

Freedom Conservation Commission

Tuesday, 21 December 2021

7:00 pm at the Freedom Town Hall

1. Quorum Check, Roll Call – The meeting was called to order at 7 pm by Jeff Nicoll. Present are: Jeff Nicoll, Robert Oram, Alice Custard, Sue Hoople. Matt Tyler is absent.
2. Approval of 16 November 2021 FCC Meeting Minutes – Oram made a motion that the FAC issue become a Monday night issue, forwarded to the Selectmen, to have the FAC summoned to a meeting with Jeff Nicoll. Alice seconded. APPROVED

Oram made a motion to approve the minutes, Alice seconded. APPROVED

1. Business properly presented to the Commission

Presentation by Corey Lane of Ossipee Lake Alliance regarding Rte 25 Gas station in Effingham.

Corey Lane is present on behalf of the Ossipee Lake Alliance. The request is for Freedom to consider writing a letter of concern about this gas station. A new application is pending at this time. The previous application was withdrawn. Previously the location was as gas station, but 2 years passed and it became a discontinued use at the location. The Conservation Commission decided in September that we support the initiative, but that the law will prevail. We did not send a letter at that time. Ms. Lane reported that there is contamination at the site, and DES decided to leave it rather than remediate it. There is a DES report on the site from 2016 that is available for review. Regional impact is discussed. Ms. Lane will send the newest application when it is received if the Board would like it. Mr. Nicoll requested any pertinent dates, etc. If they do not get their application in tomorrow, the soonest they can get in is in February. The legal case might be decided by March.

3. Correspondence / Information / Discussion

1. FAC update and discussion. Review of Reporting from Town Forester – John Roman was unable to attend this meeting. Ron Newbury may be an alternative contact person. Oram is concerned with the easement, and that is being held by Concord. We may be in danger of losing that because of an administrative mishap. Jeff will raise this issue with the Selectmen again. We will ask them to verify who is on that committee. Jeff suggested that we send a letter to Ellen with these concerns. Oram made a motion that Jeff Nicoll present the FCC's concerns to the Selectmen in person. Alice seconded. APPROVED Alice suggests that they encourage anyone who is still on that committee to meet with the FCC at our next meeting.

A timber sale summary was received. It is not clear who in the office received the document. The Forester fee is discussed. Oram asked the Chairman to get a copy of the document that states the forester fee. There should be slips from the mills that received the wood and/or chips. Intent to cut?

Document that specifies commission? Copies of checks? Does Ellen have a file for original prior

timber sales summaries? Also look at the timber tax. We are questioning the veracity of a contractor. Pull all invoices for the last 90 days for forester activity. This is the consensus of the Board.

2. Conservation activities, training and planning
 1. Town stormwater runoff survey and mitigation update – Jeff reached out to Matt at Green Mountain about the town stormwater runoff survey. They are getting it together for us. We received some data that we can use in our future efforts. This goes back to 2014-15. Jeff will summarize the data. This will be for town property only, not personal property. This will be prepared for discussion at the next meeting.

The water quality results are expected to be wrapped up, and presented by Jill in February. They will also be rolling out a campaign on brining.

3. Recent communications from the NHDES. – several violation letters were received and distributed. Gary has been busy and doing a great job with protecting against illegal cutting, work on slopes, etc. We will be seeing some plans for review showing remediation, etc. for at least one of the violations received tonight.

4. Approval of invoices -

FY 2022 NHACC membership dues - \$250. Oram made a motion to approve, Alice seconded. APPROVED

Budget – Oram made a motion to approve, Alice seconded. APPROVED

Berry Bay Dam – DES notified us about this work. The Commission has reviewed this document.

Writing a letter stating the Conservation Commission's stance on the reduction on the setback is discussed. The Commission has a charter that says we are responsible for the stewardship of land and water. Do some research on this topic.

4. Public Comment - none

5. Adjournment – Alice made a motion to adjourn at 9:11 pm, Sue seconded. The meeting was adjourned.

Respectfully submitted,

Melissa Donaldson

Recording Secretary

Note: Deadline for agenda items for this meeting closed at 12pm on December 14, 2021.

A Public Meeting of the
Freedom Conservation Commission
will be held
Tuesday, 21 December 2021
7:00 pm

At the Freedom Town Hall

AGENDA

1. Quorum Check, Roll Call

1. Approval of 16 November 2021 FCC Meeting Minutes

2. Business properly presented to the Commission

1. Presentation by Corey Lane and Paul Elie of Ossipee Lake Alliance regarding Rte 25 Gas station in Effingham.

3. Correspondence / Information / Discussion

1. FAC update and discussion. Review of Reporting from Town Forrester

2. Conservation activities, training and planning

1. Town stormwater runoff survey and mitigation update

3. Recent communications from the NHDES.

4. Approval of invoices

4. Public Comment

5. Adjournment

Note: Deadline for agenda items for this meeting closed at 12pm on December 14, 2021.



Town of Porter

71 Main Street · Porter, ME 04068
Phone: (207) 625-8344 · Fax: (207) 625-4120

December 8, 2021

Effingham Planning Board
ATTN: Theresa Swanick (Chair)
68 School Street
Effingham, NH 03882

Re: Gas Station variance within the Ossipee Aquifer

Effingham Planning Board,

It has come to the attention of the municipality of Porter that Effingham's Zoning Board of Adjustment has recently issued a variance for the prohibited use of a gas station **Article 22, Section 2207(A)(8)** in Effingham's Groundwater Protection District, and that this proposal is now before the Effingham Planning Board seeking approval for the same use.

The Porter Planning Board, Porter Conservation Commission and Code Enforcement Officer would like to re-iterate the concerns of the Saco River Corridor Commission on the matter, as the Porter community is located directly downstream of this proposal over the shared Ossipee Aquifer.

The Ossipee Aquifer is relied upon by many in Porter along with neighboring and downstream Maine towns through their use private and public wells as well as recreation. Usage also includes the Maine Water Company - Kezar Falls Division (PWSID# ME0090770) which is the local private water company that supplies clean drinking water to the villages of Porter, Parsonsfield, and Hiram (*also known as Kezar Falls*). This water supply is drawn directly from Ossipee Aquifer adjacent to the Ossipee River.

Land use regulations are in place to protect health and safety and work to minimize the risks of groundwater contamination to the Town of Effingham, releases that could potentially impact 21 other downstream communities.

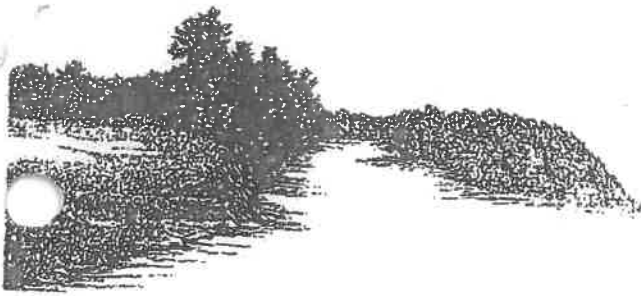
Your careful consideration on this matter is appreciated.

Respectfully submitted,

Mark Tuttle, Porter, Maine Planning Board Chair

Marty Tracy, Porter, Maine Conservation Commission Chair

Daniel Davis Porter, Maine Code Enforcement Officer #2202



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

July 19, 2021

Zoning Board of Adjustment
Town of Effingham
68 School Street
Effingham, NH 03882

Dear Zoning Board of Adjustment,

The Commission would like to express concern regarding the Effingham Zoning Board of Adjustments decision to allow Meena, LLC, to add gas pumps to a convenience store located on lot 5, town map 401, in Effingham, New Hampshire. As a regulatory agency that ensures appropriate land uses along the Saco, Ossipee, and Little Ossipee Rivers in 20 municipalities, the Commission understands the importance of proper and balanced land uses to protect water quality. The gas station is proposed over the groundwater aquifer and is a prohibited use within the groundwater protection district. The town presumably opted to include gas stations as a prohibited use in the groundwater protection district, as contamination from gas leaks or spills could be detrimental to Effingham's and the surrounding communities' water supplies.

The Planning Division of the Office of Strategic Initiatives of New Hampshire provides impact criteria for Planning Boards to determine whether a project could be a Development of Regional Impact. One of these criteria is the potential effect on groundwater or surface water that transcends municipal boundaries, and another is the generation and use of any hazardous materials. Locating a gas station and underground storage tanks within the Aquifer Protection District could impact the surrounding communities' water supplies, including private wells and public water supplies. We believe this project meets the criteria for a Development of Regional Impact and that Effingham should provide the opportunity to surrounding towns to comment and participate in the process.

Section 2202 of the Groundwater Protection Ordinance states, "The purpose of this Article is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater. The purpose is to be accomplished by regulating land uses that may contribute pollutants to designated wells and to aquifers that provide current or future water supplies for this town and surrounding municipalities which share such wells and aquifers." Section 2207 specifically prohibits the development or operation of a gasoline station.

According to the U.S. Department of Transportation, Bureau of Transportation Statistics, there has been an increase in leaking underground storage tank releases from 87,528 confirmed releases in 1990, steadily rising to 559,900 confirmed releases in 2020. Many releases were not cleaned up, including 62,493 releases in 2020. Though this data doesn't indicate the amount of

Zoning Board of Adjustment
Town of Effingham
Page 2
July 19, 2021

contaminants released with each incident, a gas leak of any size into the aquifer could have devastating consequences.

In conclusion, the Saco River Corridor Commission believes that the Effingham Zoning Board of Adjustment should reconsider the decision to grant a Special Exception to Meena, LLC, to install gas pumps and underground fuel storage tanks at the convenience store. The risk of groundwater aquifer contamination that contributes to public drinking water supplies is of grave concern. We feel it is important to consider the risk to public health and safety and the residents' decision to implement the Groundwater Protection District ordinance to protect the aquifer, including listing gas stations as a prohibited use.

The Commission would like to thank you for taking the time to consider these comments and the potential negative impact on public health in the surrounding communities.

Sincerely,

The Saco River Corridor Commission

The Conway Daily Sun

Thursday, November 4, 2021

David Smith

Effingham groundwater

Here is the Meena (Boyle's Market) story in a nutshell. The Effingham convenience store (it was abandoned as a gas station in 2015, and its tanks removed) was sold last year to a buyer who wanted to pump gas again. This spring the zoning board of adjustment unanimously approved his application for a special exception and sent it to the planning board.

The planning board sent the application back to the ZBA because gas stations are prohibited in the Groundwater Protection District, where the business is located. The applicant asked the ZBA for relief from the restriction, but instead of waiting for approval, he started construction.

Underground tanks and piping were installed before the code enforcement officer noticed the illegal activity and issued a cease-and-desist order. But no fine was assessed, and the tanks were back-filled and stayed in the ground.

In August, the ZBA approved a variance for a gas station despite the site being in the drinking water protection area. Abutters and environmental groups, including ours, appealed the decision as contrary to the ordinance and contrary to the environmental impact data presented at the hearings. The ZBA denied the appeal, and the issue is now in state court.

The planning board this Thursday will begin review of the applicant's site plan.

There's a lot to unpack in this case, but most of the public comments we've received amount to, "So, what's the big deal? There used to be a gas station there. New tanks are better than old tanks. Effingham needs the tax revenue," and so forth.

All of which miss the point. While the Meena case features a gas station, it's not about a gas station. It's about the water.

More than a decade ago, volunteers in Effingham, Ossipee and Freedom worked tirelessly to create public awareness of the term "stratified drift aquifer" and secure protections for the drinking water it provides to seven towns in our region, where more than 60 percent of homes rely on private wells.

In 2011, Effingham voters approved a Groundwater Protection Ordinance and established a Groundwater Protection District, an area in which the fragility of the

If you think fears of contamination are far-fetched, consider the currently unoccupied site over the aquifer at the junction of Routes 16 and 41 in West Ossipee.

aquifer requires that water protection be prioritized over land uses that might be permitted elsewhere. The former Boyle's property is in that district, and gas stations are among the uses prohibited there.

But it's not just gas stations.

Property owners in the Groundwater Protection District are prohibited from starting a solid waste landfill, a dry-cleaning facility, a race track, a junkyard and other land uses that pose a

high risk of spills and leaks of toxic material that can find their way into the groundwater and be spread far and wide by the highly transmissive aquifer.

If you think fears of contamination are far-fetched, consider the currently unoccupied site over the aquifer at the junction of Routes 16 and 41 in West Ossipee. Home to a series of oil- and gas-related businesses, the site tested positive in the 1990s for a plume of groundwater contaminated by gasoline byproducts. To this day, the site is un-remediated, and annual tests are required for neighboring property owners to be sure their well water is safe to drink.

How about the argument that today's underground gas tanks are "fail-proof"? In addition to "fail-proof" being a nonsense marketing term, underground tanks are only part of the potential threat. Spills and accidents at gas pump islands are a routine hazard of the business that can result in groundwater contamination.

The DES OneStop database lists nine Carroll County gas station incidents in which more than ten gallons of fuel were spilled, including a 2020 spill in Bartlett that released 45 gallons.

As we said earlier, there's a lot to unpack in the ZBA's actions in this matter. How could the board have approved the gas station application in March without a single mention of the long-standing groundwater protection ordinance that at least two current ZBA members helped establish?

Once the omission was revealed by the planning board, what was the ZBA's reasoning in denying regional impact status for an application requesting a prohibited, risky use on the border of Ossipee, in a highly transmissible section of the aquifer adjacent to conservation land, residential

see SMITH page 11

SMITH from page 10

wells, Philips Brook and Leavitt Bay, which is bordered by three towns?

Despite the gravity of what the applicant was requesting — relief from a major town environmental regulation approved by voters — why did the ZBA fail to seek an independent third-party review

of the application to help determine its completeness and potential environmental impact?

We don't know the answers to these questions, but we do know that the Meena case is not really just about a gas station. It's about water. Which means it's about all of us who count on town officials to uphold established, voter-approved environmental protections for the Ossipee Aquifer, the irreplace-

able primary source of drinking water for the region.

That's our opinion. The planning board meetings on the gas station are where you can make your opinion heard. They start this Thursday at 6:30 p.m. in Effingham Town Hall.

David Smith is co-executive director of the Ossipee Lake Alliance and lives in Freedom.

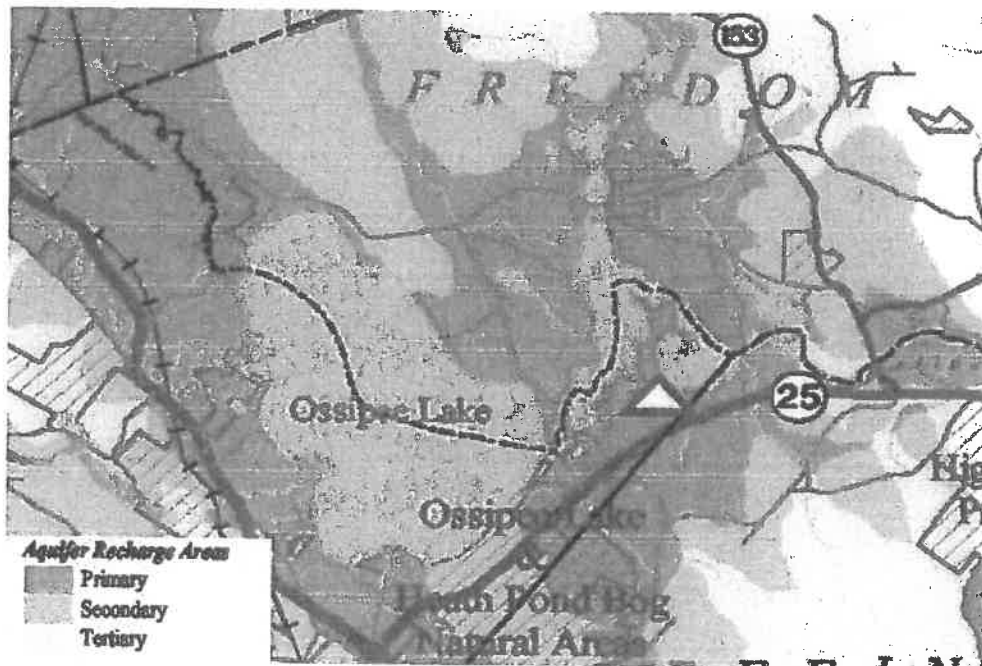
THE OSSIPEE AQUIFER

Most residents of Freedom, Ossipee and Effingham obtain their drinking water from the Ossipee Aquifer, the largest stratified drift aquifer in the state. Stratified drift aquifers lie within sand and gravel deposits, which makes them more vulnerable to contamination due to their extremely permeable soils.

The entire Ossipee Lake system is a "primary recharge area" of the aquifer. Rainwater easily enters the permeable soil to replenish the water supply. The rainwater will also take any contaminants with it to the aquifer, where they can be spread to near-by wells and beyond.

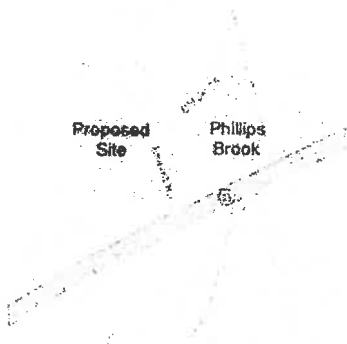
This map shows the Ossipee Lake system's primary recharge area in the darker color. The red triangle with a white center in the middle of the map shows the site of the proposed gas station. The proposed site is within 1,000 feet of 20 residential homes that rely on well water, and is adjacent to dozens of homes on Leavitt Road, Remle Road, Old Route 25, Broad Bay Road, J Loop Road, Ridge Road and beyond.

OSSIPEE LAKE'S PRIMARY RECHARGE AREA



The proposed gas station site is adjacent to Phillips Brook, which flows past homes in Effingham and Ossipee and empties into Leavitt Bay, which also borders Freedom.

PHILLIPS BROOK



REGIONAL IMPACT FAQ

MEENA LLC PROPOSED GAS STATION (FORMERLY BOYLE'S MARKET & DY-NO-MITE)

What is a "development of regional impact" (DRI)?

Per NH RSA 36:55, a proposal before a local land use board should be deemed a DRI when it "could reasonably be expected to impact on a neighboring municipality." Among the six factors cited in the RSA as likely to impact neighboring municipalities is "Proximity to aquifers or surface waters which transcend municipal boundaries."

