



Town of Weare
Conservation Commission
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Commission Members:
Andy Fulton, Chairman
Steve Najjar, Vice Chairman
Sherry Burdick
Bill Bolton
Mike Camacho
Ray Lemay
Marc Phillips

CONSERVATION COMMISSION – June 9, 2021 Final MINUTES

MEMBERS PRESENT VIA ZOOM: Andy Fulton, Steve Najjar, Mike Camacho, Sherry Burdick, Ray Lemay, Marc Phillips

Absent: Bill Bolton

GUESTS: Jeremy Turner, Matthias Nevins, Ralph Fellbaum,

Town Administrator Zoom Host: Naomi Bolton

Chairman Fulton called the meeting to order at 7:08 pm., welcomed those via zoom to the June 9, 2021 Weare Conservation Commission meeting. Confirming his members in attendance, six present, along with three guests.

I. DISCUSSION

Jeremy Turner, Forestry Update

- Introduction of Matthias Nevins- Meadowsend Team Forester

Jeremy Turner stated Matthias Nevins, soon to be licensed professional forester with the State of NH., started with Meadowsend Timberlands, LTD in October 2020.

- 2nd Poor Farm Surveyor RFP

Revised proposals, NEFCO estimated \$4600.00 to \$5000.00 for fact-finding report, with boundary work at \$110.00/hour not to exceed \$10,000.00 and FORECO estimated \$3100.00, not to exceed \$3400.00, with boundary work at \$50.00/hour not to exceed \$19,500.00, price does not include the entire property, just the boundary line dispute. Jeremy recommends FORECO, Ron Klemarczyk.

Chairman Fulton asked Jeremy if he has worked with Ron Klemarczyk prior. Jeremy responded not directly, indirectly with conservation easement clients. FORECO is available to start the project in September.

The Chair asked the Commission for questions. There was none.

The Chair asked for a motion.

Vice Chairman Najjar moved, Ray Lemay seconded to execute contract with Ron Klemarczyk, budgeting up to \$4000.00 from the Conservation Account. Discussion: Town Administrator Bolton asked what would happen if the work exceeds \$4000.00. Jeremy replied the work would be determined/discussed at \$50.00/hour. Town Administrator Bolton pointed out, with a start time of September this project could involve on the ground work in winter conditions. This could involve the CC to have to authorize more money. Chairman Fulton replied a September/October meeting for more money may be essential. He asked Vice Chairman Najjar to amend his motion authorizing someone to sign the contract for the Commission. **Vice Chairman Najjar amended his motion to designate Chairman Fulton authorization to sign the contract. Ray Lemay re-seconded the amended motion.** Discussion: Vice Chairman Najjar asked Town Administrator Bolton if the town's Purchasing Policy requirements have been met if the second Phase of the contract needs extending. Could fieldwork amounts

be authorized without having to request additional contractors? Town Administrator Bolton answered obligations were met when it was put out to bid. Consider adding, “Revisit if necessary for Phase II without going out to bid.” **Vice Chairman Najjar amends his motion to authorize up to \$4000.00 for Phase I with Ron Klemarczyk, the Chairman being able to sign a contract and the intent is, if Phase II is necessary, the Conservation Commission to stay with the same contractor authorizing the additional funding required.** The Chair asked for comments. There was none. **Passed 6-0-0**

Jeremy to notify both vendors, paperwork for review/signature forth coming.

Chairman Fulton asked Jeremy when would the abutter, Eugene Caggiano, be notified of the plan. Vice Chairman Najjar responded, after a discussion with Town Counsel, once the fact finding report is complete, a boundary line agreement with the abutter, if necessary, to be settled in court. Chairman Fulton asked who would inform Mr. Caggiano the Commission is following through with due diligence to expect summation in the fall. Vice Chairman Najjar replied not necessary, cooperation was denied.

Jeremy continued with his forestry update:

- Town Forest boundary line repaint and sign – 2nd of 3 phases complete

Recently completed Phase II, repaint/resign of boundary line, 2/3rds done of the 30+ miles of maintainable boundaries of the town forest. Last Phase for next year includes the largest properties, Eastman Conservation and Felch Farm.

