



Town of Wales Conservation Commission

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Meeting Minutes – November 18, 2021

Present: Robert Herbert (**Rob H.**) – *Chair*, Norma Thompson (**Norma T.**) – *Commission Member*, Hugh Brower (**Hugh B.**) – *Commission Member*, Sarah Ryan (**Sarah R.**) – *Clerk*

Public Present: Ted Wysocki, Elizabeth Dickinson (Virtual), Chris Ryan (Highway Commissioner), Dorothy and Frank LaRosa (7 Cordially Colony), Jeremy Croteau (DC Engineering), Pete Johnson, David McClain, Eric and Ethan Pearson (40 B Hollow Rd.), Andre Cormier Jr. (Old County Rd.)

Robert H. opens the public meeting at 6:00 PM

****Agenda item:** Approve Minutes 1/21/21 & 10/21/21

Motion 111821-01 by Rob H. to approve 1/21/21 meeting minutes with edits, 2nd by Hugh B., no discussion, all in favor.

<u>Roll Call Vote:</u>	Hugh Brower	(Y)
	Robert Herbert	(Y)
	Norma Thompson	(Y)

Motion 111821-02 by Rob H. to approve 10/21/21 meeting minutes, 2nd by Hugh B., no discussion, all in favor.

<u>Roll Call Vote:</u>	Hugh Brower	(Y)
	Robert Herbert	(Y)
	Norma Thompson	(Y)

****Agenda item:** Union Rd. – Highway Dept. / Emergency Certification – Ratify Approval

Motion 111821-03 by Rob H. to approve and ratify the Emergency Certification of Union Rd., 2nd by Hugh B., no discussion, all in favor.

<u>Roll Call Vote:</u>	Hugh Brower	(Y)
	Robert Herbert	(Y)
	Norma Thompson	(Y)

****Agenda item:** Highway Department - NOI

Rob H. opens the public hearing at 6:04 PM. Since the commission has not heard back from NHSEP, the public hearing will need to remain open once we receive feedback from NHSEP then the public hearing for this blanket NOI can be closed. The commission discusses comments made from DEP regarding the NOI. In addition, the commission reads conditions that they have regarding this NOI. The commission advises the Highway Commissioner that he has the green light to continue with his projects, as long as the conditions are followed, and the commission is notified when work is being done within a resource area or buffer zone then the commission must be notified.

****Agenda item:** 40 Haynes Hill Rd – FCP – follow up

The commission discusses the comments from DCR regarding their concerns the commission had with the landing. Pete Johnson suggested using Lithuania Rd., which the commission also suggested to DCR. DCR stated that it is not permitted since the road is considered a reserve. The commission will be following up with DCR, ensuring that stream crossings were protected during the cutting phase before the plan is signed off as completed. The commission is going to ask DCR to contact them when the cutting continues.

****Agenda item:** Stafford-Holland Rd. - stability

The commission is hopeful that the work the Highway Commissioner proposed, to fix the deteriorating headwalls will rectify concerns and issues that have evolved. This will not require an emergency certification since this is a continuation of the work that was previously permitted.

****Agenda item:** 214 & 216 Union Rd. – update on actions taken on enforcement order

The commission has been in contact with a resident who is interested in purchasing both lots. The commission will be meeting with the potential new owner of the property, to go over restoration's that would need to happen.

**** Agenda item:** 21 Sizer Dr. – FCP follow up

The commission has not been able to follow up with this, unable to see much from the road. This is a short-term harvest, and the commission has not received a signed copy of the approved plan from DCR.

****Agenda item:** Old County Rd. (this was a last-minute addition)

Hugh B. performed a site visit last week. There were concerns of work being done on 11 & 12 W, looked as though stumping had been taking place. These lots were not

permitted for this work. The rear of the lots showed cutting within a resource area with no wetland flagging. A small stream was witnessed, but this wasn't shown on GIS mapping, the commission will be issuing a letter to Mr. Cormier, reiterating that wetland delineation still needs to be conducted on lots that he plans on developing and that no work should be taking place between lots 10-16.

Motion 111821-04 by Hugh B. to issue a "violation order", outlining what work can and cannot be done on the Wales lots, Seconded by Rob H., no discussion, all in favor.

Roll Call Vote: Hugh Brower (Y)
Robert Herbert (Y)
Norma Thompson (Y)

At the very end of the meeting, Mr. Cormier was in attendance. The commission expressed concerns of the work being conducted in the areas mentioned above. The commission advises that no work should be done on lots 10-16, Mr. Cormier assured the commission that any proposed work in those areas would come before the commission with wetland delineations complete.

****Agenda item: 7 Cordially Colony – NOI continuation**

Rob H. opens the public hearing at 6:42 PM.

Hugh B. comments on his findings of his site visit on the 16th of November, all the proposed work is within the buffer zone and outside limits of the flood zone. The concerns of two docks remains, the owner will need to remove one and stabilization work will need to be done to the pre-existing retaining wall. Work on the wall would require notification to the commission. The commission read DEP's comments along with standard conditions from DEP and additional conditions set by the commission.

Motion 111821-05 by Hugh B. to approve NOI -DEP File # WE 314-0165 with standard conditions, plus additional conditions from commission, Seconded by Rob H., no discussion, all in favor.

