



**Town of  
BROOKLINE, NEW HAMPSHIRE**

*Conservation Commission*

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**Minutes  
Tuesday, October 25, 2016  
Conservation Commission  
7:00 pm**

**Present:** Francis (Buddy) Dougherty, Chairman  
Jay Chrystal, Vice Chairman  
Brendan Denehy, Selectboard Representative  
Jordan Bailey, Member  
Tom Rogers, Member  
Drew Kellner, Alternate

**Absent:** Eric DiVirgilio, Alternate

Minutes

Brendan made a motion to approve the public and non-public minutes of the September 13, 2016 meeting, the public and non-public minutes of August 9, 2016 meeting, and the non-public minutes of July 26, 2016 meeting all as amended. Jay seconded. Vote yes 5-0.

**Jerry Farwell, 17 lake Potanipo, discuss ZBA Application for garage addition in wetlands setback**

Brendan said he would recuse himself from this discussion because he is an abutter.

Jerry said he would like to remove a shed and build a 15' x 24' attached garage to the existing house. This garage will be a one car garage with a storage area under the garage that will also have a door to the bedroom as a second means of egress. Currently there is a small window in the bedroom. 278 square feet of the garage will be in the setback, built about 5 feet into the setback. The house further encroaches into the setback than the garage will. Jerry reviewed the plans with the Board. Jerry said he has an application into the ZBA but needs the input for the Conservation Commission first. He has also applied for the shoreland permit with the State. Drew said he watched the ZBA (October 12, 2016) meeting online. In his opinion this section of the ordinance 1106 referred back to 1103.11 but this addition of an attached garage encroaches less than the existing house does in the buffer. Jerry said there is a letter written in references to

that meeting **Jerry** read the letter. “If the concern for item #2 noted below comes up at the conservation commission meeting, this would be my response. The regulation is stated below.

2. The expansion may only be permitted to occur away from the edge of the wetland or high water mark, except if a finding made in accordance with Section 1103.11 determines that there will be no negative impact on the wetland and a previous disturbance prior to the adoption of this Ordinance is documented, then the expansion or disturbance may occur to within 25 feet.

The beginning of the sentence allows for expansion away from the high water mark. In other words I believe that you could not put the addition on the lakeside of the house. That would be an addition towards the high water mark. You are expanding on the side of the house further from the high water mark than what is there already. You could also point out that the concrete pad is closer to the high water mark. The proposed garage is further away from the high water mark than existing construction activity that has taken place. Therefore you do not need to do 1103.11.”

**Drew** read RSA 483-B:11, “I. Except as otherwise prohibited by law or applicable municipal ordinance, nonconforming structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in place, altered, or expanded. Repair, replacement-in kind, or reconstruction in place may alter or remodel the interior design or existing foundation of the nonconforming structure, but shall result in no expansion or relocation of the existing footprint within the waterfront buffer. However, alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer; provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property. This provision shall not allow for the enclosure, or conversion to living space, of any deck or open porch located between the primary structure and the reference line and within the waterfront buffer.

II. For the purposes of this section, a proposal that is "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, enhancing storm water management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection.”

**Drew** said the existing structure is closer to the reference line than the proposed addition would be. **Jay** agreed that this application is in compliance of the ordinance.

**Jay made a motion to prepare a letter to the Zoning Board of Adjustment with regard to the findings previously stated. Tom Seconds. Vote yes 4-0.**

### **Ghost Train Rail Trail Race**

**Drew** said Jordan, Buddy, and their spouses were at this event before, after, during, and still.

**Buddy** said his sister in-law flew up from Florida to help for the weekend also. **Drew** said they put a lot of time and effort into this event. **Jordan** said after the heavy rain they had on Friday there were some blow downs that were cleared before the event. They had people sleeping in the covered bridge due to the rain this year. **Buddy** said he thought it would be at least a week or so before they find out how they did this year. **Jordan** said the amount of money we have received over the past few years has only increased. They had about 12 relay teams, 351 ultra racers, and over 100 15 mile racer. They had 365 race finishers. **Buddy** said the new course record for the 100 miler was 14 hours 15 minutes. He was 19 years olds. **Jordan** said they also had a few

nationally known runners attend this event. **Jordan** said they were able to run the rail road bed this year from North Mason Road to Scabbard Mill Brook. They need to send a thank you to all the property owners who allow this race to use the entire rail road bed. **Brendan** said parking went well this year. He was located by the field in Camp Tevya this is where they parked most of the larger trucks. The only suggestion he has is there needs to be more signs by North Mason Road so people who are going to the Transfer Station on Saturday know to look for runners crossing the road. Signs in both directions going toward the Transfer Station and going away from the Transfer station. Some of the runners were wearing black at night no reflective gear or lights. **Tom** said they also had people trying to get out of the Camp Tevya parking area and driving right down where the runners are running so they will also need to look into signs for exiting Camp Tevya parking areas. **Jordan** they should look into buying safety cones. **Jordan** said they had almost 100 runners not show up for the ultra race. Not sure if it was due to the weather or not. This means they only handled a total of 250 runners this year. **Buddy** said everyone said a great job again this year.

