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*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 – November 3, 2021 Final MINUTES

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

GUESTS: Town Administrator Naomi Bolton, Weare Police Officer Andrew Vollaro, Tom Clow, Lori Davis, Alan Rockenbach, Dani-Jean Stuart, George Knapp, Eldon Townes, Todd Nicol, Lisa Purington-Grolljahn, Peter Bailey

Chairman Fulton called the meeting to order at 7:08 pm., welcomed those present to the November 3, 2021 Weare Conservation Commission meeting. Confirming his quorum in attendance, Mike Camacho, Bill Bolton, Vice Chairman Steve Najjar, Sherry Burdick, Marc Phillips.

Chairman Fulton explained how the meeting will run and recused himself from the public hearing portion. He shares roughly 250 feet of boundary with the 85-acre parcel. The boundary line is 900 feet down into the woods away from his house. Chairman Fulton moved into the audience and Vice Chairman Najjar held the hearing.

### **I. PUBLIC HEARING**

Vice Chairman Najjar opened the hearing at 7:12 pm giving some background on the Commission explaining how this parcel fits into Weare's long-term open space plan. The Commission acquires and maintains public land based on conservation value. The land is purchased using Town Conservation and Town Forest funds. The Natural Resource Inventory Report for Weare, NH, produced by ecologists, contracted by the Commission, helps them plan for the acquisitions.

The goal is to conserve large un-fragmented blocks of land. While pointing to a color-coded Co-Occurrence Map, Steve explained the color assigned to an area of land is based on the concentration of natural resources that occur in the area. The land area with multiple habitats is depicted on the map as a darker color giving it a higher value. There is one greater than 3500-acre entirely un-fragmented block of land in Weare called Chipmunk Hills. It surrounds the Barden parcel and it is coded brown, the highest Co-Occurrence value score. The wetland habitat mixed with forest and the large forest block makes the Barden parcel the most important property to conserve.

Demonstrating how much time and effort the Commission puts into their conservation planning, Steve pointed to another map he had attached to the wall, a Granite Concentration Layer Map from 2004 referencing unprotected parcels in town bigger than 50 acres. Exercising just how long the Commission has been working to secure these types of interests. A lot of rationale was focused on purchasing this property and the bigger the better. The Barden parcel is 85-acres.

Steve's background is in Forestry, professionally engaged in Natural Resource Management. He has walked the Barden property, spoken to the owner; the parcel has not been cut for more than 50 years. Professionally speaking, this parcel with mature timber and an esker is highly valued. The property has 2000 feet of State highway Route 114 road frontage. Zoned RA, 5 acres, max build out of 15 lots, it has significant value. Currently, there is a cabin

with electricity, a garage and out building that would be demolished. Conservation wise this is an all-around important parcel.

Addressing the controversy, Steve stated the P & S had a contingency for valuation at 90% of the \$300,000.00. An appraisal could not be done within the 30 days because of Covid, appraisers are very busy. That is why the Commission went before the Board of Selectmen to waive the requirement. The property is well worth the money. Avitar card as a gauge, the evaluation is fair, to close in 60 days. Anyone looking to derail this project is motivated by doing a development.

Vice Chairman Najjar opened the floor up to the public at 7:21 pm per RSA 36-A:5 asking speakers to state their name with concise comments. The budget is \$250,000.00 from Town Conservation and \$50,000.00 from the Town Forest account, to be clear. An additional \$20,000.00 from Town Conservation for expenses.

1.) Eldon Townes, 111 Huntington Hill Road, stated he is not in favor of these funds used to purchase the Barden property at 487 North Stark Highway. Quoting Chairman Fulton, Eldon stated Conservation Funds cannot be used to purchase a gravel lot, RSA 36-A:2. The Selectmen's contingency, signed by Chairman Fulton, is a legal violation of using this money for a gravel bank. If the land was bought and put in conservation, the State may not give the Town a required Alteration of Terrain Permit. He wants an explanation. The Commission did not present any comparable property values. The demolition of the buildings on site will reduce the value to \$230,000.00, \$70,000.00 above assessed value. Closing and demo makes for an upside down purchase, even with \$70,000.00 in timber. No money for a trail system. Previous trail subcommittee dissolved. Instead, use this allocated money to prove the Commission can put together a trail system. He does not approve of the purchase or use of the funds.