Roll Call Vote: Hugh Brower (Y)
Robert Herbert (Y)
Norma Thompson (Y)

Motion 111821-06 by Rob H. to close the public hearing at 6:51 PM, Seconded by Hugh B, no discussion all in favor.

Roll Call Vote: Hugh Brower (Y)
Robert Herbert (Y)
Norma Thompson (Y)

****Agenda item: 87 McBride – RDA Continuation**

The commission continue the public hearing since they are awaiting confirmation of a different filing from the engineer. If the commission does not receive a submission by December, then the commission will close the public hearing on the RDA filing.

****Agenda item:**33 Barney Rd. – follow up enforcement order

The commission would like to follow up with Board of Health regarding the clean up on the property. Garbage was observed on the property and blowing in the road, the commission would like to know what the Board of Health's stance is on work being at a standstill.

****Agenda item:** 40 Hollow Rd. -discussion/enforcement action

Rob H. opens the public hearing for 6:58 PM.

Hugh B. gives a brief overview of the chronological order of events as it pertains to the enforcement order placed on 40 Hollow Rd. The DCR has since signed off on the Forest Cutting Plan submitted for 40 Hollow Road in May 2021, so the Conservation Commission now has jurisdiction over both parcels, 40 A and 40 B. Since the 40 Hollow Rd. parcel no longer exists, it is appropriate for the commission to withdraw the previous Enforcement Order from July 2021 at this time. The commission does not feel the need to issue a new Enforcement Order for 40 B Hollow Rd, since the owners have attended the commission's meetings, and are working towards some sort of resolution regarding their parcel. **Hugh B.** recommends issuing a new Enforcement Order on 40 A Hollow Rd, which would require a restoration plan to be completed by March 15, 2022.

Motion 111821-07 by Hugh B. to close the Public Hearing of 40 Hollow Rd, Seconded by Rob H., no discussion all in favor.

Roll Call Vote: Hugh Brower (Y)
Robert Herbert (Y)
Norma Thompson (Y)

Motion 111821-08 by Hugh B. to withdraw the previous Enforcement Order of July 19, 2021, against Lori Whitman as owner of the #40 Hollow Road lot, this applies to both 40 A and 40 B, the two successor lots, Seconded by Rob H. No discussion, all in favor.

Roll Call Vote: Hugh Brower (Y)
Robert Herbert (Y)
Norma Thompson (Y)

Motion 111821-9 by Hugh B. to now issue a new Enforcement Order with the revised restoration conditions against Lori Whitman as owner of the 40 A Hollow Road lot, not to include the restoring of the stream crossing culvert, Seconded by Rob H., no discussion, all in favor.

Roll Call Vote: Hugh Brower (Y)
Robert Herbert (Y)
Norma Thompson (Y)

The commission signs the Enforcement Order of 40 A Hollow Rd.

****Agenda item: 40 B Hollow Rd. – RDA**

Rob H. opens the public hearing at 7:20 PM for 40 B Hollow Rd.

Hugh B. gives an overview of the filing made by the applicants, along with a review of findings of the site visit conducted on November 8th, 2021. The commission discusses streams and wetlands existing on and adjacent to the site that were not depicted on the plans or were not depicted accurately. That includes the areas around the stream on the northern boundary of the property, its tributaries and the associated BVW areas. The applicants present several different versions of their site plans, each one showing a different buffer zone delineation that appears to be unrelated to the resource areas depicted on the plans. The commission requires that ALL resource areas and buffer zones be accurately depicted on the plans, not just those adjacent to the defined project areas. The applicants and the commission review plans and discuss. The Commission has questions about how the proposed drainage swales are to be constructed and how they will treat sediment prior to discharge into the stream. Applicants are proposing work to be conducted across essentially all of the 40 B parcel. The Commission believes that the work will lead to erosion and sediment discharge into the stream unless proper BMPs are implemented. Since the commission's determination is based on what was submitted, given that elevation contours were not shown, and resource area boundaries were not completely delineated, either in the field or on the submitted plans, the commission feels that they do not have sufficient information to make a negative determination. The Commission reserves the right to require applicants to submit plans that have been signed and stamped by a professional engineer, with wetlands delineations performed by a professional soil scientist.

Mr. Wysocki will be submitting topographic plans to show basic elevation contours, wetland flag locations and all streams within the scope of work.

Motion 111821-10 by Hugh B. to close the public hearing, Seconded by Norma T., no discussion, all in favor.

<u>Roll Call Vote:</u>	Hugh Brower	(Y)
	Robert Herbert	(Y)
	Norma Thompson	(Y)

Motion 111821-11 by Hugh B. to make a positive determination on the application of the RDA for 40 B Hollow Rd., Seconded by Rob H., no discussion, all in favor.

<u>Roll Call Vote:</u>	Hugh Brower	(Y)
	Robert Herbert	(Y)
	Norma Thompson	(Y)

The commission can expect an NOI filing for this application with a narrative and phase of construction plan with all the required plans/mapping that were discussed.

The commission briefly discuss the upcoming hearing for 40 Sizer Dr./Sunpin Energy Services, noting that WOODs/Sunpin were hoping to have this closed and conditions issued at the next hearing on November 29th. The commission feels that they will take as much time as needed to properly issue a thorough set of conditions of this project. **Elizabeth D.** advises the commission that they will be issuing comments in writing that she hopes the commission will consider.

Rob H. makes a motion to adjourn the meeting at 8:32 PM.