



Town of Weare

Conservation Commission

15 Flanders Memorial Road

Weare, NH 03281

Fax: (603) 529-4554

Email: conservation@weare.nh.gov

Website: www.weare.nh.gov

Conservation Commission

Andrew Fulton, Chairman
Stephen Najjar, Vice Chair
Wendy Stevens, Secretary
George Malette, Member
Jeff Jackson, Member
Chris Tuck, Member
Lisa Purington-Grolljahn, Member

CONSERVATION COMMISSION – MARCH 12, 2014 DRAFT MEETING MINUTES

Meeting called to order at 7:09 pm by Chairman Andy Fulton

Present: Andy Fulton, George Malette, Steve Najjar, Jeff Jackson and Wendy Stevens.

Guests: Art Siciliano

I. OTHER BUSINESS

The February 2014 minutes were reviewed. Mr. Najjar said under planning board items, first sentence after tax map Innovative land solutions, capitalize I. Same paragraph, fourth line down, Mr. Najjar asked...open space development. Next page, paragraph 6 on the sixth line Title Pro capitalize, whether we need "for title insurance" instead of or. Third page, #12, fourth line down, plat take away the second t and don't capitalize. Same paragraph, thirteenth line where it says rare bird, it should say breeding season instead of mating season. Mr. Jackson said in paragraph 8, there is a kiosk at Poor Farm with a trail guide on it, about 20 yards in. Mr. Fulton top of page 2 at the end of planning board items, at the end of three sentences "Mr. Najjar appointed map lot acres associated with Hoit Mill, he asked to insert "not Brookshire". Mr. Najjar made a motion to accept the minutes as amended, Mr. Malette seconded. All were in favor.

The October 2013 minutes were reviewed. Mrs. Stevens recommended changing section II in the forester's report from TVs to ATVs. She also said to change platt to plat. Mr. Najjar said correct the spelling of Forester, and under the wetlands permit, leachfield is misspelled. Mr. Fulton said in the Eastman portion of the forester's report, the 3-4" tree cutting was to re-establish the meadow...Mr. Fulton willing to remove 3-4" trees from the meadow (remove "around the border"). Top of page 3 "with the statement Mr. Turner typically goes and knocks on doors" Mr. Fulton requested to add "in some special circumstances". Down in the middle of the page, for gates, he didn't recall talking about putting a gate at the top of Pine Hill. Take out "at top of Pine Hill" and put "two at Eastman (landing)". At the bottom of that page, "Mr. Siciliano said he would put in a 24" rcp (add rcp for rigid concrete pipe). Last full page, ATV at the top of the page, "Mr. Fulton (second to last sentence) says it is not oil, its iron biosheen. Down on item #7, add moose before lottery. Mr. Najjar made a motion to accept the minutes as amended, Mr. Malette seconded. All were in favor.

Mr. Fulton asked to put a note on the web site that there was no November meeting. Mrs. Stevens will address it.

II. PLANNING BOARD ITEMS

A subdivision application for Old Francetown Road, 411/351 – Scott & Michelle Foot was reviewed. Maps were reviewed with a close investigation of the wetland areas, buffer zones, stone walls, septic locations, etc. It was noted that this was considered a minor subdivision as it has three lots. Zoning Ordinance 27.3.1 was referred to by Mr. Malette, "Cluster developments may be permitted or required in the R and RA Districts, including the Rural Conservation Overlay (RC) District. After consultation and recommendation by the Conservation Commission, the Planning Board may require that a subdivision be proposed as a cluster development." Mr. Najjar discussed the possibility of a cluster development, with a possible 20 acres of open space, and four building lots instead of three, which would mean it becomes a major subdivision. Mr. Malette said four lots or more means a cistern would be required. Mr. Najjar stated he felt that we should meet with the Planning Board regarding cluster developments and what is required in order to set up a strategy.

Mr. Siciliano came forward to discuss subdivision application tax map 412-168, Colby Road and map 109-16 RT 114. He demonstrated the well and septic locations on the map. He stated there is a culvert installed there. Mr. Najjar asked if that was just a log landing culvert and Mr. Siciliano said he was in the process of looking into that. Mr. Najjar said regarding abutting Hoit Mill, he said this is in the major subdivision realm and it has enough acreage to request a cluster development. Mr. Siciliano said it is a good idea if somebody wants to spend enough money to put a road in there. Mr. Siciliano asked if that was what we were asking for, and Mr. Najjar said that could be the comment that is sent to the Planning Board. Mr. Siciliano noted the steepness and ledge to put in a road, or even to put in the driveways is going to be a challenge. Mr. Fulton asked on Lots 4 and 5, what is the probability that people are going to want to build right along Rt. 114? Mr. Siciliano said that was undetermined. He mentioned they were five foot contours and they were very steep. Mr. Malette noted there wasn't a lot of width to wind a driveway in. Mr. Najjar said Lot 3 was substantial and you could do forest management over the years, and he mentioned that the parcel has already been forested and log landings are present. Mr. Siciliano confirmed there has been harvesting. He added lots 2 and 3 are going to have a shared driveway. Mr. Najjar asked about the likelihood that the owner of Lot 3 will decide to put in their own driveway. Mr. Siciliano pointed out that area is very steep with wetlands and that scenario is not likely. Mr. Siciliano said you could cluster it 5 acres each and leave the rest as open space, that obviously is a feasible thing. Mr. Fulton asked if Mr. Siciliano is charged with designing the best saleable subdivisions. Mr. Siciliano said without putting any roads in, you're dealing with area and frontage. Because of the 50 foot frontage for Lots 1, 2 and 3, it is limited. Mr. Najjar said you have a potentially nice forest that could be attractive to someone who wants a large house. He furthered that if it is an open space subdivision, it is not required that the open space be owned by the town, it could be privately owned. Mr. Fulton asked what sort of criteria would we want to recognize if we were to push a subdivision towards clustering. Mrs. Stevens mentioned the Planning Board had brought up issues with the culvert and that the Planning Board had already discovered that driveway permits had expired. Mr. Najjar said to look at NHDES Wetlands Bureau if there is a violation going on there. Mr. Najjar asked what was the size of the culvert, Mr. Siciliano said it was a 3 footer, and it was concrete. Mr. Najjar asked if there was no wetlands permit for that culvert, Mr. Siciliano said he would tell him he has to get a permit, and would likely have to go before the Zoning Board. Mr. Fulton said one concern he has with a cluster is if it went that way, would we then be asking for more development inevitably in the interior of the parcel and what does that do to potential habitat value. Mr. Najjar said you're not going to know until a conceptual standpoint. Mr. Najjar referred to the Duck Pond development and recalled the way that went. Mr. Fulton stated he was concerned about the interior being developed and again noted the abutting of Hoit Mill. Mr. Jackson mentioned that a 28 acre lot could have a lot of ATV trails on it. Mr. Fulton said you could have an entire park at that acreage. Mr. Fulton said on lots 4 and 5, it didn't seem like someone purchasing a 12 acre lot would place their homes right along 114. Mr. Siciliano said if he could get up that ledge, he would and he would have drawn the house lots closer to the interior, but he doesn't see how it is possible. Mr. Fulton said if he was able to set limitations on Lot 1, can we request limitations on building on Lot 2, 3, 4 and 5. Mrs. Stevens asked if we could pass on to the Planning Board our concerns regarding the future of the internal part of the parcel, the fact that it abuts Hoit Mill, as well as our discussion about a possible open space development. Mr. Fulton stated he will forward comments to the Planning Board and copy Mr. Siciliano.

III. Breed Brook Current Conditions Report

Mr. Najjar opened a discussion on the Conditions Report from Alex of PLC. It was discussed that some of the data was from 2012. Mr. Najjar pointed out the boundary work had been done despite the fact that the report talked about missing pins. Mr. Malette asked if the updated information could simply be updated. Mrs. Stevens asked why this report was needed and Mr. Najjar responded PLC needs it for certification for some type of land trust. Mrs. Stevens said she did read the report, and noted much of the data was from 2012, and she didn't have a problem approving the report. Mr. Najjar made a motion that we conditionally recommend approval to the Board of Selectmen upon updating the status of the boundary line that it was perambulated, blazed and all the monuments were set that were missing, and that they update the current Board of Selectman's names. Mr. Malette seconded the motion. All were in favor.

IV. **Saving Special Places**

Mr. Fulton noted Mrs. Stevens will be attending Saving Special Places.

V. **Web Site**

Mrs. Stevens stated the BOS is going to implement the new web site after elections and we should see it live any day.

VI. **Timber Receipts**

January stumpage was reviewed noting timber receipts from January Bartlett Brook stumpage.

VII. **Hoit Mill**

The town thinks we own the land, but the deed does not reflect ownership. Mr. Najjar stated he looked on the registry of Deeds, and Wendy Rice found the Easement from the late '80s which conveys it to the town. The issue is that the tax assessor's database shows it as fee owned. He said it looks like it has wells and a road going in and it looks like it belongs to some kind of association over there. Wendy Rice is going to have Avatar research it, as if it is privately owned it should be being taxed. Mr. Najjar finished that either way, we have some sort of stewardship responsibility.

VIII. **Email Inquiry re: Chevy Hill Town Forest**

Mr. Fulton reviewed an email about a potential newcomer considering moving to Weare inquired about his right to hunt on town lands. He was very excited that hunting is allowed on town lands. Mr. Fulton thought the Board of Selectmen should be aware about the desirable aspect conservation lands are having on a real basis.

IX. **Land for sale on Abijah Bridge Road**

An email was received by Craig Francisco and Chris Hague regarding land for sale on Abijah Bridge Road. Mr. Najjar recalled Ian McSweeney bringing that land, or nearby land to our attention.

X. **Mitchie Invoice**

Mr. Fulton presented the invoice and will take care of it.

XI. **Commission Elections**

Mr. Malette made a motion to move the existing slate. Mr. Najjar seconded the motion. The vote was unanimous.

Mr. Najjar recommended reviewing the by-laws.

XII. **Colburn Land Gift**

Mr. Najjar stated the attorneys were still working on the deed and there is nothing new to report. Mr. Najjar made a motion to authorize Mr. Fulton to sign the deed if needed after review by Mitchell Municipal Group. Mr. Malette seconded the motion. All were in favor.

XIII. **Banks/Schmid Deed**

Mr. Jackson noted the utility easements and a well. He stated according to this deed, all of that stays private. Mr. Najjar stated they have an easement to cross our land. Mr. Najjar stated the way that deed is written now is very consistent with the deeds we've dealt with in the past. Mr. Najjar objected to the discussion regarding removing mention of the Conservation Commission in the deed. Mr. Fulton and Mrs. Stevens agreed. He would like it to be reviewed by Laura Spektor Morgan. Mr. Najjar stated we would need to have a whole other set of drawings. Mr. Najjar made a motion that if it's not being sent to Mitchell Municipal Group by the town, that we can spend up to \$1,000 from the Conservation Fund to have it legally reviewed. Mrs. Stevens seconded the motion. Mr. Malette said he thought a message to the Board Of Selectmen to please consider using this specific lawyer to look this over at the request of the Conservation Commission. Mr. Malette said it all goes back to the language in the Warrant Article. Mr. Najjar stated our motion to fund the project was based on the Conservation Commission managing the parcel, and what is the effect of them taking out language in the deed that refers to the Conservation Commission. Mr. Malette stated he doesn't think we should be spending

money if we don't have to. Mr. Najjar agreed. Mr. Fulton referred to an email circulated which stated that Atty Laboe is going to sign the deed under a Power of Attorney. Laboe Associates sent along the deed. A comment from Atty Leo Graciano was discussed: "...assumed one possible edit is that the grantees should be to the Town and not to the Town acting through the Conservation Commission." Mr. Fulton clarified that we were clear with our Warrant Article and that someone at the Board of Selectmen level had cleared our ability to address the Warrant Article. Mr. Malette brought up the issue of the 20 acres needing to be subdivided out. Mr. Najjar said the interior exclusion has to show up on the maps. Mr. Malette said the town owned portion/subdivision could be paid for by the BOS. Mr. Najjar said that there were no funds for them to do that. Chairman Fulton said he would go to Naomi and ask her who she is using for legal counsel and perhaps we could avoid additional costs. The motion passed 4-1-0 with Mr. Malette opposed.

Mr. Fulton clarified that Mr. Malette's objection was to the extra expenditure. Mr. Malette said he was objecting and though there were other ways than taking that approach. Mr. Malette said he has gone before Board of Selectmen many times, and they have their own lawyer and they may look at that in a negative fashion. Mr. Malette said all we should be asking is to keep the deed language as original. Mr. Najjar said to that end, we should send a note to Naomi and request that the deed remain with the original language and it is very important to us that it stay. Mr. Najjar agreed, maybe we don't have to do anything. Mrs. Stevens added but if we do need to do something, the motion is there. Mr. Najjar noted needing to set up a special meeting in order to close on the easement.

Mr. Fulton stated that Tom Clow has very often stated we need to get together so that we are all on the same page, and Russell Foundation is still playing a role with Brian Hotz being a potential closing agent. Mr. Najjar added we should contact Naomi about the approach towards the easement.

- XIV. Mr. Najjar made a motion to adjourn the meeting at 10:05 pm. Mr. Malette seconded. The meeting was adjourned.

A true record,

Wendy J. Stevens