Why should the Meena application be considered a regional issue?

The site is in one of the most vulnerable areas over the Ossipee Aquifer. It is on the Effingham-Ossipee border adjacent to Phillips Brook, which passes homes in Ossipee and Effingham on its way to Leavitt Bay, which is also bordered by Freedom.

What is the specific issue with this site?

The site has highly transmissible soils and is in a "recharge area" over the aquifer. Liquids such as rainwater easily penetrate the soil and enter the aquifer to replenish the water supply. Any contaminants at the site will similarly enter the aquifer. Since the aquifer provides drinking water to the region, contamination in Effingham can result in contamination in Ossipee, Freedom and beyond. Groundwater does not recognize town boundaries.

Who would most likely be affected by contamination?

Most immediately in harm's way are the approximately 20 households that are within 1,000 feet of the site and rely on well water. The site's proximity to Phillips Brook means families on Leavitt Bay in Ossipee and Freedom are also potentially exposed, along with the adjacent Ossipee Lake businesses Camp Marist and Ossipee Lake Camping Area (English's).

Isn't it true that no contamination was found when DES removed the gas tanks in 2015?

No, that is false. The final DES report states (pp. 1-2) that the soil sample from beneath the dispenser line contained the potential carcinogen naphthalene in a quantity four times higher than considered safe. Additional petroleum-related compounds found at the site included toluene, ethylbenzene, xylenes and several alkylbenzenes.

Isn't it true that newly-constructed underground gas tanks are fail-proof?

No, that is false. Fail-proof is a marketing term, not a technical term. Some new underground tanks are better constructed than old tanks, but they are still vulnerable to human operating error. Moreover, spills and accidents at gas pump islands are a routine source of contamination that can result in groundwater contamination, per DES data.

What can Ossipee and Freedom officials do?

Freedom and Ossipee should ask the Effingham Planning Board to rule that the Meena application is a DRI per RSA 36:55. That would give the two towns the status of abutters during Effingham's consideration of the project, including the right to receive notice of the board's meetings and public hearings, and a right to give testimony.

DrummondWoodsum
ATTORNEYS AT LAW

Matthew R. Serge
Admitted in NH

603.792.7416
mserge@dwmlaw.com

670 N. Commercial Street, Suite 207
Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

Via Federal Express

December 8, 2021

Abigail Albee, Clerk
Carroll Superior Court
96 Water Village Road - Box 3
Ossipee, NH 03864

RE: Green Mountain Conservation Group, et al. v. Town of Effingham, et al.
Case No. 212-2021-CV-00151

Dear Clerk Albee:

Enclosed for filing with the Court in the above-referenced case is a **Certified Copy of the Records of the Town of Effingham Zoning Board of Adjustment.**

Thank you for your attention to this matter.

Sincerely,

Matthew R. Serge / MS

Matthew R. Serge

MRS/pf
Enclosure

cc: Biron L. Bedard, Esq. (via U.S. mail)
Meaghan A. Jepsen, Esq. (via U.S. mail)
Town of Effingham

THE STATE OF NEW HAMPSHIRE

Carroll, ss.

Superior Court

Green Mountain Conservation Group, et al.

v.

Town of Effingham, et al.

Case No. 212-2021-CV-00151

CERTIFIED COPY OF THE RECORDS

OF THE TOWN OF EFFINGHAM

ZONING BOARD OF ADJUSTMENT

THE STATE OF NEW HAMPSHIRE

CARROLL, SS.

SUPERIOR COURT

Case No. 212-2021-CV-00151

GREEN MOUNTAIN CONSERVATION GROUP, OSSIPEE LAKE ALLIANCE, WILLIAM
BARTOSWICZ, AND TAMMY McPHERSON

v.

TOWN OF EFFINGHAM AND
TOWN OF EFFINGHAM ZONING BOARD OF ADJUSTMENT

CERTIFIED COPY OF THE RECORDS OF THE TOWN
OF EFFINGHAM ZONING BOARD OF ADJUSTMENT

I, James Pittman, Chair of the Town of Effingham Zoning Board of Adjustment, hereby
certify that the attached is a true, accurate and complete copy of the records of the Town of
Effingham Zoning Board of Adjustment with respect to the appeal filed by the Plaintiffs, Green
Mountain Conservation Group, Ossipee Lake Alliance, William Bartoswicz, and Tammy
McPherson.



James Pittman



Town of Effingham, New Hampshire
Application Form
Zoning Board of Adjustment

Case No. 097

Property Owner

Name Meena LLC
Address P.O. Box 2262
North Conway, NH 03960

Telephone _____

Fax _____

Email _____

Applicant's Agent

Name Mark & Jacob McConkey
Address 10 Clover Lane #1
Freedom, NH 03836

Telephone (603) 520 - 8275 / (603) 307 -0324

Fax _____
Email mrkmcconkey@gmail.com

constnt.mcc@gmail.com

Location of Property

Address 41 NH Route 25

Tax Map 401 Lot 5 Zoning District: Check one- PLD RA HD

Applicant's Request(s)

(Check applicable request(s))

Variance from Article 22 Section A.(8) ²²⁰⁷ in order to Develop / Operate a Gasoline Station
in the Groundwater Protection District

Special Exception to allow _____

Appeal from Administrative Decision of _____

on _____ (date) regarding _____

Equitable Waiver of Dimensional Requirements

Rehearing

Property Owner's Consent

I have read Effingham's land use regulations and will comply with all the requirements therein and any on-site inspections.

Signature(s) of all property owners

5/14/2021

date

THE STATE OF NEW HAMPSHIRE

CARROLL, SS.

SUPERIOR COURT

No. 212-2021-CV-00151

GREEN MOUNTAIN CONSERVATION GROUP, OSSIPPEE LAKE ALLIANCE,
WILLIAM BARTOSWICZ, AND TAMMY McPHERSON

v.

TOWN OF EFFINGHAM and
TOWN OF EFFINGHAM ZONING BOARD OF ADJUSTMENT

ANSWER

The Town of Effingham and the Town of Effingham Zoning Board of Adjustment (collectively referred to as “Town”), through counsel, submits this answer to the Appeal of Zoning Board of Adjustment Decision Pursuant to RSA 677:4, stating:

1. The Town admits the factual allegations contained in paragraph 1.
2. The Town admits the factual allegations contained in paragraph 2.
3. The Town admits the factual allegations contained in paragraph 3.
4. The Town admits the factual allegations contained in paragraph 4.
5. The Town admits the factual allegations contained in paragraph 5. By way of further answer, the Zoning Board of Adjustment (“ZBA”) is a department of the Town of Effingham and not a separate legal entity.
6. Paragraph 6 contains conclusions of law to which no response is required.
7. Paragraph 7 contains conclusions of law to which no response is required.
8. The Town admits the factual allegations contained in paragraph 8 with respect to the address listed. The Town denies that the Plaintiff is directly affected by the ZBA’s decision.

WHEREFORE, the Town of Effingham respectfully requests that this Honorable Court:

- A. Dismiss this Complaint in its entirety; and
- B. Grant such further relief that is just and equitable.

Respectfully submitted,

TOWN OF EFFINGHAM

By Its Counsel,

DRUMMOND WOODSUM &
MacMAHON

Date: December 8, 2021

By: /s/ Matthew R. Serge
Matthew R. Serge, Esq., NHBA# 14243
670 North Commercial St., Suite 207
Manchester, NH 03101
(603) 716-2895
mserge@dwmlaw.com

CERTIFICATION

I hereby certify that a copy of the foregoing was this day forwarded to Biron L. Bedard, Esq. and Meaghan A. Jespen, Esq., counsel for the Plaintiffs, via the Court's electronic filing system.

/s/ Matthew R. Serge
Matthew R. Serge



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

December 02, 2021

George Conroy
PO Box 165
Freedom NH 03836

Re: Reported Alleged Violation
Land Resources Management File Number: 2021-03600
Subject Property: 462 Ossipee Lake Rd, Freedom, Tax Map #31, Lot #8



Dear Mr. Conroy:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program has received a complaint of possible violations on your property. The complaint alleges that you, or your agent, have constructed accessory structures without a permit or proper authorization from NHDES. This letter is to notify you of this complaint, and to provide you with an opportunity to respond.

We find no record of a permit being issued under your name for the work described above, but realize that a permit may have been obtained under another name, the work may be exempt from the below regulation(s), or the information provided to NHDES may be unfounded. If work has been performed without a permit or proper authorization, you are requested to voluntarily refrain from carrying out any additional work, except for the installation of siltation and erosion controls, until NHDES further investigates this matter. The reported alleged violation is in link with the statute(s) listed below.

Pursuant to RSA 483-B, a shoreland permit or permit by notification is required from NHDES prior to conducting certain construction, excavation, and filling activities within the protected shoreland.

If there is a violation, NHDES has the authority to take enforcement action. **Within 20 days of the date of this letter**, please provide your comments in writing; submit a copy of any permits, plans, or other information related to this matter; and reference the above file number on all correspondence.

This case has been added to our inspection list. Should you have any questions, please contact me at Jeffrey.Blecharczyk@des.nh.gov or (603) 271-4061. Further information about NHDES programs may also be found at the NHDES website: www.des.nh.gov.

Sincerely,

Jeffrey Blecharczyk
LRM Compliance Supervisor
Land Resources Management Program
Water Division

cc: Freedom **Conservation Commission**, Board of Selectmen, Code Enforcement Officer



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



December 02, 2021

Martin Sholomith
12 Mortimer Rd
Boxford MA 01921



Re: Outstanding Item(s) Request for Enforcement File
Land Resources Management File Number: 2021-01775
Subject Property: 113 E. Danforth Rd, Freedom, Tax Map #33, Lot #25

Dear Mr. Sholomith:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program is in the process of performing an administrative review of open files. Your file has been reviewed during this process.

As of this date, NHDES has not received any correspondence from you regarding the removal of vegetation within the waterfront buffer. Additionally, it has come to our attention that you have commenced with construction of a beach. NHDES has no record of a wetlands permit issued for this work additional work. Please advise as to the status in these matters by December 13, 2021.

Thank you for your attention to this matter. Should you have any questions, please contact me at Jeffrey.Blecharczyk@des.nh.gov or (603) 271-4061.

Sincerely,

Jeffrey Blecharczyk
LRM Compliance Supervisor
Land Resources Management Program
Water Division

cc: **Freedom Conservation Commission**
Freedom Board of Selectmen
Freedom Code Enforcement Officer



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

December 02, 2021



DJH Investment Trust
C/o David B Hayes Jr & Jennifer A Hayes Ttees
4540 N Ocean Dr Apt 602
Lauderdale By The Sea FL 33308

Re: Reported Alleged Violation
Land Resources Management File Number: 2021-02547
Subject Property: 173 Haverhill St, Freedom, Tax Map #24, Lot #13

Dear Mr. and Mrs. Hayes:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program has received a complaint of possible violations on your property. The complaint alleges that you, or your agent, have excavated the bank of Ossipee Lake, filled wetlands and failed to properly stabilize the construction area without a permit or proper authorization from NHDES. This letter is to notify you of this complaint, and to provide you with an opportunity to respond.

We find no record of a permit being issued under your name for the work described above, but realize that a permit may have been obtained under another name, the work may be exempt from the below regulation(s), or the information provided to NHDES may be unfounded. If work has been performed without a permit or proper authorization, you are requested to voluntarily refrain from carrying out any additional work, except for the installation of siltation and erosion controls, until NHDES further investigates this matter. The reported alleged violation is in link with the statute(s) listed below.

Pursuant to RSA 482-A, a wetlands permit is required from NHDES, and posted on site, prior to excavating, removing, dredging, filling, or constructing any structure in or on any bank, flat, marsh, bog, or swamp, in and adjacent to waters of the state or within 100 feet of a designated prime wetland where a 100-foot buffer was required at the time of designation.

Pursuant to RSA 483-B, a shoreland permit or permit by notification is required from NHDES prior to conducting certain construction, excavation, and filling activities within the protected shoreland.

