



Town of Weare
Conservation Commission

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Commission Members:

Andy Fulton, Chairman
Steve Najjar, Vice Chairman
Sherry Burdick
Lori Davis
Bill Bolton
Mike Camacho
Ray Lemay
Lisa Purington-Grolljahn, Alt.

CONSERVATION COMMISSION – February 10, 2021 FINAL MINUTES

Meeting called to order at 7:07 PM by Chairman Andy Fulton

Members present via ZOOM: Andy Fulton, Chairman; Steve Najjar, Vice Chairman; Mike Camacho; Bill Bolton; Lori Davis; Sherry Burdick; and Ray Lemay

Absent: none

Guests: Town Administrator Naomi Bolton; Melissa Sheldon; Natalie LaBonte; Jeremy Turner

I. DISCUSSIONS:

A. COLLINS LANDING OPEN SPACE DISCUSSION: Natalie LaBonte and Melissa Sheldon were present on behalf of the Collins Landing Landowners Association. The Russell Drive Landowners Association put up a structure for sand and a truck. Two years ago a survey was done and discovered that is part of the Collins Landing property. They have been talking with the Russell Drive Association president, who is a lawyer. She has drafted a lease agreement and are here tonight looking for guidance from the Conservation Commission, trying to be good neighbors. Chairman Fulton asked if the Attorney raised any questions or offer any opinion as whether it is allowed or not? In general the terms of the easement are set and not easy to change. The easement is held by the Town and backed by the Southern NH Planning Commission (SNHPC). Chairman Fulton wondered if there was any way to forward the lease agreement to the Town and the Conservation Commission would get a legal opinion. Mike Camacho stated that he has the easement and reading from the beginning it doesn't appear to be allowed. Bill Bolton further added that under section 1C it states "No structure or improvement such as a dwelling, road, dam, fence, bridge, airplane landing strip, culvert, or shed shall be constructed, placed or....." Chairman Fulton stated that it sounds like it wouldn't work per the wording. Jeremy Turner noted that on Peter Melon's survey the easement is clearly shown and it is a violation of the easement. Ms. Sheldon stated that currently the road is going through the easement. The residents on Russell Drive have a right of way to use the road. She wondered if there is any area near the road that would or could be permissible for this structure. Mike Camacho mentioned the standard care and right to maintain the road is currently being done, but the right to expand an area may not be allowed. After a little further discussion it appears that the cinder blocks and structure will need to be removed and put onto land of the Russell Drive Association, because currently it is illegal and needs to be removed. Ms. LaBonte will reach out to Catherine Bauman who is the president of the Collins Landing Condo Association and let her know. Chairman Fulton stated that this is a cooperative not adversarial matter and we can work together on it. It is nothing punitive going on. Jeremy Turner stated that he would send along the 2019 survey that shows the location of the structure. Collins Landing Condo Association should issue a letter to the Russell Drive Landowners Association to see if they can get this resolved between the organizations. The Conservation Commission would appreciate being kept in the loop on this matter.

B. TOWN FORESTER UPDATE: Town Forester Jeremy Turner from Meadowsend was present to give the Commission an update. He provided an update but only to the Chairman and Vice Chairman. Vice Chairman Najjar stated that he will forward the information to all members.

- *Banks Property – East Road:* Mr. Turner stated that he will have to wait until the snow melts to locate all the corner markers as the majority of them are located underground.
- *Reconditioning of All Town Forest Boundaries:* There is 35 miles of Town Forest land to be done. They have done 5 miles (signed and painted). They will continue to sign, but due to the cold they will hold off on the painting. Currently they are 30% complete, so they are right on task.

C. **BOUNDARY DISPUTE ON POOR FARM ROAD:** Mr. Turner reviewed this request and feels that it is beyond his capacity. The claims don't look accurate. He was sent plats that were recorded in 1971. That survey work does not correspond with Bob Todd's work in 1979. Meridian Land Services have all of Bob Todd's files. He is working on it but it may need to go further but he will keep the commission posted. Vice Chairman Najjar suggested creating a scope of services to get 3 quotes for someone to do this. He would like to see Mr. Turner develop a scope of work under the hourly agreement and work with Town Administrator Bolton to post and get three quotes. Vice Chairman Najjar will reach out to Mr. Caggiano to go over Town Counsel's email and to let him know where we are.

D. **PROPOSED WORK:**

Mr. Turner will continue on the invasive control at Ferrin, Eastman, Wood and Felch forests. All to be covered under the Forestry Service Agreement (FSA), which he would like the Commission to review and approve at their next meeting.

Mr. Turner also prepared the hourly Forestry Service Agreement (FSA) that covers the things that crop up during the course of the year. Vice Chairman Najjar moved, Ms. Burdick seconded to sign the hourly FSA agreement dated 2/10/21. Passed 7-0-0

E. **HARDWICK PROPERTY PURCHASE:** Town Administrator Bolton explained that there was some catch with the title but that is being worked on through legal counsel and the title company. The plan seems to still be on track to close before March 1st as indicated in the P&S.

F. **TIMBER SALES:** Forester Jeremy Turner indicated that Toby Hill and Ferrin Pond timber sales were pushed back from 2018. There is some scheduled work for both, mostly housekeeping activities for the upcoming calendar year. There is currently no signed FSA for this.

G. **FORESTRY PLANS:** Bartlett, Chevy and Poor Farm Forest are all good for this year. There will be some need for updating soon.

H. **FERRIN POND:** Forester Jeremy Turner stated that they need to repair some barricades that were moved for other activities for access control management. Sherry Burdick stated that just recently the Board of Selectmen did a site walk on Jewett and there was a large stone culvert damaged when logs were hauled out and now the water runs over the road and needs to be replaced. Vice Chairman Najjar stated that all stone culverts are now on the national registry and can't be touched. The only thing that they can do is put a new culvert in near the stone one.

I. **WEB BASED GIS:** There was some discussion to get web based GIS instead of maps and data. The idea would be so that the Commission could look at GIS ArcView totally separate from the tax maps and to have all GIS be accessible for all to see all the GIS information.

J. **POLINATOR HABITAT SITE REVIEW:** The Felch Farm is in need of burning or mowing for the goodness of the habitat. The Commission needs to look at and talk about the need to further maintain by burning the property to continue invasive treatments. The Commission will have to evaluate within a year and see what they would like to do.

K. **FSA AGREEMENT:** Bill Bolton moved to authorize the chairman or vice chairman to sign the FSA previously approved earlier tonight; Lori Davis seconded the motion. Passed 7-0-0

L. MINUTES:

January 13, 2021 Minutes: Lori Davis moved, Sherry Burdick seconded to approve the January 13, 2021 minutes as written. Passed 7-0-0

- M. Planning Board Plans:** *SafelyStor, LLC – Site Plan Review – 424 South Stark Highway – Tax Map 109, Lot 8 – applicant is to construct one storage unit 115 x 40) and to reduce the outside storage area. Scheduled for Planning Board meeting on February 25th:* The Commission reviewed the plan and would like to see a note as to who delineated the wetlands and the date. Chairman Fulton will send an email to Planning Board Chairman and Land Use Coordinator.

158 Deering Weare, LLC (Paintball) – Site Plan Review – Deering Center Road, Tax Map 411-21 – purpose of plan is to expand the existing parking with additional site improvements, including but not limited to a storm water management system, paved driveway aprons and catering trailer. (Scheduled for Planning Board meeting on January 28th): Chairman Fulton forwarded the comments to the Planning Board but not in time for the January 28th meeting. Approval was granted by the Planning Board at the meeting on January 28th.

N. OTHER:

Cortland Estates: The Commission pointed out that this development hasn't been monumented and it is almost complete. The pine trees on the north side are dead due to the amount of standing water. Hydrology has been changed and it could end up being a hazard and once the Town is the owner of the development we could be left holding the bag. It will be looked at again when the weather gets better.

Duck Pond Development: The Town took conveyance by fee ownership of the open space and it is probably non-monumented. The Commission looked at the approved subdivision plan. There are a couple of issues. If you look at road D there is some shading on the plan which is part of the open space that is going to be hard to enforce on 13 different properties. The lots will be privately owned with an open space easement that the Town owns. How does the commission tackle something like that? Vice Chairman Najjar stated that this project has been a mess from the start. Mr. Lemay indicated that it isn't much different than the Fessenden Lane one next to him. Ms. Burdick stated that it should be taken back to the Board to see what the plan is for enforcement.

O. Mail:

- **NHTOA Membership:** Vice Chairman Najjar moved, Lori Davis seconded to use Conservation Fund to renew the \$30 TOA membership. Passed 6-0-0
- **Meadowsend Bill:** Vice Chairman Najjar moved, Lori Davis seconded to pay the \$675.00 bill dated 1-12-21 out of the Conservation Fund and to have either Chairman Fulton or Vice Chairman Najjar sign the bill. Passed 6-0-0

II. NEXT MEETING:

The next Commission meeting will be held on March 10, 2021 @ 7 PM.

III. ADJOURNMENT

Sherry Burdick moved, Lori Davis seconded to adjourn at 10:00 PM. All members voted in favor 6-0-0

Respectfully submitted,

Naomi L. Bolton

Naomi L. Bolton,
Town Administrator