Vice Chairman Najjar asked Eldon permission to pose a question. Eldon responded, "As far as what Najjar." Vice Chairman Najjar said he could call him Steve.

Vice Chairman Najjar asked if his interest was to purchase the land. Eldon responded he is a concerned taxpayer. Stating, his money is his, followed by a statement of vulgar language. Vice Chairman Najjar responded he is not going to take that and told Eldon he is no longer recognized to continue speaking. Eldon continued.

Bill Bolton, trying to deescalate Eldon, reiterated as told by the Vice Chair, he is no longer recognized to speak and asked him to please sit down. To talk later when he calmed down. Eldon sat.

Vice Chairman Najjar addressed, for the record, Point #3 of the contingency, a statement of fact. It is the Town's resource, owned by the Town. As any Town property not under conservation easement, can, by vote of the Town, be used for a school, a gravel pit, a parking lot, etc. That is what the Commission signed, period. They would come back to the Town as they did with the Felch Farm Town Forest. The esker is to be conserve, decided on in the future. The money is not to buy gravel. To clarify recent comments, harvesting timber that would not rejuvenate for another 70 years, that is not how the Commission harvests. They harvest at an even age management regime. The Barden purchase is not just for timber, it was only mentioned for the value.

Mike Camacho echoed Vice Chairman Najjar. Point #3, as viewed by the Commission, was not signed for the purpose of harvesting gravel. Not allowed, and not the intention of the Commission.

2.) Dani Jean-Stuart, 50 B Center Road, stated she highly supports the Barden property purchase. The Weare Master Plan, composed by Weare residents, directly applies to this parcel in two ways. Paraphrased as, a town described as a natural, country beauty, rural, with a small town character. Secondly, a town that values open space, clean water, and seeks to protect its resources with managed growth and land use planning. Purchasing the Barden property pertains exactly to what Weare residents consider most important. As for a trail system, she noted, while living in the town of Londonderry, they had an active 501C Nonprofit that acquired more than a million dollars

in grant money for a trail system. Doing so is not the responsibility of the Commission, but rather on the townspeople to get it done.

3.) Tom Clow, 125 Concord Stage Road, recapitulated the Weare Master Plan page 16 for the need to conserve land to maintain a country atmosphere. He continued reprising his letter below:

To: Weare Board of Selectmen  
From: Thomas S. Clow  
Date: 10/29/2021  
Re: Conservation Proposal on North Stark Highway

At the October 21 meeting of the Weare Board of Selectmen I spoke in support of the Conservation Commission's proposal to purchase 85 acres of land on North Stark Highway for conservation land/town forest. One of my arguments in favor of the proposal dealt with the long range costs to taxpayers if the land is developed. It was suggested by the Commission that the acreage could easily accommodate 15 building lots.

I focused on educational expenses; however, there would be other long-term costs to the town as well. The figures I used on October 21, were ballpark figures. I have since done some research and found that the true costs would be much higher. The following per pupil costs refer to the school year 2019-2020 and are from the New Hampshire Department of Education website. The calculations, according to the website, do not include transportation costs or tuition paid to other districts.

The per pupil costs, rounded off to the nearest dollar, for Weare students are as follows:

Elementary	\$12,799
Middle School	\$16,736
JSRHS	\$19,192

**Average all levels     \$16,242**

Assuming 15 new homes with just one child per home: **15x16,242 = \$243,630 per year**

As I said above, this assumes only one child per home and does not include other expenses to the town. The first thing that comes to my mind is another new road. Our plowing routes are already long. How many more new developments before we need an additional route - an additional truck and an additional driver? My contention is that the town can't afford not to purchase this land for conservation.

I would also like to draw your attention to two of the vision statements in the Weare Master Plan-page 16:

**Weare residents desire:**

***A rural but vibrant community with open space, natural beauty, country atmosphere, and small-town character,***

***A town that values its environment, open space, clean water and natural beauty, and seeks to protect these resources through managed growth and land use planning,***

Thank you.

4.) Lori Davis, 118 Buxton School Road, previously a Commission member, stated she has never seen a Board work harder in managing forestry money to do what is best for this town. Mr. Townes is a developer. It is a 60 to 120 day waiting period to get an appraisal she learned by calling the State. We are attracted to people because of the rural setting. Goffstown did not plan well and failed, they used to have that. Residents have to move out of town when developers come in and blow up taxes. We are residents who want to protect our life style and conserve land for wildlife. She thanked the Commission and the Board of Selectmen in moving forward with this project.

5.) Todd Nicol, 25 Burnt Hill Road, stated he is not interested in development or to turn anything down. As a taxpayer, he is concerned with the process. Isn't it like borrowing money from a bank? How can the Commission spend \$300,000.00 to purchase land without a town vote?

Vice Chairman Najjar responded Article 23 from the 2021 Town meeting; voters authorized \$140,000.00 to buy additional Town Forest land of which \$50,000.00 will come. The Town Conservation account will provide the remaining \$250,000.00 towards the purchase price. The Conservation Commission is the agent to expend money from the Conservation Account, derived from 75% of Current Use fees.

The conversation continued, Vice Chairman Najjar and Bill Bolton restated the process, money not raised by taxation.

Todd asked what happens with the survey dispute. Vice Chairman Najjar explained the boundary dispute is on Poor Farm Forest a separate Town purchase. He explained there are no boundary disputes with the Barden property survey. Todd relayed a story of how his parents lost a lot of money when they purchased a property with a solid title and questionable survey. His parent's experience raised his concern for the town's purchase without a precise survey. Vice Chairman Najjar reassured Todd the Commission has done their due diligence, covered legally.

6.) Eldon Towne returned to the podium and apologized for the language he used. Vice Chairman Najjar thanked him. Eldon established he is not a developer. He is an excavation contractor, providing septic service. He asked the Commission for a copy of the Barden survey. Vice Chairman Najjar provided Eldon a survey for his review. Eldon asked for confirmation the Title Company wanted a survey, not the Board of Selectmen. Vice Chairman Najjar answered yes, the Title Company was contracted to define if the title is marketable. Noted in the public record, the Title Company was not aware of the available survey at the time. Title insurance is not a requirement.

Eldon questioned the Commission working 10 years to covet the Barden parcel. Vice Chairman Najjar detailed the Commission's open space plans in general; the Barden parcel purchase is a recent expenditure.

Eldon stated Current Use penalty fee money is generated by taxes. Taking the Barden property out of the tax base puts pressure on town resident's tax base to cover the expense of running the town. The \$200,000.00 cost to put a child through the school system is not accurate. Buying up land is not a wise use of town money. Town conserved land is nice, but it is becoming too much. He continued, commenting on developing parameters with only three curb cuts allowed every 1500 feet on State highways, lot loading equations, surveys, septic plans, and subdivision approvals, etc. If the land were to be developed, there would not be 15 house lots. This land would not overload the town with people. Misrepresented to the Selectmen with scare tactics. He grew up with development; his father and grandfather were developers in town. He has moved away from doing house lots. For his last development in town, he is doing a foundation on Grandview Drive. He is frustrated the town is not using the same system a bank would.

Bill Bolton, in referencing Eldon's dismay with the Commission not producing comparables, mentioned the recent purchase on Perkins Pond Road, 37 acres with significantly less road frontage on a town road sold for \$400,000.00, appraised at \$290,000.00. His point is, the Barden property accessed for \$230,000.00 and is for sale for \$300,000.00 and it is twice as much land on a State road. This property is already connected into 5 other parcels owned by the town. It is a tremendous value to the town.

7.) Peter Bailey, Maplewold Road, asked how many acres are in conservation. Vice Chairman Najjar explained it is documented in the Town Report. He estimates it to be 2000 acres of Town Forest, other in conservation. The Town's goal is to be at 25%, not there. Peter asked what is the goal in buying this property, he entered the meeting

late. Vice Chairman Najjar stated, pointing to the Co-Occurrence Map, the Commission is tasked to do a Natural Resource Inventory. He again reiterated the wildlife habitats value of the property.

Peter stated on average a townsperson spends \$72,000.00/year at local businesses. If the Barden property amounts to 15 new houses, that would be 15 x \$70,000.00 worth of lost revenue into the town's economy.

Selectman Burdick replied 15 houses could equate to larger educational cost to the town.

Vice Chairman Najjar stated forests generate money, conservation has a stabilizing affect. Usually conservation sellers give the Commission a year to get funding grants. This parcel owner gave the Commission 60 days. It has been the craziest project ever.

8.) Dani Jean-Stuart returned to the podium and stated under the Barden parcel is an aquifer. After two years of drought, this year with all the rain the wetlands are looking healthy. Developing this land could impact the aquifer and abutter's wells.

Vice Chairman Najjar interjected there is a well in Weare that is going dry. He never imagined this could happen in Weare.

9.) Alan Rockenbach, 118 Buxton School Road, stated he very strongly supports the Barden property purchase. Worrying about not having an appraisal is nonsense, 80 acres at \$3500/acre in town is an extremely good price. The benefits far outweigh any consequences, it's a deal.

10.) Lisa Purington-Grolljahn, 232 Quaker Street, stated she would be grateful if there would not be any more house lots. Already have trouble supporting kids in school. She spends money in town, but certainly not \$70,000/year worth. Not sure where those numbers come from. She appreciates the Commission's work and hopes this sale goes through.

Town Administrator Naomi Bolton read emails and letters, provided below:

#1:

35 Abijah Bridge Road  
Weare, NH 03281  
October 28, 2021

Weare Board of Selectmen  
15 Flanders Memorial Road  
Weare, NH 03281  
Re: Barden Property

Dear Selectmen:

The Conservation Commission has wisely proposed approval of the purchase of land on North Stark Highway extending up Craney Hill in the direction of a parcel already owned by the town. I write in support of that purchase, provided there are no currently recognized environmental conditions on the property or on properties directly adjacent to the parcel that might incur significant cleanup expense. The timely investigation of any other legal requirements, such as clear title, should be of highest priority so that the purchase deadline can be met.

I support this purchase because:

- For the parcel and the quality of the land, this is a good price, and land never gets cheaper
- The town already owns a parcel on Craney Hill, to which this parcel would enhance access
- Developers are targeting Weare as the pandemic pushes city dwellers northward to the country
- Preservation of rural character and open space are part of the Master Plan
- During the lockdown, people discovered the value of outdoor recreation on public lands



- The rich varieties of wildlife on Craney Hill offer opportunities for hunting, bird watching and biology field studies
- The Wigsten easement, the Ciampi easement and the Eastman Forest together with this land offer an excellent corridor for wildlife, many of whom need this much territory for their normal range. If we continue habitat destruction, we will find the displaced bear, deer, foxes, coyotes, fishers and other animals moving into settled neighborhoods. Humans aren't the only life on earth!
- Climate change mitigation strategies all indicate that forested areas reduce or stabilize carbon load in the atmosphere, absorb runoff to prevent floods, and moderate extreme summer temperatures
- The forested parts of this parcel will contribute to the timber fund in the future

Long time residents on Craney Hill remember Margaret Wood, a daughter of Ernest Paige, the original owner of this and other property. Marg was friendly with the resident in the dome house on the North Stark side of this property, and I am sure Mr. Barden would be willing to entertain consideration of a *life estate* clause should an easement be written for the parcel in future. This would give Ken Bednars the opportunity to remain in the dwelling on the property but no one else would be allowed to live there, should he leave. Given his love for the land, he might assist in oversight of the property.

It is my hope that this land will become part of the catalog of open spaces preserved for future generations.

Best regards,

*Christie Hague*

#2:

Dear Select Board Member,

**I am writing to urge you to protect the 85 acres on Route 114 in Weare known as the Barden property.**

This land has great conservation values and would help provide habitat for many species. As you know, our town is being rapidly developed and loss of habitat is of great concern. So many species are in decline in NH including many species of songbirds but also fox, beaver, otter, mink, fisher and more.

Future generations will thank us for our foresight in protecting this land. Please take advantage of this situation and allow the conservation commission to purchase the land. We do not want to see it developed as will surely happen if you let this opportunity slip through our hands.

**The voters of Weare support land conservation and have voted to spend money — so let's do it.**

Thank you for your consideration,

Rosemary & Chris Conroy

170 Poor farm Road

Weare NH 03281

#3:

I write to urge the board to approve the purchase by the Conservation Commission of Nelson Barden's land on Rt 114 in N. Weare. The town already owns considerable conservation land/protected land abutting the property. It's crucial wildlife habitat transected by Dustin Brook with two ponds and extensive wetlands. It also has several big eskers that, if mined, would create an ugly scar across from the high school. The purchase price, at \$300,000 for 88 acres with 2,000 feet of frontage on 114, is a bargain, one that would protect against further strip development. Though no longer Weare voters, my wife and I own property in North Weare.

Thank you for your consideration,

Ralph Jimenez

#4

I have been on this property ironically several years ago with Eldon Townes who was looking into it for gravel excavaion. There are Gravel Eskers on the property but access is questionable with wetlands as I recall. What I do remember clearly is that this property fits the concept of what we look for in diversity of habitat, topography, forest wetlands and uplands when pursuing conservation properties. As a tax payer and NH Certified Wetland

Scientist who works directly with the NH DES Wetlands Bureau on mitigation proposals to preserve valuable land, I fully support the effort to protect this property from commercial and residential development. Please read this into the record for me.

Sincerely,  
Tom

Vice Chairman Najjar asked for more comments. Being none, he closed the public hearing at 8:32 pm.

**Bill Bolton moved, Marc Phillips seconded to expend \$250,000.00 from Conservation, \$50,000.00 from Town Forest and up to \$20,000.00 for project cost from Conservation.** Discussion: hearing none, a roll call vote was taken. **Mike Camacho - yes; Bill Bolton - Yes; Sherry Burdick - yes; Marc Phillips - yes; Vice Chairman Najjar - yes. Passed 5-0-0**

Chairman Fulton returned as Chair to run the meeting at 8:35 pm.

**Vice Chairman Najjar moved, Marc Phillip seconded to unseal the May 12th Nonpublic minutes.** Discussion: Chairman Fulton would entertain a motion to include the June 9th meeting. **Vice Chairman Najjar amended his motion to unseal the Nonpublic minutes from May 12th and June 9th. Marc Phillips seconded.** Discussion: being none. **Passed 5-0-0.**

## **II. MINUTES:**

October 13, 2021 Minutes: tabled

October 27, 2021 Minutes: tabled

## **III. PLANNING/ZONING BOARD:**

A.) The Poznanski Family Revocable Trust - 2 lot subdivision, Twin Bridge Road & Old Town Road, Tax Map 110-062; Zoned Residential. Application is to create one new lot containing 2.24 acres on the corner of Old Town Road. The current lot has over 5 acres and an existing home. Dan Higginson Land Services

Commission comments:

1. Legend should include a unique symbol for wetland buffer line to be shown clearly on the map/plan and 50' setback line needs fixing on shared corner of two lots.
2. We have wetland certification, but need stamp of wetland scientist.
3. Please double check the "N" arrow, something not right or maybe it is. Been a long night.

## **IV. NHDES MAIL RECEIVED:**

- 1.) Linnea Hargraves, Winter Road - Letter of Closure, Land Resource Management
- 2.) Kyle Pompey, Forest Road - Outstanding Item, Request for Enforcement File
- 3.) Dylan Boisvert, Oak Hill Road - Administratively Complete Expedited Minimum Impact Wetlands

Commission Comments: none

## **V. OTHER BUSINESS:**

1. **Vice Chairman Najjar moved, Mike Camacho seconded to authorize Town Administrator Naomi Bolton to sign on behalf of the Town of Weare to allow Glen Dubois to trap the Wood Family Forest consistent with the previous conditions that he gives us an annual harvest report.** Discussion: Chairman Fulton stated Mr. Dubois has been very responsible, he will show anyone interested in learning how to trap. **Passed 5-0-0**
2. Vice Chairman Najjar - invoice for \$487.50 for Tobey Hill out of the Town Forest Account for Meadowsend managing the harvest. A proven cut with no revenue.
3. Chairman Fulton - invoice for mowing on Eastman property.

4. Vice Chairman Najjar - need input with regard to written Town Forest Management Plan for Eastman, please all reply.

Chairman Fulton thanked his Commission for their part in tonight's meeting. He especially thanked Bill Bolton for his cordial contributions.

Bill Bolton responded when he first joined the Commission he was very disappointed and at the time, he had the same feelings like Eldon Townes. Since then Bill stated, he has done a complete flip. In particular, he appreciates Vice Chairman Najjar's expertise and has learned a lot. Looking to the future, the Commission needs to work harder being inclusive for the people who want to use the land.

Mike Camacho agreed and stated PARC meet the second Tuesday of every month. A good contact.

Sherry Burdick suggested to invite them to a meeting.

## **VI. NEXT MEETING**

December 8, 2021 @ 7 PM.

**Being there was no further business to come before the Board, Bill Bolton made a motion, Sherry Burdick seconded to adjourn at 9:03 PM. Passed 6-0-0**

## **ADJOURNMENT**

A True Record.

*Karen Nelson*

Karen Nelson transcribed from

TA Bolton notes & You Tube recording