If there is a violation, NHDES has the authority to take enforcement action. **Within 20 days of the date of this letter**, please provide your comments in writing; submit a copy of any permits, plans, or other information related to this matter; and reference the above file number on all correspondence.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964



The State of New Hampshire
Department of Environmental Services

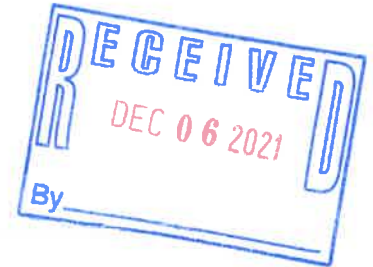


Robert R. Scott, Commissioner

December 02, 2021

Walter, Courtney & Lynda Latta
105 1/2 Waltham St
Maynard MA 01754

Re: Reported Alleged Violation
Land Resources Management File Number: 2021-03599
Subject Property: 69 West Danforth Rd, Freedom, Tax Map #33, Lot #10



Dear Walter, Courtney & Lynda Latta:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program has received a complaint of possible violations on your property. The complaint alleges that you, or your agent, have constructed an accessory structure without a permit or proper authorization from NHDES. This letter is to notify you of this complaint, and to provide you with an opportunity to respond.

We find no record of a permit being issued under your name for the work described above, but realize that a permit may have been obtained under another name, the work may be exempt from the below regulation(s), or the information provided to NHDES may be unfounded. If work has been performed without a permit or proper authorization, you are requested to voluntarily refrain from carrying out any additional work, except for the installation of siltation and erosion controls, until NHDES further investigates this matter. The reported alleged violation is in link with the statute(s) listed below.

Pursuant to RSA 483-B, a shoreland permit or permit by notification is required from NHDES prior to conducting certain construction, excavation, and filling activities within the protected shoreland.

If there is a violation, NHDES has the authority to take enforcement action. **Within 20 days of the date of this letter**, please provide your comments in writing; submit a copy of any permits, plans, or other information related to this matter; and reference the above file number on all correspondence.

This case has been added to our inspection list. Should you have any questions, please contact me at Jeffrey.Blecharczyk@des.nh.gov or (603) 271-4061. Further information about NHDES programs may also be found at the NHDES website: www.des.nh.gov.

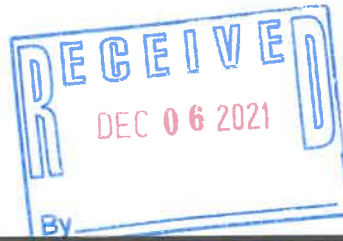
Sincerely,

Jeffrey Blecharczyk
LRM Compliance Supervisor
Land Resources Management Program
Water Division

cc: Freedom Conservation Commission, Board of Selectmen, Code Enforcement Officer



"Healthy Water, Healthy Communities!"



Green Mountain Conservation Group
PO Box 95
Effingham, NH 03882
(603) 539-1859

November 23rd, 2021

Board Officers

Knute Ogren
Chair

Karen Vitek
Vice Chair

Nadine Armstrong
Treasurer

Brian Taylor
Secretary

Town Representatives

Kristie Foster-Carbone
Eaton

Lori Dune
Effingham

Alice Custard
Freedom

Noreen Downs
Lisbon

Open
Sandwich

Karen Vitek
Tamworth

Dana Simpson
Ossipee

Peter Zack
Saco Watershed, ME

Staff

Matt Howe
Executive Director

Moselle Spiller
Outreach Coordinator

Tara Schroeder
Education Coordinator

Jill Emerson
Water Quality
Coordinator

Tax Information

GMCG's EIN number:
02-0498020. Your
donation is tax-
deductible to the full
extent of the law.

Dear Freedom Conservation Commission & Town of Freedom,

On behalf of the Board of Directors of the Green Mountain Conservation Group (GMCG) I would like to extend our gratitude for \$4500.00 in support of our Water Quality Monitoring Program and our Loon Lake and Round Pond biweekly monitoring. Thank you so much! Your support is vital to ensure that GMCG can continue to be a voice for conservation in the Ossipee Watershed. GMCG relies in great part on town contributions to support our mission—conserving shared resources and protecting water quality through research, education, advocacy and land conservation.

With volunteers, community, and town support such as yours, GMCG has become the voice for natural resource conservation in the Ossipee Watershed. You share in our successes and benefit directly from our research and scientific monitoring approach as well as our land conservation efforts.

With our move into the Blue Heron House at the Charles and Patricia Watts Conservation Center on the Ossipee River, we have expanded all of our programs and are excited to launch new projects such as *E. coli* testing and microplastics surveys and education. With your help, we will continue to advocate for clean water, natural resource conservation, natural resource-based planning, and programs that protect the place we live, recreate and love.

The Ossipee Watershed is home to a host of unique natural resources. Our quality of life and our economy depend on protecting them. We could not do the work we are doing without your continued support.

Cheers,

Jill Emerson, MB (ASCP)^{CM}
Water Quality Coordinator
AmeriCorps Site Supervisor
Green Mountain Conservation Group

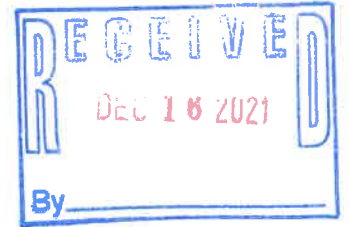


B.H. KEITH ASSOCIATES TIMBER SALE SUMMARY

NAME: TOWN OF FREEDOM-FREEDOM TOWN FOREST

DATE: NOVEMBER 16, 2021

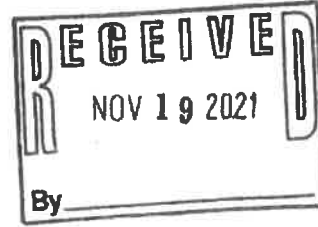
SALE AREA: +/- 187 ACRES (COMPARTMENTS 2 AND 3)



SPECIES	MBF	VOLUME	TONS
WHITE PINE	122.34		
PINE PALLET	19.885		
RED OAK	50.11		
WHITE OAK	0.92		
BLACK OAK	0.41		
OAK PALLET	11.88		
SUGAR MAPLE	0.155		
RED MAPLE	0.255		
HARDWOOD PALLET	2.02		
SPRUCE	1.90		
HARDWOOD PULP			605.54
BIOMASS (WOOD CHIPS)			1874.80
<hr/>			
GROSS REVENUE			\$48,086.28
LESS (-) FORESTER COMMISSION/FEE (20%)			- 9,617.25
NHDES WETLAND NOTIFICATION FILING FEE			- 25.00
NET REVENUE			\$38,444.03

