

## BRENTWOOD CONSERVATION COMMISSION

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Meeting of August 13, 2014

Members in attendance: Emily Schmalzer, Jeff Donald, Doug Cowie and Rob Wofchuck, chair  
Selectmen's Rep in attendance: Bob Mantegari  
Alternates in attendance: Randall Davis

Meeting convened at 7:05PM.

Wofchuck moves to give Davis voting rights, the motion is seconded by Cowie and passed.

The June 11, 2014 minutes were moved by Cowie and seconded by Donald. The motion passed. Cowie, and Donald abstained.

There was no meeting in July.

Bill and Becky Dunham of 9 Block Drive attended to discuss an amendment to their conservation easement deed. Bill provided background on the situation. The Dunhams purchased the property at 304 Middle Road in June 2008 which was 40 acres. Of the 40 acres, 35 acres were under a conservation easement deed while the remaining 5 acres including the house is in an exclusion area. The Conservation Easement Deed allows for a 2 acre lot to be subdivided from the 35 acres and excluded from the easement.

Around 2010, the Dunhams separated the 35 acres in conservation and attached it to their home at 9 Block Drive. Now, the Dunhams are selling the 5 acre lot and house on Middle Road and wish to eliminate the allowance in the Conservation Easement Deed for the 2 acre subdivision.

There was discussion that be eliminating the option for the 2 acre subdivision, the purposes for the conservation easement deed would be strengthened and further reinforced.

Motion made by Wofchuck, seconded by Cowie to allow the Dunhams to amend the Conservation Easement Deed on 9 Block Drive by removing the ability to subdivide within the conservation easement. All were in favor.

As the Selectboard also signed the Conservation Easement Deed, it is likely the Dunhams will need to get approval from them as well.

Motion made by Cowie and seconded by Davis to empower Wofchuck, as chair, to act on behalf of the Commission to execute any documents to accomplish the above amendment of the 9 Block Drive Conservation Easement Deed. All were in favor.

Wofchuck to check with the Southeast Land Trust of NH (SELTNH) if they have any standard language for modifying conservation easement deeds. Wofchuck to check with DES Water Supply as DES provided funding toward the purchase of the conservation easement.

At 7:30pm the Public Hearing was opened.

- 1) Discussion on proposal from Southeast Land Trust of NH to complete outstanding items from the 2013 easement monitoring cycle and update and maintain the documentation on the conservation easements held by the town.

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Wofchuck presented the Southeast Land Trust of New Hampshire (SELTNH) proposal for Stewardship Services for 2014. This proposal is to supplement an existing contract for the aerial monitoring of 21 conservation easements. Under the supplemental proposal the SELTNH would follow up on stewardship issues identified during the 2013 easement monitoring, organize and update existing files for 9 of the easements, and complete current condition reports for two easements. The total estimate was for \$4,042 to \$4,442.

It was clarified that the proposed expense is in addition to the budget costs for the 2014 annual monitoring. Further, it is expected that the town would have similar costs to this proposal for two additional years as the remainder of the town-held easements were completed with ground monitoring by SELTNH.

Motion made by Cowie and seconded by Donald to authorize the use of up to \$5,000 from the Conservation Fund to pay for the costs associated with following up on 2013 easement issues and updating, organizing and maintaining the town conservation easement files. All were in favor.

### 2) Discussion on developing land management plans for all town-owned properties.

Wofchuck provided a background on the recent issues surrounding the Stevens easements relating to access for recreation trails. An outcome of that situation was a discussion whether it made sense to have land management plans for all town-owned properties so that the town could maximize the value of these assets for town residents. Possible purposes for town lands included recreation, wildlife habitat, and income.

Members discussed whether this would be all town-owned lands or just ones with conservation easements. Wofchuck felt it would be appropriate to start looking at all town-owned lands. It was discussed that hiring an experienced consultant to lead the process for the town and create the land management plans.

Members felt that a list of town-owned properties should be included with any request for proposal that went out. Wofchuck agreed to write an RFP and circulate to the Members for their comments. Wofchuck will reach out to other organizations and towns that have taken an active role in managing their properties to get suggestions for possible consultants.

Cowie moved and Donald seconded a motion to authorize spending up to \$5,000 from the Conservation Fund towards the creation of land management plans for all town-owned properties. All were in favor.

The public hearing was closed at 8:30pm.

Wofchuck provided an update on the Green Infrastructure Project Grant. The first phase of the project at the library has been completed. The second state including a large rain garden, storage tank with pump for garden and signage will commence on August 25.

Wofchuck reported that after getting support from the Selectboard and Highway Department, an application was submitted by UNH for a 319 grant to implement addition projects identified during the

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Green Infrastructure Project at the town's municipal sites. Wofchuck was notified last week that the grant was approved and will be working with UNH to finalize details.

Wofchuck informed the board that 108 Lake Drive was approved for a subdivision by the Planning Board. There will be driveways on both Lake Road and Ole Gordon Road.

Regarding the Stevens easement, Mr. Woodman agreed to provide access through unlocked gates at both ends of the field so that trail users would have access. These gates have been installed although it was noted that the gates are heavy and difficult to move as they are wired onto fence posts and resting on the ground.

Wofchuck provided an update on the Hayward property. As background, Hayward had submitted an application and plan to the Planning Board showing a substantial incursion into the Shoreland Protection District. Given the short notice period, Wofchuck produced a memo to the Planning Board and circulated for approval prior to tonight's meeting. All members agreed to send the memo.

Cowie attended the Planning Board meeting on August 7 and reported to the Board that there was much discussion relating to the Applicant's prior lack of compliance with approved site plans. The Planning Board decided to hold a site walk on August 12 which was attended by Cowie, Schmalzer, Mantegari and Wofchuck. The stream had water although it appeared to be minimally flowing. It was noted that we are looking at the stream at the driest time of year and without any significant rainfall recently. Those present agreed that it still appeared that the buffers provided important habitat for wildlife to have a corridor to access the stream and Exeter River.

It was agreed by those present at the site walk that clear cutting the buffer from 50 feet out to 150 feet was a major disturbance and certainly would negatively impact wildlife habitat for undue reason.

An additional plan was provided by the engineer on August 13 overlaying the approved 4 unit building on the new plan for the 6 unit building. It is clearly shown on this plan that the currently approved 4 unit building and paved parking would be 99% outside the Shoreland Protection District with only a small portion of the gravel parking being in the 100 to 150 foot buffer. Furthermore, all stormwater drainage systems would be outside the buffer as well. This approved plan would leave the entire Shoreland Protection undisturbed for the first 100 feet with only minimal disturbances in the 100 to 150 foot buffer. So the proposed change for purely economic reasons would take an approved plan that basically complies with the Shoreland Protection District to one that drastically disturbs the Shoreland Protection District.

However, it appears to the Commission that a solution may exist to allow the applicant a larger building with the required parking and with no or minimal incursion into the Shoreland Protection District.

It was noted that applicant has changed his parking calculation on the Proposed Plan versus his currently approved plan. The current approved plan lists the parking requirements as 1 space per 750 square feet of building while the new plan calculates the required parking at 1 space per 300 square feet. Has the Applicant applied for a change of use for the buildings? If not, then the required parking calculation seems to be incorrect.

However, assuming a change in use, the proposed plan calculates required parking of 60 units based on 18,000 square feet of buildings. However, the proposed plan shows 80 parking spots and another 7 gravel

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spots in the area noted as “storage and parking” in the south west corner of building 1. That is 87 spots when only 60 are required.

On the Proposed Plan, almost all the disturbance in the Shoreland Protection District is the 20 space parking lot in the rear of building 2 and the associated stormwater management systems related to these 20 parking spots. Furthermore, with the removal of these parking spots, it appears that building 2 can be rotated clockwise to be more parallel to the 150 foot buffer with all parking in front. It appears that the parking area may be able to be extended northeast towards Rt 125 to add spots lost by rotating the building. The Commission thinks that this would be a good solution that allows for the applicant to expand his building while maintaining the integrity of the Shoreland Protection District. The Commission will recommend to the Planning Board that they request a modified plan from the applicant showing no parking in the rear of the building, having all stormwater management to the side and front of building and changing the orientation of the building so that it is outside the Shoreland Protection District.

It was also noted that the footprint of stormwater management systems would be reduced by use of low impact design methods. The Commission will recommend that the Planning Board make the Applicant utilize all techniques available to minimize the disturbance and pollutants going in the Shoreland Protection District.

Cowie noted that the town should require a bond to make sure that all approved site walk is completed.

Motion made by Cowie and seconded by Schmalzer to spend up to \$250 to hire a wildlife expert to evaluate the site and provide their findings to the Planning Board. Further, the Commission will request that the Planning Board postpone making any decisions on approvals or conditional approvals until such time as the wildlife expert’s report is completed. All were in favor.

Wofchuck noted there were other small items to communicate to the Planning Board as well. Wofchuck will write a memo to go to the Planning Board and circulate it for approval so it can be sent to the Planning Board prior to their August 21 meeting.

At 9:17 PM Cowie moved to adjourn, Wofchuck seconded and the motion carried.

Respectfully submitted by Robert Wofchuck