

Conservation Commission Minutes 05/03/11

Contributed by Lisa Fellows-Weaver
Tuesday, 21 June 2011

Conservation Commission

Minutes

May 3, 2011

Official as of June 7, 2011

Vice-chairman Steve Hampl calls the meeting to order at 7:05 p.m.

Present: Vice Chairman Steve Hampl, Mike Matson, Tom Chase, Paul Lussier, Wini Young, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

Absent: Chairman Steve Roy, Jim Ryan, and Alternate Loren O'Neil

MINUTES

April 5, 2011

Mr. Chase makes a motion, second by Mr. Hampl, to approve the minutes of April 5, 2011, as amended, as follows:

Page 5: Punctuation error

Motion passes; 5/0.

MAIN BUSINESS

Guptill, First NH Turnpike. Map 222; Lot 30

Ms. Smith provides an update to the Guptill project. She states that the purchase and sales agreement has been signed by the selectmen, the conservation commission chairman, and all members of trust.

Ms. Smith states that Mr. Wormell is just about finished with the field work. He has had to do some deed research on the area. She states that the closing will be scheduled to take place as soon as the survey is completed.

Ms. Smith states that she spoke with Ms. Richards, who stated that she would appreciate the project to move along as quickly as possible and requested to be notified of the pending closing date. Ms. Smith notes that they will not be able to attend the closing as originally anticipated. In addition, Ms. Smith states that Warren Guptill also came in to the office on Monday and she explained the process and the next steps to him.

Ms. Smith states that she did relay this information to Mr. Roy who suggested that the commission vote to authorize finalizing the necessary documents. Mr. Matson makes a motion, second by Mr. Lussier, to authorize Ms. Smith to set up a tentative target date and for Mr. Roy and Ms. Smith to move forward with scheduling a closing date as soon as possible. Motion passes; 5/0.

Tom DeMeritt, Upper Deerfield Rd. Map 235; Lot 2.

Ms. Smith provides an update of the DeMeritt project. She states that Mr. DeMeritt received a copy of the draft warranty deed and easement deeds. He has reviewed the material and has made a few suggestions that he would like added.

Mr. DeMeritt requested that he add permission to drive his own four wheeler on the property and that he would like to be able to cut no more than 2 cords of wood, per year, for his own personal use. Ms. Smith states that she mentioned these two items to Mr. Roy and he indicated that he did not have a problem with either item.

Ms. Smith suggests sending these proposed additions to town counsel so the easement language can be amended accordingly in order to meet Mr. DeMeritt's requests.

Mr. Matson states that he does not feel that allowing Mr. DeMeritt to use his personal off-highway recreational vehicles (OHRV) is a good idea as it is setting a precedent. A discussion is held as to the request to use a four wheeler in the easement area. Mr. Lussier, Ms. Young, and Mr. Chase all comment that if the property owner were to use the OHRV for the purposes of hauling wood they feel it would be an allowed use.

Further discussion is held and with comments noted from Mr. Matson, Mr. Chase states that he would like to amend his comment. Mr. Chase states that he would not be supportive with all terrain vehicles if it were being used to create trails and that he would not want that use on this easement.

The commission suggested that the use be verified. Mr. Hampl mentions that Mr. DeMeritt's original request was not to have OHRV used on the property so he is rather surprised at this request.

Ms. Young mentions agricultural uses and notes that maple syrup is referenced in the agreement as well as forestry uses, which the OHRV may be helpful to utilize.

Ms. Smith reviews the easement language. She states that the easement language goes with the land and the use would continue to be allowed if the land were sold. Ms. Smith reminds the commission that this is only an easement; the property is still retained by the owner. She adds that Mr. DeMeritt is an avid hunter and hunts in that area. Perhaps the purpose for the ATV is the need to use it for hauling game.

Mr. Matson states that the town needs to be consistent. Additional discussion is held regarding policing the area. Mr. Matson states that as the conservation officer he would police the area relative to the uses of OHRV's. Ms. Smith states that the easement language references use limitations. She explains that there should be no need to add the requested language regarding the use of a four wheeler if it is consistent with the purpose of the conservation easement. Ms. Smith confirms with Mike Matson that this use can be allowed for conservation purposes, i.e. gathering wood, hunting, conservation uses, etc. and would not require a change in the language.

