



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 – September 8, 2021 Final MINUTES

MEMBERS PRESENT: Andy Fulton, Sherry Burdick, Mike Camacho, Ray Lemay, Marc Phillips,
Town Administrator Naomi Bolton
Absent: Steve Najjar, Bill Bolton

GUESTS: Neal Kurk

Chairman Fulton called the meeting to order at 7:03 pm., welcomed those present to the September 8, 2021 Weare Conservation Commission meeting. Confirming his five-member quorum in attendance, Michael Camacho, Secretary, Chairman Fulton himself, Ray Lemay, Marc Phillips, and Sherry Burdick along with Town Administrator Bolton and one guest.

I. APPOINTMENT:

Pending BOS approval hopeful appointment Neal Kurk is in the audience.

II. MINUTES:

August 11, 2021 Minutes: **Marc Phillips moved, Ray Lemay seconded to accept the minutes of August 11th as amended, passed 4-0-1 Sherry Burdick abstained.**

III. PLANNING/ZONING BOARD: Conservation Commission reviewed

- Mark & Cynthia Levensailor, Gary Labrie & Randy Paiva - Lot Line Adjustment - Bartlett Drive, Tax Map 410-030: 410-031 & 410-032, the purpose of the plan is to adjust the lot lines between the three (3) lots to fix encroachment and setback issues.

Town Administrator Bolton explained the proposed three lots are necessary to correct current encroachments and setbacks. Some existing buildings sit on property that belongs to other property owners. The adjustments will keep the total acreage the same. Original subdivision was performed in the 1980's during the building boom. Unsure of property bounds a garage was placed over the property line and an addition was placed in a setback.

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

- AMS Properties - 7 lot subdivision - west side of Perkins Pond Road & north side of Mountain Road - Tax Map 410-053 - the purpose is to subdivide the current 37 acres into 7 lots.

Town Administrator Bolton explained the purpose of the plan is to divide the property into roughly five-acre lots. Because of the amount of wetlands, she sent the plans to Ray Lemay for inspection as he works a lot with drainage. The plan has delineated wetlands and a Wetland Stamp by Tom Carr, Meridian Land Services.

Ray Lemay stated the plans initially look good, 4K septic, well radius, appears to have enough room to build a house on each lot.

Chairman Fulton asked if this was new ownership. Town Administrator Bolton replied yes.

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

IV. NHDES MAIL RECEIVED:

- Mark W. Bailey, 55 Winter Road, Tax Map 105-013 - letter of deficiency - after inspection on August 17, 2021 found several violations that need to be addressed.

Ray Lemay stated based on the letter the landowner has not followed any rules.

Town Administrator Bolton pointed out the Legal Unit of NHDES was copied on the letter, very serious.

Chairman Fulton stated it is a blatant disregard for following proper State Environmental Regulations. It is very uncommon for a Wetland's Bureau to involve another Bureau, very real concerns for compliance. Chairman Fulton explained there are two instances how waters are ruined: phosphorus sedimentation when land is not contained and inflow from ground water from an overloaded or failed septic system. These added nutrients do not enhance the water quality and restrict use. Cyanobacteria, for example, can multiply quickly forming blooms when water is rich in nutrients.

Town Administrator Bolton asserted a Cease & Desist Order was issued at the property.

Ray Lemay relayed his work experiences when landowners make a mess of the situation and then want him to attempt to fix problems. He explained before site work is performed one should understand how to control their site. The first thing to do is build a temporary retention pond, it is necessary. Ultimately, it is tough for towns to control the offenders.

V. OTHER BUSINESS:

1. 93 Hodgdon Rd., disturbance to Peacock Brook, no precautions, possibly no permits. Chairman Fulton stated more information is needed. Sherry Burdick suggested to enter by way of Lafrance Road, walk along the brook to find the problem. Chairman Fulton asked Ray Lemay if he would want to follow up. Ray Lemay stated it is hard to approach a person without all the legal facts and it could present as a conflict of interest based on his line of work. Could the Commission file the complaint with NHDES where the complainant wants to remain anonymous? Property owner permission is needed to investigate a complaint.
2. Rockland Road, TMS Diesel - plan was circulated for all of the Commission members. Ray Lemay commented the area is not really a wetland, all gravel. Chairman Fulton explained it was mapped as a wetland; it cannot be filled in, even though it may not be highly functional. He suggested the Town request restoration. Ray Lemay reasoned the area has already been destroyed/disturbed. If the area was dug out, it could be restored with wetland plants. Adding some small shrubs would make a clean look, improving the current situation. Chairman Fulton affirms prior to development properties are mapped for a purpose, it is required. Stick to the planned purpose, no more, even low value marginal pocket wetland can be jurisdictional. Address with proper permits honoring professional mapping. As the discussion continued, the Chair asked the Commission for stronger supporting roles in navigating these complaints.
3. MTL invoices, Chairman Fulton to approve, sign, and submit two invoices to be paid from the Town Forest Account. MTL 8-30-21FF \$2718.75 Tobey Hill forestry harvest and MTL 6-30-21FF \$112.50.
4. Resident request from the Bay State for a high-resolution picture of Ferrin Pond. A couple having spent time in Weare has named their child Ferrin. Chairman Fulton shared open spaces have "documentable significance."
5. Acquisitions,
 - Poor Farm County Lot, Town Administrator Bolton gave the status update. Mildred Hall Committee Chairman Betty Straw presented to the BOS, a public hearing scheduled for September 20, 2021 for the \$40,000.00 expenditure from the Charles and Ethel Eastman Fund towards the purchase.
 - Barden Land, Town Administrator Bolton gave the status update. Signature received, checks requested, to be cut 9-9-2021. She suggested in lieu of the appraiser expense, with the Town's market value at 100% why not use the Avitar assessment value as a gage. If the value comes in over the asking price then you

can save the cost of an appraiser. Chairman Fulton requested Town Administrator Bolton and Assessing Assistant Wendy Rice gather more information about the property.

VI. NEXT MEETING

October 13, 2021 @ 7 PM.

Being there was no further business to come before the Board, Ray Lemay made a motion, Marc Phillips seconded to adjourn at 8:13 PM. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from
TA Bolton notes & You Tube recording