- Invasive control update

MTL no longer has a licensed employee to manage, to keep the town posted

- Mountain Road/Ferrin Pond landing – road barricade

After speaking with DPW Director Knapp, to continue to secure Ferrin Pond with a barricade. Area has issues with camping, gun shooting and vandalism. DPW Director Knapp has been in the area with a backhoe undamming beaver activity. He concurs with reinforcing with barricades.

- Town Forester agreement

Jeremy made some edits, minor changes to some rates, but overall “very well put together.” To circulate.

Jeremy explains to the Commission Matthias Nevins to take over speaking. The Chair requested Jeremy to confirm FSAs and invoices are moving ahead. Jeremy responded yes to his knowledge.

Next, Matthias Nevins reports on the following:

- Toby Hill Timber sale Update

A 53.5-acre property with developing hardwoods, Oak, Birch and Maple. Looking to promote growth in order to invest in future harvests. Removal to be large White Pine, moderate to poor quality, estimating ~20 acres. Some noncommercial contractors. Looking to girdle 35 older White Pines with no market value that are shading other greater hardwoods. Trees are marked for sale, ready to bid, hoping to break even as profit is limited.

Chairman Fulton asked what is the anticipated timeline. When will it go out to bid, reach an agreement with a logger? Winter, next year? Matthias replied it is ready for potential loggers, equipment in the woods this fall, into winter. Jeremy added, if green lighted tonight, notice the town, solicit locally, ready to award by July. Calendar year contracts with restrictions to spring. Under a year for completion.

Ray Lemay asked why the practice of girdling, killing it creates the liability with dead branches falling on someone. Secondly, wouldn't it be more beneficial to harvest the older White Pine instead of just killing them, some money in the account. What are other's opinions?

Matthias responded the 35 marked trees are open, multiple stemmed. Dropping it could damage nearby trees of value. There is some revenue potential within the harvest for future harvests.

Chairman Fulton asked how would the collapsed low-grade chip market affect this project. Matthias replied it limits marketability. The volume for this project is not very high. Lower quality saw log value, not pulp focused.

Chairman Fulton asked Jeremy to speak to the dead branch liability. Jeremy answered they are mindful of where girdling is practiced. Severing a standing tree creates a dead tree, but not done near trails or high use rec areas. Though not versed legally, no concern, not a widespread tradition. Most of the town forest is fairly matured; Tobey Hill with 20 – 40 year old trees is a nice compliment to town land. The plan is to nurture this age class up. There is potential this project could end up costing the town money.

Chairman Fulton commented the Commission manages forests and ecosystems, not all revenue generating. Jeremy added in the 14 years involved with the town all of the harvest projects have been net gain. One timber sale brought \$100,000.00, multiple were tens of thousands of dollars of income. Moving forward, if some projects break even or generate an out of pocket expense, this demonstrates true land stewardship. Planning with purpose and science.

Vice Chairman Najjar explained open grown White Pine have weevils in their leaders. When this happens, stems take over leadership creating misshaped compression wood, lesser value. Chairman Fulton commented the decay becomes habitat above then creatures find stumps full of goodness.

Vice Chairman Najjar asked if 100% of the Ash trees were removed. What is the basal area left? Matthias replied the focus is timber stand improvement. Light thinning on the edges, removing the story of over topping Pine above the hardwood. Small area regeneration work establishing young trees. A varying residual basal area. MTL needs to walk it for a better sense. Some areas 60 sq. ft. others 120 sq. ft. Areas of 20 sq. ft. are where light is being generated. There is a little bit of Ash, some marked for removal.

Vice Chairman Najjar wonders why 100% of the Ash is not marked for removal. Hopeful, merchantable Ash is marked blue. Matthias responded some is merchantable and left for saw timber value. Could become dead standing or cast seeds. Poor outlook for Ash, but advocates for retaining a little.

Vice Chairman Najjar asked who are you allowing to bid on the project. Matthias replied a hand crew grapple or mechanized would work. Jeremy agreed a chainsaw and cable or smaller machinery.

Vice Chairman Najjar asked if Jeremy needed a motion or an FSA. Jeremy replied no, just giving an update. He will let the Commission know if this project is a break even, small profit or cost the town money.

Chairman Fulton stated MTL could proceed with the condition if the project is to cost money; they need to come back to the Commission.

The Chair clarified with Vice Chairman Najjar it is not the Commission's arrangement to motion and vote on the go ahead for bids. FSAs cover that.

Vice Chairman Najjar understood, adding he will forward the RFP notice for the Tobey Hill project to Town Administrator Bolton for her assistant to post.

Jeremy realizes MTL harvesting is based on earnings of products sold. Regardless of the man hours invested, he suggested to move forward getting feedback on the potential opportunities from the logging crew. He anticipates it is not a moneymaker. FSA stipulates hourly billing to be approved by the client.

Chairman Fulton stated no problem. The Commission is prepared to deal with situations like this, though they do not happen often.

Jeremy needed to exit the meeting. The Chair asked the Commission if they had any questions for him. There was none.

Matthias continued his update:

- Eastman Forest Management Plan update

Inventory recently finished, already ahead for next year. Ten year plan forth coming. Great recreational aspects with rail beds, etc. Southern portion is looking good. Potential management of the northwest corner, access near the high school is tricky, heavily harvested a while back.

Chairman Fulton asked if there was sign of Moose. Matthias replied he is not sure. Chairman Fulton stated it was abundant with Moose when the Commission purchased the property.

Chairman Fulton asked what should be considered for impact along the western central boundary, Black Gum Swamp. What is a good management strategy for Black Gum? Matthias replied to have Black Gum is special. He would need to look back at the map.

Sherry Burdick explained it is wet because a brook feeds into the area.

Matthias stated, after looking at the map, the area is remote, far in there. He suggested letting nature lead.

Chairman Fulton asked about the southwestern boundary, keeping it clear for a pollinator habitat. Matthias stated Sam found it has transitioned into woody stems and small trees. Invasive Species, Burning Bush, has a strong presence. Matthias recommend this fall or next year do invasive treatments, burning, along with brush hogging. Hold off on working in the area until the pollinators have a chance to deposit pollen.

Chairman Fulton asked for the discussion to become part of the update.

Vice Chairman Najjar asked about becoming a burn boss, would he be covered by insurance.

Chairman Fulton reiterated to Matthias in keeping the discussion/consideration moving forward. Matthias responded he would circle back, a second look to add to the plan. A recommended treatment schedule for the area.

Vice Chairman Najjar asked if MTL had access to a skid steer mounted masticator because a brush hog would have a hard time. Matthias agreed it would work better.

Vice Chairman Najjar stated the northwest portion of the property, above the high school, is loaded with vernal pools. Consideration should be made when harvesting to buffer the area. Decreasing the amount of light in order not to damage the pools. Matthias stated that is a good point. Large White Pine stand with mature Oak and Hemlock areas.

Chairman Fulton asked if Hemlock had saw value. Matthias answered marginal, but Colby Lumber saws Hemlock. Vice Chairman Najjar added local mills are interested in Hemlock; they do not have a problem moving it.

Ralph Fellbaum, Weare Winter Wanderers' Trail Master, trail reroute update

1.) Ralph Fellbaum asked what the outcome was after CC consulted with Town Counsel on the idea of an easement for the snowmobile club to access Duck Pond Subdivision. Vice Chairman Najjar, after talking to Attorney Laura Spector-Morgan, stated it is possible to overlay one easement over another. The snowmobile club has to have a surveyor describe a plan. To draft a perpetual easement and map for snowmobiles and maintenance equipment to access the trails. Town Counsel to review. Ralph asked if the club would need to mark a thin corridor, near the Drake's property, with boundary pins. Vice Chairman Najjar replied that would be for the surveyor to decide. He would prefer some kind of monumentation for the trail. Ralph reiterated for confirmation the club can have an easement drafted to overlay the existing SPNHF's easement. Vice Chairman Najjar responded Town Counsel stated the SPNHF still has their right to use the trail, plow it in winter if need be. Ralph clarified the club needs to have an easement drafted to submit a detailed right of way. Vice Chairman Najjar explained the surveyor would physically describe where the trail is and what they recommend for monumenting. An easement deed and a plan for the Registry of Deeds. CC would then convey the land in perpetuity. The process for this language to go through Town Administrator Bolton to the Commission.

The Chair asked the Commission if they have any questions/comments.

Ray Lemay asked if it was beneficial to use the same surveyor the subdivision would use. Vice Chairman Najjar stated to have a licensed surveyor draft a plan as soon as possible. Questions can be emailed or have Town Administrator Bolton get in touch with Town Counsel.

2.) Ralph stated at their last snowmobile club meeting they have come to the decision they would like to donate two parcels on Wildwood Road. Two separate lots totaling 13.7 acres, mostly wetlands. Chairman Fulton responded Bill Bolton has mentioned this before, conceptually it makes sense.

The Chair asked the Commission for comments. Marc Phillips relayed the snowmobile club's trail runs through the property so an easement would be a condition. The property abuts CC land.

Sherry Burdick suggested having a detailed map for the next CC meeting. Ralph replied the first property is Map 407 Lot 8 with 5.7 acres and the second is Map 107 Lot 17 with 8 acres. Transfer costs to be paid by the CC. Chairman Fulton ask if their intent would be reflected in the club's meeting minutes. Town Administrator Bolton to send the minutes to the CC. Chairman Fulton asked Vice Chairman Najjar about the transfer costs. Vice Chairman Najjar stated it would not cost the CC, funds from the town legal account. His opinion is the CC would love those parcels, not developable, but no reason for the snowmobile club to pay the taxes. He suggested Town Administrator Bolton email Town Counsel as the CC would want to facilitate the cost.

Town Administrator Bolton explained there would be a recording fee, our lawyer's fee and a BOS public hearing to accept the parcels as a donation. The tax bills combined are over \$5000.00. To send minutes before the next CC meeting.

The Chair asked the Commission for comments. There was none.

Planning/Zoning Board

- Aubuchon Realty Company, Inc. – Site Plan Review & Conditional Use Permit – 455 South Stark Highway, Tax Map 412-248. Application is for the proposal of a 10,500+/- SF retail store on 455 South Stark Highway.

After looking at the plan, Chairman Fulton and the Commission discussed the documents. The Commission's conclusion is no comment.

NHDES Mail Received

- Bryan & Linda Caplan – Land Resources Management Letter – 116 Martin Road, Tax Map 108, Lot 20 tree removal that was not in compliance with NHDES regulations

The Commission's conclusion is NHDES is handling it.

- Joel Lehrer & Robyn Parets – 104 Pondview Road – Wetlands and Non-Site Specific Permit to construct a perched beach with no more than 6 cubic yards of sand, install 4 foot wide access steps to the waterbody and 4 foot wide access steps to the existing docking structure on Mt. Williams Pond Road, Tax Map 108, Lot 073

The Commission's conclusion is they have passed along their concerns to the ZBA. Town Administrator Bolton explained June 1, 2021 the variance was applied for and granted.

- Thibeault Corporation of NE - Shoreland Permit Application, Clough Park Road, Tax Map 409, Lot 104.1 – missing information needed for plan

The Commission discussed.

II. MINUTES:

May 12, 2021 Minutes: tabled

NONPUBLIC SESSION:

Vice Chairman Najjar moved, Marc Phillips seconded to enter into nonpublic session @ 9:24 p.m. pursuant to the authority granted in RSA 91-A: 3II (c). A roll call vote was taken, Chairman Fulton – yes; Vice Chairman Najjar – yes; Marc Phillips – yes; Sherry Burdick – yes; Ray Lemay – yes; Mike Camacho - yes. Passed 6-0-0

Marc Phillips moved, Ray Lemay seconded to exit this nonpublic session @ 9:48 p.m. A roll call vote was taken Chairman Fulton – yes; Vice Chairman Najjar – yes; Marc Phillips – yes; Sherry Burdick – yes; Ray Lemay – yes; Mike Camacho - yes. Passed 6-0-0

Vice Chairman Najjar moved, Sherry Burdick seconded to seal and restrict these nonpublic session minutes. Passed 6-0-0

III. NEXT MEETING

July 14, 2021 @ 7 PM.

Being there was no further business to come before the Board, Marc Phillips made a motion, Ray Lemay seconded to adjourn at 9:49 PM. Passed 6-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording