

**Town of Northwood
Conservation Commission Minutes
May 7, 2013**

Vice-Chairman Steve Hampl calls the meeting to order at 7:27 p.m.

Present: Vice Chairman Steven Hampl, James Ryan, Thomas Chase, Wini Young, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

Absent: Chairman Stephen Roy, Paul Lussier, Alternate Loren O'Neil, and Alternate Michael Matson.

MINUTES

April 2, 2013

Mr. Chase makes a motion, second by Mr. Ryan, to approve the minutes of April 2, 2013. Motion passes unanimously; 4/0.

CONSIDERATION of APPLICATIONS

Permit by Notification

Richards, 48 Old Dump Rd. Map 109; Lot 15.

Ms. Weaver explains that this application is a resubmission from last month as the applicant had completed the wrong application. The commission reviews the information provided and deems the application is complete; no additional comments or concerns are expressed. **Mr. Ryan makes a motion, second by Mr. Chase, to accept the application, as presented. Motion passes unanimously; 4/0.**

Mr. Hampl signs the application.

Masten Property

Ms. Smith provides a packet from the town administrator regarding acquiring the deed to the roads and drainage easements for the Masten subdivision development.

Ms. Smith explains that the process is that the selectmen will hold two public hearings, which the state statute requires, along with comments to be provided from the planning board and conservation commission.

A discussion is held regarding the cost to the town and location should there be additional access from this subdivision. Ms. Smith explains that the town will own the land under the roads, the accompanying drainage easements, and will allow for culverts to be repaired, cleaned, etc. She adds that the road agent will be involved and will provide input and comments. She notes that there are some additional items that need to be completed relative to the sidewalks; however, this process concerns the sale only, not the condition of the road.

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Mr. Chase makes a motion, second by Ms. Young, to provide comment to the selectmen, indicating that there are no issues with the property based on conservation concerns; chair will sign off on the memo. Motion passes unanimously; 4/0.

OLD BUSINESS

Land Acquisition-follow up

Ms. Smith states that the commission granted the chair authority to work with the property owner regarding a counter offer and to follow through with any procedures, processes, etc., which will allow the project to move along. Ms. Smith states that a quote has been received from Bill Wormell. Mr. Roy felt that with the past practice this company has been less than others and the commission has been satisfied with this company's work. She states that the balance in the conservation commission land fund is dwindling; Mr. Roy felt that the commission should review the quote and confirm spending the funds. Ms. Smith states that the quote is for \$9,300. She states that past surveys performed by Mr. Wormell were in the same price range; Gallagher-\$9,000. Ms. Smith states that Mr. Wormell has indicated that this survey will be more as the property is more difficult to access, a 10-15 min walk into the lot. Ms. Smith adds that Mr. Roy requested an additional two points of the boundary be marked and provide in a format which may be added to the UNH data.

Ms. Smith states that Mr. Wormell has stated that he feels that this lot is a good parcel for the town to acquire and is a piece of land that needs to be conserved.

Ms. Smith states that an opinion has been received from town counsel indicating that a survey should be completed. Further discussion is held regarding the need of the survey and the cost. Ms. Smith states that the survey is absolutely necessary due to the lack of clear description in the deeds.

Mr. Chase states that he feels that this is a great property at a reasonable price. He adds that the commission has been legally advised to have the survey completed based on the nature of the deeds. **Mr. Chase makes a motion, second by Ms. Young, to move forward with the purchase and survey of property with Bill Wormell performing the survey.**

Ms. Young agrees with doing the survey and purchasing the property. She states that this is a great complex of land.

Mr. Ryan states that other surveys have been done but not at this high amount. He asks if this is a compass and tape survey. Ms. Smith replies that this is a compass and tape survey. Further discussion ensues regarding the cost of other surveys that have been done. Mr. Ryan does not feel that it is

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necessary for the commission to vote again as there was a motion made and vote taken last month giving the responsibility of the project to the chairman. Ms. Smith states that Mr. Roy felt that the commission should be made aware of the cost and asked for their support. Ms. Smith states that Mr. Roy was in favor of the survey. Mr. Ryan states that the chair has been given the authority to make the decision and he would rather have the decision made by the chair.

Mr. Chase withdraws his motion and states that he is supportive of moving forward with the project. Ms. Young withdraws her second and states that she too supports moving forward with the project.

Mr. Hampl states that he is in support of the process. He states that the commission authorized Chairman Roy to make the decision.

SPECIAL REPORTS

Stewardship Funds

Ms. Smith states that Mr. Roy requested an opinion from town counsel regarding using conservation land funds for stewardship funds. Copies of the letter are provided for review. Ms. Smith provides an explanation of the letter.

After review, discussion is held regarding making the letter a public document. Mr. Ryan states that he does not believe that the commission has the right to make the document a public document and adds that the commission works for the selectmen. Mr. Chase states that this issue has been discussed by the commission and **makes a motion to make the legal opinion a public document so that the issue can be discussed. No second is offered. The motion fails.**

Ms. Smith states that a legal opinion is confidential until made a public document. She states that typical practice is that a legal opinion is made a public document and if someone should ask for documentation, then the chairman is able to provide the legal opinion. Discussion ensues.

Mr. Ryan makes a motion, second by Mr. Hampl, to continue to the next meeting for more members to be present including the chairman. Motion passes unanimously; 4-0.

Mr. Ryan suggests that the commission hold a closed session with the selectmen regarding counsel's opinion. Ms. Smith states that this can be scheduled; however, she states that the commission has sole control over the funds in the land fund. Mr. Ryan would like to hear this from the selectmen.

Ms. Young notes the RSA's regarding the land fund and adds that the commission has always had a good working relationship with selectmen; they

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should be aware of what is being done by the commission. Ms. Smith states that the selectmen's role in land purchases is that the BOS must be willing to accept as town property, and according to town counsel, the selectmen's objection could only be based on the conservation aspect not on the fact that they do not want it to go forward. Discussion ensues.

Commission members request copies of RSA 36:A be emailed.

Prime Wetland

Ms. Smith states that she has received a copy of an email sent to Steve Roy from Robert Graves regarding changing the configuration and drainage patterns of prime wetlands. Mr. Graves has requested a site walk with the commission.

Materials are provided to the commission for review and general discussion is held as to what is being considered. Ms. Smith asks if they are looking for approval from NHDES to be working near a prime wetland and a permit is necessary or there is a concern that this work may be allowed in the prime wetland. Mr. Ryan states that there have been some significant changes made in the past year. Ms. Smith also notes that the town has a zoning ordinance; there is a 100 ft. buffer designated for a prime wetland and there may be a need to go appeal to the zoning board.

The commission agrees to allow Mr. Roy to continue to have discussions with Mr. Graves and to direct him to the appropriate people in NHDES.

Guptill Property

Staff to send out reminders of the June 3 Guptill site walk, 4:00 p.m. Meeting place is the parking lot area of the town's recreation fields.

Adjournment

Mr. Chase makes a motion, second by Mr. Ryan, to adjourn. Motion passes unanimously at 8:39 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary