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**TOWN OF
BROOKLINE, NEW HAMPSHIRE
CONSERVATION COMMISSION**

**P.O. BOX 360 – 1 Main Street
BROOKLINE, NH 03033-0360**

<http://www.brooklinenh.us>

**Minutes
Tuesday, September 14, 2021
Conservation Commission
Meeting Start at or about 7:00 PM**

**Present: Francis (Buddy) Dougherty, Chairman
Jay Chrystal, Vice Chairman
Tom Rogers, Member
Jerry Jaworski, Member
Sean McNair, Alternate
Dana Ketchen, Selectboard Representative**

**Absent: Eric DiVirgilio, Alternate
Roy Wallen, Alternate
Drew Kellner, Alternate Selectboard Representative**

Buddy called the meeting to order.

Dana read the rules for the Hybrid meeting:

- Any meeting attendees participating via Zoom are asked to activate the “mute” function until called upon by the chair
- Meeting attendees via Zoom must use the “raise hand” function under the “reactions” tab to participate in the meeting – and will be permitted to comment once and if called upon by the chair.
- Anyone providing comments during the meeting must first identify their name and address
- The “chat” function for Zoom participants will be disabled by the meeting administrator or otherwise not addressed; “chat” items will not be part of the public meeting/record
- Meeting attendees via Zoom will not be listed as attendees in the minutes (except Board members)
- The meeting’s physical location is the official meeting room. Should technical difficulties arise with the remote portion, the meeting will continue at the physical location.

Minutes (August 10, 2021)

**Dana made a motion to approve the Public and non-public minutes from August 10, 2021.
Tom seconded. Vote yes 5-0.**

Conservation Commission Minutes

Tuesday, September 14, 2021

Page 2

General Business – Lake Host program

Yvonne Gutierrez joined via Zoom to provide end-of-season notes on the Lake Host program at Lake Potanipo, including notes from **Aidan McGuire**. During this past season, the boat ramp has been staffed a minimum of 4 hours every day except when weather or otherwise prevented it. Lake Hosts found four (4) suspicious plants in total and prevented those from entering Lake Potanipo. **Aidan** looks forward to next year and is interested in continuing as manager for the Potanipo Lake Hosts. **Yvonne** referred to **Aidan**'s notes in the BCC August 10, 2021 meeting regarding swimming at the boat ramp, pet waste issues, parking lines, and rinsing boats. **Yvonne** suggested rinsing boats at the ramp using water pumped from the lake itself may be counter-productive, as contaminants can still likely enter lake with run-off; she recommends seeing if a hose can reach the ramp parking area from elsewhere. **Buddy** mentioned that a previous bath-house concept for the Grove beach area would have been a good spot to tap off a hose for rinsing. **Yvonne** said if the bath-house concept is revived, running water may not be an option as there isn't a good spot to put a well. **Buddy** suggested a point-well as an option. Regarding swimming and pet waste, **Yvonne** will contact Fish and Game regarding placing signs at the ramp to remind visitors that there is no swimming at the boat ramp, and to clean up after pets. **Buddy** is confident parking lines fall under the State's purview, and recommended **Yvonne** contact **Thomas Quarles** who is the Chairman of NH Fish and Game's Public Water Access Advisory Board for permission to paint lines. **Yvonne** will reach out to **Tad Putney** or **Chief Quigley** for contact info, and can loan a line-painter to **Aidan** to perform the work if allowed. **Buddy** recommended keeping work to the ramp-side of Mason Road, and not adding lines to additional parking area across the street. **Buddy** asked if there are any sample bags available to test milfoil debris washed up on beach to determine native versus invasive status. **Yvonne** will leave bags at town hall administrative offices. Samples can be placed in a bag, and the bag placed in the refrigerator at town hall. Once there, inform **Yvonne** and she will pick it up to get it tested. **Buddy** also noted that there is a sign in the ramp kiosk to help visitors differentiate between native and non-native milfoil. **Yvonne** asked if she can let **Aidan** know he is invited to continue in his role next year; **Buddy** agreed.

