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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, January 11, 2022
Conservation Commission**

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

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

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.

Public Hearing for Bond Payment

Buddy read the public hearing notice “Pursuant to N.H. R.S.A. 36-A:5, the Brookline Conservation Commission will hold a Public Hearing on January 11, 2022, at or about 7:15 PM in the Town Hall Meeting Room. This hearing will consider the use of Land Acquisition Funds in the amount of Fifty Eight Thousand Six Hundred Sixty Dollars (\$58,660) for the 2022 Bond Payment due for the acquisition of lots K-33 and K-34.”

Jay said this is our yearly bond payment for the purchase of Lot K-33 and lot K-34.

Without any comments from the Board or the audience Buddy closed the public hearing. Jay made a motion to withdraw \$58,660 from the land acquisition fund for the payment of the bond for the purchase of lot K-33 and lot K-34. Tom seconded. Vote yes 5-0

Lot G-13, 16 Mason Road, Zoltko, Michael & Diana, build addition into wetlands set back needs recommendation from Conservation Commission for ZBA per Zoning Ordinance Section 1104.01.

Michael Zoltko (16 Mason Road) said they are looking to build an addition of a garage onto the existing barn. This addition will be 24 feet into the wetlands buffer, and they are here because they will need a comment from the Conservation Commission because they will need to apply for a variance from the Zoning Board of Adjustment to build in the wetlands buffer. **Jay** said that puts that addition into the buffer by 26 feet. **Dana** asked if construction on this has already started. **Michael** said yes, the builder had started construction before they realized there were wetlands. He has poured the footings. **Jay** said his suggestion would have been to move the addition back further out of the buffer but if he's already poured the footings that could be difficult. **Joseph Bowers** (Elite Design Build) said so far everything they have done can be changed. They are looking for guidance from the Conservation Commission on how to proceed at this point. **Dana** asked if there was a building permit pulled for this project. **Joseph** said that is why we're here now when they pulled the building permit the Building Inspector said they were in the wetlands buffer. **Jay** said so the footings were poured before the building permit was pulled. **Joseph** said yes that is correct. **Jay** asked about the breeze way that is proposed on the plan. **Joseph** said they added the breezeway too diminish the point of attachment to that barn. **Jay** said if you moved that proposed garage closer to the barn and back further about 22 feet you would almost be out of the buffer. **Joseph** said regarding the buffer what is everyone's concerns with placing the addition there. **Jay** said the buffer is there for a reason, this 50 ft buffer is there to protect the wetlands from run off and it allows the runoff to filter through the vegetation and seep into the ground before it gets to the wetland. It would have to be a significant reason to intrude on it. **Joseph** said we tried to convert the existing barn into a garage space, and it just doesn't have the space to do so.

Dana said she is concerned that this was started without a permit. **Joseph** said he jumped the gun on this, and he would like to do everything correctly going forward. **Tom** said this is a significant amount of space, it's not just a couple feet, this is less than half of the 50 foot buffer. If we allow this, it is precedent setting. **Joseph** asked if there is a classification on what wetlands were trying to protect. **Sean** said this is Talbot Brook which runs to the Nissitissit River. **Joseph** said so your suggestion is to move that building back. **Jay** said his rough estimate is if they move the building back about 20 feet and not angling it off to the side and keeping the breeze way you would be out of the buffer. If you were to angle the addition off to the side, you may not need to go back that far. He would try to reconfigure that building and keep it out of the buffer. **Jerry** asked if the driveway could be placed in the buffer. **Jay** said yes. You can't put a structure in the buffer. **Joseph** said if they move it back and out of the buffer, they will not need to go to the Zoning Board. **Jay** said that is correct you would just need to deal with the Building Inspector. You will need to prove to him that you are out of the buffer. **Jay** thanked them for their accommodation.

Lot K-76, 31 Route 13, Decco c/o Bernstein, Shur & Nelson PA, build 4,500 sf addition to building and expand the parking lot into wetlands set back needs recommendation from Conservation Commission for ZBA per Zoning Ordinance Section 1104.01.

Brett Allard (Bernstein, Shur, Sawyer & Nelson PA) said he is here representing DECCO Inc located at 31 Route 13. They will be going to the Zoning Board for a variance for some wetland impact for the proposed parking expansion and building expansion. The parking expansion is due to the current configuration of the parking, access ways, and the buildings. Trucks pulling in have

to make tight turn around movement because it is so narrow. There are three stacks of parking isles currently. On the proposed plan the expanded parking will go toward the wetlands buffer. Some parking will be in the wetlands and that will require a permit from NH DES. We will need a variance for the wetland impact, and they are here first for your recommendation. **Tom** asked if the building is in the buffer. **Douglas Brodeur** (Meridian Land Services) said yes, the existing building is in the buffer. **Douglas** explained that on the plan the parking area expansion will be 7,400 sf, the wetlands impact will be about 2,300 sf and the wetland buffer impact will be about 9,000 sf. He also explained where the test pits were dug and that there will be a curb along the parking lot area so all the water will be directed to the catch basins, and it will go into the subsurface infiltration stations. Now, it just sheets into the wetlands. **Jay** said there will be catch basins and that will run into the infiltration area. **Douglas** said the infiltration system it's about three feet above high water table. **Tom** said the parking area in the buffer doesn't bother him as much as the building does. **Jay** said it looks like a third of the building is in the wetlands buffer and the existing shed is right on the edge of the delineated wetlands. **Jays** asked if they would be able to consider reconfiguring the addition to be further out of the wetlands buffer. **Douglas** said he can look into rotating the building he would have to discuss this with the owner. This edition will be for a larger fabricating area.

Brett said it would be helpful if they broke up their recommendations between the parking area and the building addition for the Zoning Board.

Jay said that new parking area is going to have a curb that will direct the water to the catch basins and directly into the infiltration system. He said the only part of the expanded parking area that there would be an issue with is the area that will be impacting the wetlands itself and that requires a State permit and they regulate that. **Jay** said it looks like you're only impacting about 2,200 sf to the wetland. **Spencer Tate** (Certified Wetland Scientist, Meridian Land Services) said he did the wetland delineation on this plan, this is not a stream corridor it is a poorly drained wetland. The water cascades down Route 13 and into this wetland it's not connected to any larger or higher value wetlands. It is wet in the spring and fairly dry in the summer. **Jay** this is a forested wetland so you will be capturing rain and water events into the catch basins. **Buddy** would rather see an above ground rain garden instead of capturing this and injecting it into the subsurface infiltration system. If there is a spill of any sort you have already injected it into the ground as opposed to capturing it above ground. **Spencer** said he doesn't believe that there is enough space to do an above ground infiltration area. **Douglas** said they do have filtration system that are meant to capture liquids if there is a spill. It would be up to the property owner to have the filters changed. **Jay** said the State has to approve this. **Tom** said the only issue he has is the building in the buffer. **Jay** said he agreed. **Jay** asked if they had figured in the roof drainage. **Douglas** said yes, it will all run off the parking lot into the infiltration. **Jay** said he would like to see the shed moved further away from the wetlands if that is at possible. **Greg** asked if the Board would rather have a larger portion of the building in the buffer or more of a separation between the addition and the wetlands. **Jay** said he would rather see a larger separation between the building and the wetlands. **Jay** said his suggestion is to reconfigure the addition and move it further away from the wetlands. To also see if they could move the shed. **Dana** asked if the parking was acceptable with the Board as presented. **Jay** said he had no issues. **Tom** said he aggress but that's assuming that will the parking work the same if they reconfigure the building. He would be less comfortable with saying as presented. **Douglas** said they will bring the plans back to the Board.

Decide if Lot F-16 is conserved or not F-16 (Jerry)

Jerry said they had discussed this earlier, but they had missed lot F-16. This is an open space lot owned by the Town it is not abutting a large conservation area, but it is close to one. **Tom** said there is future trail work that could go through there. **Jay** said just east of this lot on the Hollis side there are some conservative lands in this area. The board agreed to add it to the list of conserved lands.

General Business

Town Report Summary

Buddy the Conservation Commission usually writes a summary report for the town report. They need to get someone to write it up the deadline is January 26th, 2022 for this year. **Buddy** they didn't submit a summary last year. **Dana** suggested they ask Eric DiVirgilio. **Dana** said this would be a good opportunity to get the word out and let everyone know what we have been up to. People do read the town report. **Jerry** said they can add Scouts Bridge projects, a successful Ghost Train Rail Race, the Turkey Trot, and they made some modifications to some parking areas. **Dana** said that sounds like a good outline.

Tom made a motion to assign Eric DiVirgilio to write up the summary for the town report. **Jerry** seconded. Vote yes 5-0. **Jerry** said he would send him the outline they just spoke about.

New member information packet

Dana they should come up with packets for new members. This is something they should have for people who are interested in being a Conservation Commission member. **Sean** said the website has a lot of information and then the town report has good information. **Sean** said the Brookline welcome packet has all the information on how to find out about the Town Boards. **Greg** said he also went to the town website and the minutes.

Beaver activity at the Palmer Preserve

Jerry said a couple weeks ago he walked that area and it looked like it was in good shape over by the bridge.

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 immediately adjourn the meeting. **Tom** Seconded. Roll call vote **Buddy**, **Jay**, **Tom**, **Jerry**, **Dana**, **Sean**, and **Greg** all voted yes.

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**, **Sean**, and **Greg** all voted yes.

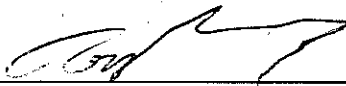
Adjourn

Jay made a motion to adjourn at 9:00pm. **Tom** seconded. Vote yes 5-0.

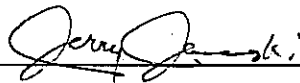
Francis (Buddy) Dougherty, Chair, _____

Jay Chrystal, Vice Chairman, _____

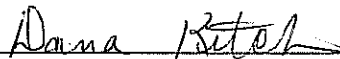
Tom Rogers, Member,



Jerry Jaworski, Member,



Dana Ketchen, Selectboard Representative



Minutes prepared by Kristen Austin

Next Conservation Commission meeting will be held on February 8, 2022