Ms. Smith states that Mr. DeMeritt has also requested to cut wood and is willing to limit the amount of wood to 2 cords per year. She states that he may want this as a restriction. The commission agrees. Further discussion is held and it is noted that the restriction may not be beneficial to perform forest management. Additional discussion is held regarding forestry thinning as referenced in the language. Ms. Smith states that forestry shall be performed on the property to the extent reasonably practicable, in accordance with Best Management Practices.

As discussion ensues, Ms. Smith states that since both of Mr. DeMeritt's requested items are already included/allowed in the language drafted by counsel, she will contact him and make him aware that these items are within the language.

Mr. Hampl makes a motion, second by Mr. Lussier, that if Mr. DeMeritt is satisfied with the documentation provided after speaking with Ms. Smith, she will forward to town counsel for the signing of the easement and conveyance of the necessary paperwork. Motion passes unanimously; 5/0.

CONSIDERATION of APPLICATIONS

Minimum Impact Expedited Application

Town of Northwood, Mary Waldron Beach

Ms. Smith provides some history of the area. She explains that this is the only boat ramp on Bow Lake in Northwood. She states that the town administrator has received phone calls expressing concerns from abutters to the property and some of the camp owners nearby that the boat ramp was in rough condition. She states that there have been several meetings held with various members of town staff and discussions were held relative to repairing the ramp area. She states that the selectmen have decided to apply for repairs to be done. She notes that there is nothing in the deed which restricts the boat ramp and swimming area be near each other; this ramp has been there for many years.

Ms. Smith states that she did speak to Mr. Roy regarding this application. Mr. Roy indicated that he was familiar with the property and the proposal to repair by filling in the low spots is not a long term fix. He states that in order to fix this there will be paving or concrete required otherwise it will continue to erode in some manner of time.

Mr. Hampl asks if the town will be doing the repairs. Ms. Smith provides copies of the selectmen's minutes for the commission to review. She adds that the town's insurance representative visited the site and recommended that the town either fix the area or the town should close it. Ms. Smith adds that the application has been filled out by one of the abutters to the property and the town would pay the fees for the DES application. She believes that the highway staff will be doing the work.

The application and checklist are reviewed to great length. Ms. Smith mentions the criteria requirements for meeting a minimum impact. Lengthy discussion ensues and the commission expresses concerns relative to the type of application provided and if this application is accurate. Also, the commission is concerned with the filing required as noted in the documentation provided and when the long term repairs will be done as this should be completed during the fall when the lake is drawn down. Further discussion is held relative to the process and timing of the proposed repairs, and if a phasing option for these repairs is planned.

Overall, the commission feels that there is much information lacking in this application; therefore the commission is requesting the following information be provided for more clarification:

- All photographs provided be dated
- No scale is shown/drawn to scale?

- The size of the existing structure (shed) and its distances to the proposed work be indicated on the plan
- The boundary or delineated edge of all surface waters-appears to show drawdown level, not seasonal high water, based on photos provided
- Existing and proposed topography be provided
- Shaded/hatched area includes parking area-is this part of the project area? The distance of the project area from the shoreline to the street must be shown on plan. A cross section detail for all areas to be filled including outside dimensions and depth should be included.
- The distance from existing/proposed work to abutting property line to be delineated on the plan
- Full lake elevation should be indicated on the plan
- A list noting the type of construction and proposed materials to be used for fill be included with the application
- The construction sequence, describing the timing/progression of all work from pre-construction to post-construction to be provided with the application
- Proposed methods of erosion or siltation control to be included
- All applicable fees provided with the application
- Other criteria which may be required based on determination of project type

Mr. Hampl makes a motion, second by Mr. Lussier, to authorize Ms. Smith to draft a letter to the selectmen relative to the commission's general concerns on the project and the items not included with this application, and forward to Chairman Roy for review and additions. Mr. Chase offers to review and comment back to Ms. Smith. Motion passes unanimously; 5/0.

Ms. Smith asks if the commission would like to grant authority to the chair to come in, review additional information relative to the application, and sign off if complete. Ms. Young replies no due to the fact that there maybe an issue with the application submitted not being the appropriate permit.

SPECIAL REPORTS

Woodman Park

Mr. Matson provides an update relative to the Woodman Park area. He states that he attended the highway advisory committee last week regarding the project and to discuss the work that was done last year. At that meeting he asked Steve Bailey about the actual plan and money that was spent. Mr. Matson states that there was approximately \$10,800 for the project and there is some funding left.

Mr. Matson states that last fall there was a swale placed along the side of the launch area. This was sufficient and was doing the job relative to erosion control. He states that the original plan included removing timbers and to replace with new timbers. This has not been completed. This spring there has been some erosion to the area due to the winter and ice. He states that he addressed this at the highway advisory meeting and the members were very proactive and have already reviewed the area. Mr. Matson states that the work was done last fall and is already falling apart. He asks if there is something that can be done for the purpose of repairs.

Mr. Matson states that although \$10,800 was estimated initially as sufficient funds to complete the work, he was informed at this meeting that the highway advisory committee did not believe that it was enough funds and were investigating as to what was left to the original \$10,800. Mr. Matson states that the work completed was based on the funding received; however, there were additional funds available to be expended on the project.

Mr. Matson states that he was not representing the NCC at the recent highway advisory meeting; however, he is requesting to have permission to represent the commission at future meetings of the facilities committee and highway advisory committee relative to this project. He stated that he started with the project and would like to like to see it through.

Ms. Smith states that Mr. Matson was the original subcommittee person and had authority, although the committee has since sunset. Mr. Hampl motions for Mike Matson to represent the conservation commission at future facilities committee and highway advisory committee meetings with regards to the Woodman Park project. Mr. Lussier seconds. Motion passes; 4/0/1. Mr. Matson abstains.

Additional discussion is held regarding the total funds obtained for this project originally. Mr. Matson states that there was \$4,000 of conservation funds that were to be used for the plans. Ms. Smith states that she will gather details relative to the funds and a total for the project. This item is to be addressed at the June meeting.

NEW BUSINESS

Bean Hill Services: Low Property Forest Plan

Ms. Weaver notes that copies of an email received from Robert Graves are provided in member's packets for their review relative to the status of the Low property. In the email, Mr. Graves indicates that he has completed the field work and will begin the office portion soon.

A discussion is held regarding a request noted in the email for an evaluation sheet used for ecological assessments. The

commission states that a narrative of the Low property would be sufficient. Mr. Hampl will contact Mr. Graves regarding the assessment and narrative.

CORRESPONDENCE

Dues

Ms. Smith states that the commission budgets \$400 for dues. She explains that she has received an invoice from the NH Association of Conservation Commission (NHACC) for \$225. Last year the commission paid \$200 and that is what she paid this year as the increase had not been budgeted for. She explains that the NHACC allows members to attend the annual conference in the fall and they work on conservation matters with the legislature.

Ms. Smith states that she has also paid the invoice received from Bear Paw for \$100 for 2011. She states that she thought that the yearly dues were voted on years back by the commission to be increased to \$200; however, notification from Dan Kern indicates that the commission is paid in full for this year. She explains that the invoice last year for \$100 was not paid as the budget had been frozen.

In addition, Ms. Smith states that she has received an invoice from the Lamprey River Watershed Association requesting dues in the amount of \$100. She explains that the Lamprey was not a requested amount during the budget season and typically we do not pay if there was not a prior request. She adds that she has sent an email explaining the budget process and request for dues and that funds were not allocated for this organization. She suggested that they send a request for funds for the 2012 budget as this would be the town's standard procedure.

Ms. Smith notes that the Lamprey invoice would exhaust the budgeted \$400.

Discussion ensues as to the remainder of \$100 in the dues line. Ms. Young states that she would like Bear Paw to be paid for last year's dues. Mr. Chase notes that he would like to pay the Lamprey. After discussion, Mr. Chase makes a motion, second by Mr. Matson, to pay Bear Paw for dues for last year. Motion passes unanimously; 5/0.

Other Correspondence

All other correspondence is reviewed.

Mr. Matson, Mr. Lussier, and Mr. Hampl request to be added to the NHACC email notification list.

ADJOURNMENT

Mr. Matson makes a motion to adjourn. Mr. Lussier seconds the motion and the motion passes unanimously at 9:40 p.m.

Respectfully submitted,
Lisa Fellows-Weaver
Board Secretary