Well Water and Workforce Housing Ordinances

Tom introduced **Peter D'Agostino** who joined via Zoom to discuss proposed ordinances affecting well construction as well as Workforce Housing developments, specifically matters concerning the environment and conservation. Regarding the Well Water proposed ordinance, **Peter** said the verbiage is based on a 2020 review generated by the Brookline Well Water Committee; the NH Well Water Board and at least 24 NH towns that use similar language; the core of the Draft presented comes from Bedford NH's ordinance combined with Well Water Committee review; and that the Nashua Regional Planning Council is due to provide comment on the language as well.

Peter continued onto the Workforce Housing ordinance, and summarized that "Environment Protections" should fall under BCC's purview to recommend "Reasonable Standards".

Jay questioned the Hydrogeological Survey requirement in the Well Water ordinance, and asked if it is overkill to require this under ENV-400 for single-family dwelling construction. It seems to him to be an undue burden to meet before a building permit is even issued. **Peter** said that one outstanding item is NH Well Water Commissions response to whether ENV-400 is correct for this application. He also noted that there is a waiver process to the Hydrogeological Survey requirement as-written, per section 9999.70 of the draft. Additionally, he notes that it has been informally suggested that the town perform a Hydrogeological study which would cover most of the town for 5 years under the waiver. **Dana** also questioned the Hydrogeological Survey requirement, referring

Conservation Commission Minutes
Tuesday, September 14, 2021
Page 3

to an article in New Hampshire Town and City magazine (March/April 2021) titled “*What Exactly do Hydrogeologists Do for Municipalities?*” **Dana** said her take-away from this article is these surveys are meant for larger developments and community supply wells. **Peter** noted that the draft ordinance was based on the Well Water Committee report, and the drafters did not re-litigate the language; rather, they simply codified the report as a draft ordinance. **Tom** noted that Jay and Dana’s comments on the Hydrogeological surveys are outside the purview of conservation.

Jay moved on to the Workforce Housing ordinance, saying the “Environmental Protections” language seems all-encompassing but vague. **Peter** said the draft language was intended to be generally inclusive, but the drafters would like more specific recommendations from the BCC; ultimately, the ordinance should be a clear and reasonable standard for applicants to meet. He mentioned final recommendation is due 9/30/2021, but from there the ordinances will go through the full public hearing process. **Jay** recommended these ordinances be added as agenda items on the next BCC meeting. **Peter** will keep the BCC apprised of public hearing timeline if the planning board decides to advance them. He also recommended another option aside from specific requirements in the ordinance language could be project-based review of every application. **Dana** asked what the current process is that brings a project before the BCC. **Tom** said that the current state is an informal request the BCC made to the Planning Board to ensure applications are forwarded to BCC for comment; the ordinances in question tonight would codify this, at least for Workforce Housing applications; overall change to create a formal system would require an ordinance change to require BCC review. **Buddy** asked if NH Association of Conservation Commissions has been contacted. **Peter** said it has not; he noted that a possible change to subdivision ordinances in the near future may open the door for adding language related to BCC reviews. **Dana** asked what defines a “Reasonable Requirement”. **Peter** noted that currently the Workforce Housing ordinance doesn’t have official standards included yet, only subjects that the BCC may wish to place standards under; the current paragraphs are placeholders. He is also seeking third-party industry and state standards the BCC would like to reference as “reasonable standards” to be met. **Dana** asked if standard housing divisions meet, as an example, draft ordinance 627.000 paragraph 1(b) “Documented plan to address impacts to wildlife and forestry displaced by the development.” **Peter** noted that paragraph was based on previous public comment on a subdivision. **Tom** notes that **Dana**’s question gives weight to the BCC’s reviews of projects, then requests closure of discussion until next BCC meeting, agreeing with **Jay** that this should be an agenda item. **Dana** recommends we assign out work prior to next meeting.

Tom made a motion to assign research regarding reasonable environmental standards for both ordinances to Drew Kellner. Jay seconded. Vote Yes 4-0 with one abstention.

Thanksgiving 5K (or Turkey Trot)

Tom said the race is ready to go on and he will be heading the effort as **Drew** is unavailable this year; Camp Tevya has agreed to the race; as in 2020, race will use manual timing and a stagger start. **Dana** asked the start time, and what track the race follows. **Tom** believes the time would be 8:30am on Thanksgiving Day, and explained the race is an out-and back starting at Camp Tevya, with racers running out to a turnaround behind Chrysanthi’s Restaurant on Route 13 before returning to the same start line.

Tom made a motion to formally sponsor the Turkey Trot under previous guidelines. Dana seconded. Vote Yes 5-0.

Conservation Commission Minutes
Tuesday, September 14, 2021
Page 4

Nissitissit Park Kiosk

Jerry made updated maps and removed outdated material from kiosks after a resident previously brought up that the information was out of date or worn. **Jerry** also dispersed new maps with section views of the local areas, as well as new Trail Policies and Tick-Free NH informational signs.

Oak Hill Trail Update and Status of Boundary Marking on K-66-20 and K-69

Jerry commented that K-85 has been logged, and the trail is unpassable or unfindable. He notes that this trail will need to be re-established in order to update the trail on K-66-20 once it is marked properly. **Jerry** sent **Randy** from Meridian another email and received an affirmative reply that they will work on the marking.

Erosion at Bridge on Potanipo Rail Trail

Jerry discussed the erosion at the railroad trestle across Stickney Brook. **Buddy** suggests this bridge needs several large loads of rip-rap to shore up the abutment. **Tom** said the project will need something to hold the back-fill in place against the shore as the grade is steep. **Jerry** brought up related maintenance regarding the beaver dams at Palmer-Bartell. The main dam's beaver deceiver is no longer working; further, two of the smaller dams down-stream are now collecting significant water. Additionally, the dam at the scout bridge is jammed again. **Tom** recommends a pipe solution for the main beaver dam, to replace the beaver deceiver. **Buddy** suggest a cleanout and re-setting of the existing solution would be sufficient, but agrees a pipe-solution at the scout bridge may be advisable. **Tom** thinks the main dam requires a more permanent and robust solution. He believe a long pipe, 30 feet into the pond up-stream, would solve the issue long term. **Tom** plans to clear the scout bridge again and look at the main dam on September 18th or 19th.

General Business - 2022 BCC Budget Rough Draft

Jay plans to take water samples for this year in the next few weeks. **Tom** noted that there are still signs to be billed that will come from 2021 maintenance budget. **Buddy** notes the Cider Mill apron paving is moving forward. **Dana** requested BCC consider creation of an informational packet to bring newer members up to speed more easily. **Jay** noted that 2020 numbers aren't a good guideline due to how COVID-19 affected spending. **Dana** asked for clarification on what line items are for and their cost. **Tom** says that there are outstanding bills not reflected in 2021 expenditures, as well as unpredictable needs that arise yearly; he notes that in a typical year, BCC uses its entire maintenance budget then draws from the conservation fund. **Dana** asked if \$3,000 is not enough for 2022 trail maintenance budget. **Jay** reminded that the conservation fund can be used on maintenance of conservation lands. **Buddy** said that conservation funds shouldn't be viewed simply as "money to spend," as it is meant primarily for acquiring lands for conservation. **Jay** notes that the selectboard had originally recommended budgeting for recurring general items such as Milfoil treatments and routine trail maintenance. **Dana** asked if this is the final or rough draft. **Buddy** responded that this is only the rough draft, but it is due this week. **Dana** asked what actions may come from water sampling effort. **Jay** explained the testing establishes a baseline and looks for contamination issues, such as e. coli signifying a nearby septic system starting to fail. **Tom** notes that volunteered work isn't budgeted, such as mowing performed by BCC members and volunteers; he believes it may be appropriate to capture that cost in the budget. **Dana** suggests an "asterisk" budget showing both budgeted cost and "actual" cost.