### **IceBreakers Trail Maintenance**

**Buddy** said at the last meeting they had been asked by the IceBreakers to let them know if the Commission goes out and does any trail work this way they can remove the trail from the list that they have to review before the snow comes. **Buddy** said we have covered all town trails down to Hood Road and Old Milford Road. They have covered the trail from Route 13 to Scabbard Mill Brook Road. That includes out to Ames Road and the Ball Hill Trail. **Tom** said he will check Hobart Fessenden Trail. **Drew** said he will take care of Potanipo to North Mason Road. **Buddy** asked that Jay send the Club an email stating those trails are all set and he would appreciate it if they didn't go onto town trails with the ATVs and mark them up.

### **Conservation Easement wording for J-16 subdivision Eastman Development, LLC. – Comment for Planning Board**

**Drew** said they are being told through these easements to take on a responsibility rather than asked. How will this area be delineated is Meridian Land Services going to set bounds so they know where the easement bounds are. This will take man power we don't have to go out and review this property periodically. It also looks like it leaves the maintaining and or creation of hiking trails and foot bridges to the Developer once the Easement is recorded and the Conservation Commission is responsible for maintaining and enforcing this. **Jay** said this abuts the open space lot that will be conveyed to the town is there a conservation easement on lot J-24-33. **Drew** said if there is they should review the wording before commenting tonight. **Tom** said this doesn't benefit the town it only benefits this development. **Drew** said he doesn't see the benefit to this. The Board agreed they should see if J-24-33 has a conservation easement and review at the next meeting. The Board agreed that this easement wording for the J-16 development as written would not benefit the town only this development. This discussion will be continued until the November 8, 2016 BCC meeting.

## **Trail Discussion**

### **Talbot Taylor Dam**

**Buddy** said himself Tom, Brendan, and Drew met at the Talbot Taylor Dam. The beaver box was slightly off due to the lack of water. He said the beaver have been building and damming up the inlet. **Drew** they will at some point need to make a long term management plan for things like this. **Jordan** asked where to go to access this area. **Drew** said they met at High View Drive.

### **Bartell Parking Lot**

**Buddy** said the gravel was dropped in the Parking lot and spread out.

### **Trail Cameras**

**Buddy** said they should look into buying some game cameras. **Tom** said he has the Moultrie Brand cameras and they work really well. **Jordan** asked how much they go for. **Jay** said about \$70 each. **Tom made a motion to allocate up to \$700 for the purchase of game cameras and accessories for the monitoring wildlife and conservation lands. Brendan seconded. Vote yes 5-0.**

**Drew** said he will ask Fish and Game and see if there is a discount or some kind of program that would be beneficial to the town.

### **Nissitissit River Park Trail (Sunoco Trail)**

**Drew** said he had asked Nissitissit River Land Trust about allowing snow mobiles to access this trail for fuel and to get to the store. They are just waiting on one person to be able to vote.

### **Conneck Road Bridge**

**Buddy** said Amos is busy and he would like to get this project done as soon as possible. Tad is looking into inmate labor. We have \$1200.00 left to spend in the maintenance budget we should be able to work within our budget. **Brendan** said he would like to see that bridge done this year.

### **Sargent Road Bridge**

**Tom** said the bridge located off Sargent Road really needs to be removed. Within the next couple if weeks that will need to be dismantled and piled or removed if they can do that. There are nails hanging out of it and it is just too dangerous to leave there any longer.

### **Adopt Trail**

**Tom** said he is starting a google doc for the Adopt a Trail Program.

### **Nashua River Watershed Association annual meeting**

**Jordan** said she cannot attend the meeting on November 3<sup>rd</sup> at 7:00pm to 9:15 pm. They will serve dessert and coffee.

### **Wild and Scenic Meeting**

**Jordan** said they are moving forward talking to towns within Massachusetts. Soon they will be discussing with New Hampshire.

**Sidewalk and Trails**

**Jordan** said they should have a final version. She said they would like to recommend a trail committee to be started in Brookline under the preview of the Conservation Commission.

**Non-Public**

**Brendan** made a motion to go into non-public session under RSA 91 A: II (d) for the discussion of possible land acquisition. **Brendan** seconded. Roll call vote **Buddy, Jay, Brendan, Jordan, and Tom** all voted yes.

**Jay** made a motion to come out of non-public session and seal the minutes. **Tom** seconded. Roll call vote **Buddy, Jay, Brendan, Jordan, and Tom** all voted yes.

**Jay** made a motion to adjourn the meeting at 9:15 pm. **Brendan** seconded. Vote yes 5-0.

**Hang Lot line Adjustment H-66/H-145**

**Jay** said the Conservation Commission just received word that the Lot line adjustment has been approved.

**Francis (Buddy) Dougherty, Chairman,** \_\_\_\_\_

**Jay Chrystal, Vice-Chairman,** \_\_\_\_\_

**Tom Rogers, Member,** \_\_\_\_\_

**Brendan Denehy, Selectboard Representative,** \_\_\_\_\_

**Jordan Bailey, Member,** \_\_\_\_\_

**Minutes submitted by Kristen Austin.  
Next meeting will be held on November 8, 2016.**