NH Association of Conservation Commissions
 54 Portsmouth Street
 Concord, NH 03301

Invoice



Bill To
Freedom Conservation Commission Freedom Town Office PO Box 227 Freedom, NH 03836

Date	Invoice No.	P.O. Number	Terms	Project
09/16/21	1307			

Item	Description	Quantity	Rate	Amount
FY 2022 Membership Dues	FY 2022 NHACC Membership Dues	1	250.00	250.00
Approved for Payment: _____ Account to Post: _____				

Subtotal	\$250.00
Sales Tax	\$0.00
Total	\$250.00

2 0 2 2 O P E R A T I N G B U D G E T
 Report Sequence = Fund or Acct Group
 Account = 01-4611-130 thru 01-4612-292; Mask = ##-####-###
 Level of Detail = Account Number; Level = 9

Fund: GENERAL FUND - 2022BUDG

Budget Year: January 2022 thru December 2022

Account Number	Account Name	This Year Budget (3)	This Year Actual (4)	Next Year Requested (5)	Amount Increase (Decrease)	% Increase (Decrease)
CONSERVATION - ADMINISTRATION						
01-4611-130	CONSERVATION - PART TIME		428.00	500.00	500.00	0.00
01-4611-220	CONSERVATION - OPERATING SUPPL	1650.00	241.29	1200.00	(450.00)	(27.27)
01-4611-284	CONSERVATION - DUES	250.00		250.00		0.00
01-4611-289	CONSERVATION - MEETINGS	200.00		200.00		0.00
01-4611-290	CONSERVATION - TRAINING			450.00	450.00	0.00
01-4611-810	CONSERVATION -					0.00
TOTAL	CONSERVATION - ADMINISTRATION	2100.00	669.29	2600.00	500.00	23.81
CONSERVATION-ADM NATURAL RES						
01-4612-292	WATER QUALITY TESTING	3000.00	4500.00	4500.00	1500.00	50.00
TOTAL	CONSERVATION-ADM NATURAL RES	3000.00	4500.00	4500.00	1500.00	50.00
TOTAL	BUDGET TOTAL	5100.00	5169.29	7100.00	2000.00	39.22

ACTUAL & BUDGETED EXPENSES & ENCUMBRANCE
 Report Sequence = Fund or Acct Group
 Account = First thru Last; Mask = ##-###-###
 Level of Detail = DETAIL; Level = 9

Fund: GENERAL FUND

Period: November 2021

Account Number	Account Name	Current Year Budgeted	Period Expenditures	Current Year Expenditures	Encumbrances	Balance Remaining	Percent Left
CONSERVATION - ADMINISTRATION							
01-4611-130	CONSERVATION - PART TIME	0.00	428.00	428.00	0.00	(428.00)	0.00
01-4611-220	CONSERVATION - OPERATING SUPPL	1650.00	55.00	241.29	0.00	1408.71	85.38
01-4611-284	CONSERVATION - DUES	250.00	0.00	0.00	0.00	250.00	100.00
01-4611-289	CONSERVATION - MEETINGS	200.00	0.00	0.00	0.00	200.00	100.00
01-4611-810	CONSERVATION -	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	CONSERVATION - ADMINISTRATION	2100.00	483.00	669.29	0.00	1430.71	68.13

ACTUAL & BUDGETED EXPENSES & ENCUMBRANCE

Report Sequence = Fund or Acct Group
 Account = First thru Last; Mask = ##-####-###
 Level of Detail = DETAIL; Level = 9

Fund: GENERAL FUND

Period: November 2021

Account Number	Account Name	Current Year Budgeted	Period Expenditures	Current Year Expenditures	Encumbrances	Balance Remaining	Percent Left
CONSERVATION-ADM NATURAL RES							
01-4612-292	WATER QUALITY TESTING	3000.00	4500.00	4500.00	0.00	(1500.00)	(50.00)
TOTAL	CONSERVATION-ADM NATURAL RES	3000.00	4500.00	4500.00	0.00	(1500.00)	(50.00)



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

December 8, 2021

Ms. A. Elizabeth Priebe
Town Clerk
33 Old Portland Road
Freedom, NH 03836


 **COPY**

Dear Ms. Priebe:

On behalf of the New Hampshire Department of Environmental Services, (NHDES), we are sending four copies of the NHDES wetlands application, wetland impact plan, and location map in relation to additional work following reconstruction of the Berry Bay Dam. The dam is owned, operated, and maintained by NHDES. The original permit application was delivered to NHDES Wetlands Bureau. The four copies are for your own internal distribution.

We look forward to working with you through this process. Please contact me at (603) 271-8346 or by email at philip.a.brogan2@des.nh.gov if you have any questions or require additional information.

Sincerely,



Philip Brogan, P.E.
Senior Project Engineer
Engineering and Construction Section
Dam Bureau – Water Division

Enclosures

cc: David Price, NHDES Wetlands Inspector
Jim Gallagher, NHDES Chief Engineer

*Rec'd
12/13/2021
A.E. Priebe
Town Clerk*

TOWN OF FREEDOM
A. Elizabeth Priebe, Town Clerk
P.O. Box 457 – 33 Old Portland Road
Freedom, N.H. 03836

[Tel: 603-539-8269 Fax: 603-539-8270]

Office hours: **Mon:** 11:00 am to 5:00 pm
Tues: 11:00 am to 5:00 pm

Wed: 9:00 am to 5:00 pm
Thursday: 11:00 am to 5:00 pm

December 13, 2021

Conservation Commission
Town of Freedom
Freedom, NH 03836

Re: Standard Dredge and Fill Wetlands Permit Application
Project Location: Map 4, Lot 3
Reconstruction of the Berry Bay Dam
Parsons Road, Freedom, NH

Gentlemen:

Enclosed please find a copy of the above-captioned Application received in today's mail from Philip Brogan, P.E., Senior Project Engineer, Engineering and Construction Section, Dam Bureau – Water Division, under cover letter dated December 8, 2021.

The remaining copies are being distributed herewith accordingly.

Very truly yours,
TOWN OF FREEDOM

BY: 

A. Elizabeth Priebe, Town Clerk

lhp
Enclosure

cc Selectmen, Town of Freedom
Planning Board, Town of Freedom
Codes Officer, Town of Freedom



STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management
Wetlands Bureau



Check the Status of your Application



COPY

RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: **Philip Brogan**

TOWN NAME: **Freedom**

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))

Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic storage Mapper, or other sources to assist in identifying key features such as: priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): ○ NHB Project ID #: NHB21-3491 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Bog?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Name of Local River Management Advisory Committee (LAC): • A copy of the application was sent to the LAC on Month: Day: Year: 	

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Gallagher, James W

MAILING ADDRESS: 29 Hazen Dr, PO Box 95

TOWN/CITY: Concord

STATE: NH

ZIP CODE: 03302

EMAIL ADDRESS: james.w.gallagher@des.nh.gov

FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: *JW* I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))

N/A

LAST NAME, FIRST NAME, M.I.: Brogan, Philip A.

COMPANY NAME: NHDES

MAILING ADDRESS: 29 Hazen Dr, PO Box 95

TOWN/CITY: Concord

STATE: NH

ZIP CODE: 03302

EMAIL ADDRESS: philip.a.brogan2@des.nh.gov

FAX: [REDACTED]

PHONE: (603) 271-8346

ELECTRONIC COMMUNICATION: By initialing here: *PAB*, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))

If the owner is a trust or a company, then complete with the trust or company information.

Same as applicant.

NAME: [REDACTED]

MAILING ADDRESS: [REDACTED]

TOWN/CITY: [REDACTED]

STATE: [REDACTED]

ZIP CODE: [REDACTED]

EMAIL ADDRESS: [REDACTED]

FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF, i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream-crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River	799		<input type="checkbox"/>	182		<input type="checkbox"/>
	Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream / River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water			<input type="checkbox"/>			<input type="checkbox"/>
TOTAL		799			182		

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

MINIMUM IMPACT FEE: Flat fee of \$400.

NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

Permanent and temporary (non-docking): 981 SF × \$0.40 = \$ 392

Seasonal docking structure: SF × \$2.00 = \$

Permanent docking structure: SF × \$4.00 = \$

Projects proposing shoreline structures (including docks) add \$400 = \$

Total = \$ 392

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 400

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

DIRECTIONS FOR TOWN/CITY CLERK:

per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. ~~Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.~~
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

Submit the original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page. Make check or money order payable to "Treasurer – State of NH".

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Freedom Conservation Commission

Freedom, New Hampshire 03836

March 26, 2021

Land Technical Services Corp.

PO Box 60

Ossipee, NH 03864

Attention: Brian D Berlind

**RE: Application for Water Access Structures, Bella13, LLC, Robert & Karen Monaco,
West Bay Road, Ossipee Lake, Freedom, NH**

Dear Brian

The Freedom Conservation Commission has received and reviewed a copy of your application for the Standard Dredge and Fill Wetlands Permit Application. We thank you for the details provided in support of this application. Upon a detailed review of the application during our last meeting we have the following feedback and requests.

1. Tree Cutting: ZO 304.6.6.2, The Plan dated 1/19/2021 Named Proposed Water Access Structures for Bella13, LLC. Indicates the division of the shorefront into at least 8 grids. There is incomplete grid information provided on the plan. The information provided for grids 4, 5 and 6 indicate that the total point score is less than 100. This is below the 100 point minimum. Other grids are not listed with point value but indicate removal of almost all trees. Please submit a tree cutting plan that follows the required tree removal requirements for further consideration.
2. Tree Cutting: ZO304.6.6.6, The Plan dated 1/19/2021 Named Proposed Water Access Structures for Bella13, LLC. indicates that extensive clearing and cutting is proposed along the shoreline within the natural buffer. The stated average frontage is 248 feet. This would allow a maximum of two (2) openings at a maximum width of 6 feet permitted. The current plan exceeds those restriction.
3. Impervious Surfaces on Shorefront Lots: ZO304.6.7, There is potential for run-off and storm water impact on the proposed project. Specifically, we would like to better understand the contribution of the noted Home Under Construction, on the plan dated 1/19/2021 Named Proposed Water Access Structures for Bella13, LLC. Details related to total impervious area should be provided. Details related to roof pitch, water infiltration and run-off control should be included.

Friday, March 26, 2021

Page 1 of 2

4. Perched Beach: RSA 482-A, RSA 483-B, The proposed structure and site modification according to The Plan dated 1/19/2021 Named Proposed Water Access Structures for Bella13, LLC. poses significant impact to the shoreline and therefore we request the following:
1. Proposed water access structure (263 sq. Ft.) is referenced as porous. Please specify what the planned construction material is and how it will maintain its porosity over time.
 2. The plan indicates that areas of the project have a slope of 35%, which is above the 25% maximum. One area of particular concern is where the pathway from the home to the area marked "New 6' Trail" is constructed. This is the steepest slope towards the water that enters the proposed 6' steps and then directly onto the perched beach. There is significant risk of stormwater runoff, beach erosion and impact to the shoreline. Please address these concerns.
 3. There are two sets of proposed steps. One set is adjacent to the perched beach and measures 6 ft wide. It is preferred that the steps are 4 ft wide. The additional proposed steps are at the shoreline and are also proposed as 6 ft wide. It is preferred that these steps be 4 ft wide, constructed of wood and removable at the end of the season.
 4. Sand containment structure. Please provide more details related to the structure that will contain the sand on the perched beach. The water-facing side of the containment structure should present a rough and staggered face to dissipate wave energy and protect the water from sand infiltration.

Thank you in advance for your cooperation and assistance with conservation and minimization of environmental and aesthetic degradation of the Town of Freedom's Shore Front District.

Sincerely yours,



Jeffrey Nicoll, *Chair*

Freedom Conservation Commission

Distribution: Applicant Board of Selectmen ___ Planning Board ___ Zoning Officer ___
File Town Clerk Other: **NHDES reference: #2021-00418**