Conservation Commission Minutes
Tuesday, September 14, 2021
Page 5

Buddy suggests for rough draft that all line items remain unchanged from 2021 values, members agreed.

General Business- Comments on Home Business “Brookline Bulldogges”

Jerry asked to include a comment on waste disposal. **Jay** words as “Confirm that best available practices for disposal of canine waste are followed for capture and removal.”

General Business – Comments from Greg Martin on Talbot-Taylor

Greg Martin attended the meeting as a member of the public and requested (through an email on September 13th) updates on various items regarding the Talbot-Taylor Wildlife Sanctuary. **Greg** mentioned that as a citizen, he is seeking solid wording and language for protection of the sanctuary. He has reached out to the DES regarding the spillway of the dam on the property and requested information on the latest inspection. As a citizen he feels the integrity of the spillway has been compromised. He is also seeking documentation of past work and issues, and suggests such documentation should be more readily available to residents. For example, he points to the clear covenants on the Highview Drive development being provided to new residents as clear and open communication of protections and conduct. He notes that the content of his September 13th email are his cumulative thoughts on issues that he has brought to Brookline Police, BCC, and Town Administration. He would like a proper plan to abide by and follow for easy enforcement of boundaries. **Dana** asked for his top two priorities from his email. **Greg** responded that his main priority is knowing whether there is a plan for the Wildlife Preserve. **Tom** responded that this is in-progress; he then said for instance that Trap-Shooting is forbidden in all town conservation land. **Jay** noted that abutters trap-shooting must have sufficient back-stop per state guidelines; and that BCC defers to state guidelines unless otherwise specified. **Greg** asked about hunting near the boundary of a protected property without being on it. **Jay** responded that a hunter can legally be immediately adjacent to the property line, and as long as otherwise lawfully present can take animals under the guidelines of NH Fish and Wildlife; for example, with landowner permission to be on adjacent posted property and minimum distance from dwelling. **Jerry** continued that until it is established who is responsible for the easement, the BCC cannot answer many of the questions in the email; with regards to general monitoring of conservation land, **Jerry** notes that most members are volunteering time outside full-time jobs and families, so efforts are focused on specific areas based on most use. Talbot-Taylor has a single, 0.5 mile trail. He also says the BCC relies on abutters to bring issues to the commission’s attention. Finally, that enforcement will follow once the legal status of the easement is ascertained. **Dana** notes that town ethics policies are being updated town-wide; she also notes that there is an Open Government committee established. **Tom** mentions he has attended the meetings for that committee, and it is tasked with reporting out recommendations such as updating the town website for ease-of-use and better dissemination of information. The committee is working with towns that have successfully implemented similar recommendations, as well as industry partners. **Buddy** suggested a conclusion to this discussion.

Non-Public

Jay made a motion to go into non-public session under RSA 91-A:3, II (d) for purpose of land acquisition and RSA 91-A:3 II (c) reputation and RSA 91-A:3 II (l) legal advice by counsel and immediately adjourn after. Dana Seconded. Roll call vote Buddy, Jay, Tom, Jerry, Dana, and Sean all voted yes.

Conservation Commission Minutes
Tuesday, September 14, 2021
Page 6

Jay made a motion to come out of non-public session and seal the minutes. Seconded by Tom. Roll call vote Buddy, Jay, Tom, Jerry, Dana, and Sean all voted yes.

Jay made a motion to adjourn at 10:20pm. Tom seconded. Vote yes 5-0.

Francis (Buddy) Dougherty, Chair, _____

Jay Chrystal, Vice Chairman, _____

Tom Rogers, Member, _____

Jerry Jaworski, Member, _____

Dana Ketchen, Selectboard Representative, _____

Minutes prepared by Sean McNair

Next Conservation Commission meeting will be held on October 12, 2021