



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
Lori Davis

CONSERVATION COMMISSION – April 14, 2021 Final MINUTES

MEMBERS PRESENT VIA ZOOM: Andy Fulton, Steve Najjar, Mike Camacho, Bill Bolton, Lori Davis, Sherry Burdick, Ray Lemay

Absent: none

GUESTS: Brittany Weeks, Jeremy Turner, Marc Phillips

Town Administrator Zoom Host: Naomi Bolton

Chairman Fulton called the meeting to order at 7:06 pm., welcomed those via zoom to the April 14, 2021 Weare Conservation Commission meeting. Confirming his members in attendance, all present, along with three guests.

I. DISCUSSION

A. Town Forester Update

Jeremy Turner, Meadowsend Timberlands, Ltd., Town Forester, reported on:

1. Second phase of a three-year project for the entire town forest 30-mile boundary maintenance. With the dry conditions, starting to paint the town forest as they were originally blazed/painted ten years ago. Signage and recon were updated a few years ago. The Commission has that FSA to act upon, still outstanding.

2. Completed all of the boundary recon/maintenance of the conservation Banks Lot property a year ago. There are still some problem spots, solving internally, reconning and finding monumentation. Investigating with a metal detector, they found the whole northern boundary section, previously unable to locate. Sub position iron rods in the field area were found for control. On the southern end, the abutting landowner, Chris Bolton, directed Jeremy to usable access roads. He found some challenging boundary ambiguity. Looking to handle internally at a cheaper rate. Hopefully, identify and secure before the request for proposed boundary work.

3. Poor Farm Forest was discussed in January. Given the green light to request for proposal. Town Administrator Bolton was given the RFP notice to receive proposals for completing the boundary dispute, due April 30th. So far, four local land surveyors have responded.

4. Action items on the Commission's end. FSA agreement priority tasks, once approved, green light for completion begins identified as:

- a.) Ferrin Pond Trail – rehab initiative, high use area needs freshening up, some under used sections need to be restored. Talked to PLC for a joint partnership.
- b.) Invasive Control Program – took a break last year, now up & running, standard program for hot spots, town forest has a light level of infestation, manageable/cost effective.
- c.) Mapping – direct questions to Vice Chairman Najjar who is working with Laura French building up our record data for town forest and conservation lands. A portal digital end investment highly informational

and up to date for taxpayer viewing.

- d.) Timber Sales – Tobey Hill, viable, ready to move forward with forest product marketing
Ferrin Pond, southerly end, low-grade biomass, softwood pulp collapse, not viable at this time, table for now

Both are on one forestry agreement, if approved/signed, to revisit end of summer. Vice Chairman Najjar asked should the FSA be revised or green light both using Jeremy's discretion to start if the market changes. Jeremy replied keep it simple, move forward.

Mike Camacho requested Jeremy to speak in terms of timber for the current forestry market.

Jeremy explained there are two products: low-grade commodity, paper and energy from electronics, biomass. Policy for energy support expunged by our Governor has destroyed the market; facilities are idle, representing 40% of the harvest. Electron producing energy is gone. There are some small sections of production for thermal winter outlets for boiler systems using wood chips in schools and government.

Covid squelched the demand for paper in schools and businesses. Cardboard had an upsurge, but it is a smaller specific manufacturing that is low-grade. Jay, Maine processed 80% of all low-grade pine in the northeast. Their 300 million dollar facility had a major explosion, it is gone.

Firewood market is very strong. People are home having fires in their backyards. Solid wood products are in high demand. Saw logs demand is driven by a weak supply. In harvesting a stand of trees, a tree has a saw log, higher value, of roughly 30%. The upper portion, limbs, smaller diameter, crooked forks are low-grade, lower value, representing the remaining roughly 70%. A diminished demand for low-grade products weakens the supply of saw log. Covid has also interfered with manufacturing, hard to staff first shifts when typically this kind of demand would have supported a second or third shift.

Chairman Fulton asked if our current harvests would end up leaving more biomass in the woods.

Jeremy responded this challenge provides the opportunity for purposeful retentions, not just cut and left. Creating structure, habitat enhancements and providing carbon sequestration, CO₂ removal. Ecologically successful, but it cost a little more.

Chairman Fulton stated these types of highly professional outfits need to be highlighted. Personnel that can adapt to changing business climates.

Chairman Fulton asked what is the plan for Eastman Field maintenance for this year. Jeremy responded they need to evaluate for burn or brontosaurus mowing. Chairman Fulton requests a proposal for next time.

Vice Chairman Najjar stated it is too dry to be messing with a burn. Town Administrator Bolton to check and see if Vice Chairman Najjar would be covered as a burn boss for liability as a Conservation Commission member. Burning has to be done in early spring; we are in a dry pattern. No private vendors in NH. Perhaps the fire department could be involved.

Town Administrator Bolton to inquire with insurance for next year.

B. Mapping FSA Agreement

Vice Chairman Najjar addressed the Mapping FSA agreement, roughly \$2000.00, has two components: ARC-GIS and data development. This software makes sure boundaries are correct, parcels identified, along with accurate natural resource information such as:

- invasive species locations
- timber harvest locations
- forest compartments
- forest harvest areas
- prescribed burns

ARC-GIS produces maps and a database that stores characteristics tied to real world coordinates. ARC-GIS can also be accessed on our Assessor's page under ON-LINE ASSESSORS DATABASE.

Vice Chairman Najjar highly recommends this FSA to be approved. He apologized this agreement was sent out to the Board during tonight's meeting.

C. Town Forester Contract Agreement

Vice Chairman Najjar commented there is one problem. The contract states the forester will come to one to two meetings a year. It should read quarterly instead.

Jeremy Turner stated he has only briefly looked it over, a few details need editing. He hopes to have it reviewed by the next CC meeting.

Vice Chairman Najjar asked the Board if they would consider making a motion for the FSA agreements.

Chairman Fulton answered yes, the first one is the Mapping agreement Vice Chairman Najjar sent out tonight. Jeremy Turner emailed the other four on March 19, 2021.

Vice Chairman Najjar moved, Lori Davis seconded Chairman Fulton sign the following agreements with Meadowsend Timberlands out of the Town Forest Account, authorized by this year's warrant article:

Invasive species treatment	\$5,000.00
Trail work at Ferrin Pond	\$1,200.00
Mapping	\$2,000.00
Boundary maintenance	\$6,000.00
Tobey Hill/Ferrin Pond timber harvest	revenue generator @ Jeremy Turner's discretion
Total:	<u>\$14,200.00 PLUS materials @ \$2,000.00</u>
Grand Total:	\$16,200.00

Passed 6-0-1 Bill Bolton abstained

D. Open Invoices Due

Vice Chairman Najjar has open invoices due, Chairman Fulton needs to sign and forward to Finance Administrator Beth Rouse:

1. Banks, out of Conservation, invoice sent by Laura French on April 8, 2021
2. Hourly, out of the Town Forest Account, sent by Laura French on April 7, 2021

Town Administrator Bolton explained Finance Administrator Rouse has open invoices dating back to February. Invoices to be forwarded to Chairman Fulton and Vice Chairman Najjar on Friday, April 30th.

E. FSA Hardwick Lot

Vice Chairman Najjar questioned Jeremy Turner about an FSA for the Hardwick Lot, recon and a plan. Jeremy asked if the town owns the property. Vice Chairman Najjar replied yes, do you want boundary blazing, plan development in one FSA or separate. Jeremy responded one; this would straight line it for everyone.

F. Permit Application

Brittany Weeks, Landscape Designer, is working on a project on 104 Pondview Road, Mount William Pond. Property owners are Robyn Parets and Joel Lehrer who purchased the property in September 2020. They are interested in a safer access to Mount William Pond. In addition, they want a 168 sq. ft. area near their dock, small built up perched beach, leveled terrace. Shoreline impactation to be roughly 28 ft., natural boulders, plantings and steps leading to the dock. Not proposing to move the dock, adding six cu. yds. of sand.

Vice Chairman Najjar and the Board are not in receipt of the documents for this proceeding. Brittany Weeks will resend to the Board and Town Administrator Bolton.

Vice Chairman Najjar stated the application is not complete. In full disclosure, he lives on the road and has a right of way to enter the pond. Mike Camacho stated he also lives on the road.

Chairman Fulton asked how would the sand on the raised beach be kept from washing into the water. Brittany Weeks replied by creating a retaining wall using boulders and filter fabric. A course stone base with sand above for percolation. Silt fence during construction. She will be seeking a shoreline permit as well, along with an additional patio area near the house.

Vice Chairman Najjar asked if Brittany Weeks had checked out the Wetlands Buffer Ordinance for Weare. There is no disturbance within 25 ft of a wetland. You have to maintain 50% of the basal area, forested butter.

Chairman Fulton adding there is a limitation on the land disturbance within the 25 ft buffer.

Brittany Weeks asked for clarification as to how it applies to her application.

Chairman Fulton explained the raised beach would be within the 25 ft of the water. A variance is required for the town's Wetland Buffer Ordinance.

Ray Lemay asked if work would be done in the yellow heightened area on the proposed plan. How would a silt fence be installed along the water's edge, rough terrain.

Brittany Weeks responded that is not a work area, it delineates the wetlands vs. shorelands. The silt fence will have to go in front of the dock hugging the shoreline. Hay bales will replace the removed boulders.

Ray Lemay stated he puts silt fences in everyday in his line of work. The proposed area is not suitable for a silt fence. All the shrubs and bushes would have to be removed. Trenching along a shoreline is not advisable. Roots are at the surface, an alternate method is needed. Leaving a 1-foot flat, not trenched in, facing up hill in the direction of flow using hay bales or heavy silt sock. This method will not leave lasting evidence, no disturbance.

Chairman Fulton asked Brittany Weeks if her plan involved moving ledge.

Brittany Weeks responded they are bringing in a small machine, but the goal is to leave as much intact and naturally organic as possible working with existing vegetation.

Bill Bolton leaves the meeting at 8:22 pm. via chat message to all.

Chairman Fulton suggested Brittany Weeks return with an updated plan for the May 12th CC meeting. Brittany Weeks replied that sounds good.

Vice Chairman Najjar stated there is no wetland scientist stamp on the plans. It may be required. Brittany Weeks stated one was not done, not wetland crossing.

Vice Chairman Najjar stated the Zoning Ordinance for a wetland buffer is Article 28, page 41 for a variance.

Town Administrator Bolton explained the application deadline for a ZBA meeting was today. The deadline is May 12th for the June 1st meeting.

Brittany Weeks stated she would no longer expedite the process, as she needs a ZBA variance.

G. Volunteer Application – Marc Phillips

Marc Phillips expressed his interest in becoming a member of the Conservation Commission. He explained he has been a business owner in town for 14 years, resident for 9 years. With his other association in town, he has contact with the CC and his interest is to protect our town areas from over development, preserving recreational land. He is looking to become involved, understand what is happening and offer his help.

Chairman Fulton stated his line of work guides the cleanup of petroleum contamination. It is with this association that Chairman Fulton met Marc Phillips as he took on a difficult property. When Marc Phillips took over his current property, it had liability challenges as a previous salvage yard. Chairman Fulton credits Marc for retaining good people to work on the project, closing down and cleaning up. The project entailed underground seepage into water. Marc Phillips has done a fantastic job ensuring the work was done the right way, rehabilitating the property.

Currently the Board has full member positions filled. An alternate position is available stated Chairman Fulton and recommends Marc. Marc Phillips stated he would be interested in becoming an alternate. The Board of Selectmen control the memberships.

Chairman Fulton added he would recommend Lori Davis for reappointment as a full member at the next BOS meeting.

Mike Camacho asked Marc Phillips if having listened to the meeting is he interested in joining. Marc Phillips responded he is interested in the projects that come before the CC and learning more about managing the town forests.

Vice Chairman Najjar stated he has no issue with Marc Phillips; it is great to see interest in joining the CC. However, Marc Phillips' volunteer form does not say full or alternate member. Chairman Fulton's signing the form has no impact.

Vice Chairman Najjar moved, Ray Lemay seconded to recommend Chairman Fulton sign Marc Phillips' volunteer form. Passed 6-0-0

Chairman Fulton asked Lori Davis if she is interested in being reappointed to the CC. She replied absolutely.

II. MINUTES:

February 10, 2021 Minutes: Lori Davis moved, Ray Lemay seconded to approve the February 10, 2021 minutes as written. Passed 5-0-1 Sherry Burdick abstained

March 10, 2021 Minutes: Lori Davis moved, Ray Lemay seconded to approve the March 10, 2021 minutes as written. Passed 5-0-1 Sherry Burdick abstained

III. OTHER BUSINESS

- a.) Town Administrator Bolton stated Kelly Dearborn-Luce and Kyle Parker have terminated their positions.
- b.) Conditional Use Permit – under the new Article 37 for a private road, there is an application for conditional use to a pre-existing twenty-acre lot. They still have to go before the ZBA with two variances. Building 17.1.1 on a private road and no frontage 18.2.1 on a Class V road. Three twenty acre lots on Bart Clough Road were created in the 1980s that share a driveway.
- c.) Dan Higginson rescinded his Burl Plans on Rockland Road.
- d.) Chase Park Boat Ramp – NHDES notification stated a wetland application is needed, replace anytime with asphalt. Water will be back up in May, repair needs to happen or close the boat ramp. Section 11, page 6 requires a CC signature as there is a ten day window of opportunity to comply. Fee has been paid/sent to NHDES, \$400.00 for the boat ramp repair.

Vice Chairman Najjar stated this application is missing the National Heritage DataCheck. The correct repair is a precast concrete pad. Town Administrator Bolton explained they have contacted Genesis Concrete, Sanford, Maine for a preformed concrete application, but in a default budget, PARC budget, the opportunity is to repair or to close the boat ramp. Though the boat ramp needs a full/complete repair, time does not allow.

Vice Chairman Najjar stated CC cannot sign off until the National Heritage DataCheck is done.

Ray Lemay suggested there are concrete boat ramps that are created on site that are pushed into place, instead of tearing up the existing ramp. Pouring an 8" thick reinforced concrete slab outside the water, then the assembly is pushed into the water.

Chairman Fulton notes the incompleteness of the application, but a remedy is to conditionally approve/sign the application with verification of the missing step completed. This has been done before. He would entertain a motion.

Vice Chairman Najjar stated the form is missing documentation with the Heritage Bureau, Fish and Game, sequence of construction, and pre-construction. The ramp has an erosion hole that needs to be filled in with stone, then pavement. This project should be handled by a professional. The application is incomplete, NHDES will not approve.

Lori Davis stated rules have to be followed, standards for residents and the town. She agrees with Vice Chairman Najjar.

Chairman Fulton explained the application is for a repair, not an upgrade. Asphalt and concrete have been used in the water, nothing lasts forever.

Vice Chairman Najjar reiterated the application is not complete. He suggested hiring Tom Carr, Meridian Land Services.

Town Administrator Bolton explained there is no means to hire Meridian Land Services.

Chairman Fulton stated this commission has not concluded the application cannot be completed.

Town Administrator Bolton stated it can be completed, but it cannot hire a firm.

Chairman Fulton stated the CC does not required that of any applicant. A special meeting could be noticed when the application is complete, authorizing a signature to expedite.

Town Administrator Bolton stated she is not sure how long the Heritage Bureau will take. Most places are still remote. If it takes four weeks, the water would be up.

Chairman Fulton asked if a layperson could provide the map or does it require a stamp.

Town Administrator Bolton responded she is not sure, but she completed previous applications with no problems. Being that the boat ramp repair is not a wetland crossing, she applied for a shoreline permit application that NHDES kicked back stating it needs to be a wetland application. This lost valuable time.

e.) Hardwick Property – the purchase was made, work item for Jeremy Turner. Non-public December minutes can be unsealed. **Lori Davis moved, Sherry Burdick seconded to unseal non-public minutes and make a part of this meeting. Passed 6-0-0**

f.) Poor Farm Ownership cross claim – mentioned earlier tonight.

g.) NHDES Permit by Notification letter was received on an incomplete forestry permit by notification.

h.) Well Legal Opinion – Town Attorney, Laura Spector-Morgan has advised it is inconsistent with restrictions on the deed for the conservation property. Vice Chairman Najjar suggested sending Chris an email to disregard the information request, not to be considered. Mike Camacho agrees. Chairman Fulton prefers Vice Chairman Najjar send the email as Chairman Fulton works for the outfit who proposed the idea. Vice Chairman Najjar understands. Town Administrator Bolton offered to have Town Counsel draft the email. Vice Chairman Najjar responded he would take care of it, unless it gets complicated. Mike Camacho stated there is empathy for the people who need water, but it could cause more problems down the road if this is allowed. Chairman Fulton added it is a difficult process to effect change in deeded/easement language.

IV. NEXT MEETING

May 12, 2021 @ 7 PM.

Being there was no further business to come before the Board, Lori Davis made a motion, Ray Lemay seconded to adjourn at 9:42 PM. Passed 6-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording