monitoring information that the Commission members have been receiving on the Merrimack River (bacteria counts). Ms. Crystall mentioned that the bacteria monitoring is part of what they do; some of the other monitoring has been modified due to covid.

Mr. Grene made a motion to approved the expenditure of \$150 for continued membership in the Upper Merrimack Monitoring Program, duly seconded by Mr. Dagavarian, motion passed, 3:0.

5. Select Board's Annual Meeting with Committee Chairs

Ms. Crystall asked for input for the report to the Select Board to be presented on 9/27. Some topics to include are:

- Need for administrative support, which is not limited to taking minutes at the meeting. It includes uploading the packet which can be too large to email due to plans and reports, among support for other required responsibilities.
- Also mention VLAP and VRAP; high chloride entering town pond.
- Developing a culvert strategy
- Robertson Trail permit application progress
- Exotic species grant (no milfoil this year).

6. Illegal trail work activity

Discussed Hope Lane illegal bike ramp activity, the site is posted but activity has continued. No specific persons have been identified as doing the work. No one has come forward to address the interest in a bike ramp by going through the proper process. Ms. Crystall noted that additional trail-related outreach is needed for multiple issues, including mountain bikes going off-trail to go around wet areas and causing more damage, and there are neighborhood trails that need to be upgraded in some areas.

7. Other items

- Coming up: New Hampshire Association of Conservation Commissions' annual meeting on November 5th in Pembroke.

- Ms. Crystall mentioned that the response to more information request for the Macauley subdivision was due to NHDES today according to the NHDES website. Mr. Dagavarian mentioned that cutting had started on the site at Page Road.

8. Unapproved minutes

Mr. Dagavarian suggested some edits to an earlier section of the minutes. Mr. Dagavarian requested that they have more time to review the minutes as they were very long; it was a long meeting.

Mr. Dagavarian made a motion to adjourn, duly seconded by Mr. Grene, motion passed, 3:0.
The meeting adjourned at 8:29 pm.