



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

CONSERVATION COMMISSION – JULY 10, 2013 DRAFT MEETING MINUTES

Meeting called to order at 7:05 pm by Chairman Andy Fulton

Andy Fulton, George Malette, Steve Najjar, Jeff Jackson and Wendy Stevens present

Guests: John Cronin, Earl Sandford, Bradley Townes, Chris Tuck and Lisa Purington-Grolihan

- I. Earl Sandford of Sandford Surveying & Engineering presented the commission with a plan for Mr. Beak. Existing lot on Mt. Dearborn Rd. They are not trying to change access from what was initially approved. A 10% grade, 1,200 foot driveway is proposed. The issue is to the right of the driveway is an intermittent stream with a wetland that casts a 25 foot buffer that includes the approved driveway. He would like to shift it to the edge of the 25 foot buffer. They are pre-emptively looking for a variance in order to do improvements within the 25 foot buffer. Mr. Sandford thinks using the existing roadbed has the best approach. He clarified he needs this variance because he does not have the width he needs for the driveway. Mr. Malette asked if when he widened the area, would the widening occur outside of the 25 foot buffer and Mr. Sandford answered to the best of their ability. He said he would try, but with drainage, it will probably pretty much follow what is there now. Mr. Fulton asked about culverts and Mr. Sandford said there would likely be culverts at every 200 feet with good ripwrap outlets and stonecheck dams to slow it down and filter it. Mr. Najjar asked who owns the lot to the west. He recommended evaluating going through the middle lot and avoiding the entire issue. John Cronin spoke and said the board of firewards and **steepness of that lot makes it unfeasible. The fire department has requested a turnout at the midpoint, and stated they will do the turnout** outside of the buffer zone. Mr. Sandford put forth that there is no feasible alternative to what is on the 2002 plan.

Mr. Fulton expressed concern activity that adds filtration to the area, and he has significant concerns with the culverts and how those function not just with their design but with their adequacy and maintenance. He added to George's concerns that the upgrades should be done away from the wetlands. Mr. Fulton is not aware of any species of concern that could be offered to the Zoning Board. Appropriate culverting, minimizing potential siltation of wetlands and requiring the bulk of modification to go on the upgradient side if possible. We might also note that we understand the pledge on the turnout is that it would be on the uphill side of the driveway. Mr. Najjar pointed out there is no wetland stamp on the plan. Mr. Sandford said he could get it stamped before it goes to zoning as a wetland stamp is required. Mr. Najjar asked about clearing of vegetation and Mr. Sandford said that is the beauty of having an existing road – Mr. Najjar asked what if the owner wants clearing of vegetation for daylighting. Mr. Sandford volunteered a possible 16 – 18 foot limitation on vegetation clearance. Mr. Najjar pointed out there was no limitation at all and Mr. Sandford said he could address it and offer limitations. Mr. Najjar pointed out the drawing is preliminary and doesn't show enough information on the buffer. Mr. Sandford confirmed that the culverts are not designed yet – and that is why they are here – to gain permission for rigorous design. Mr. Sandford mentioned a full ripwrap swale that would minimize impact. Mr. Fulton responded that the crux is that the cc giving an opinion one way or another without a full explanation and seeing a design, conceptually we could be ok, but we would need to see plans. Mr. Jackson asked about the driveway surface and are we concerned about the drainage. Mr. Sandford replied the intent is gravel. Mr. Najjar mentioned inch and a half doesn't move although everybody hates it. Mr. Malette mentioned that 10% is the maximum grade allowed. The cc reviewed the zoning ordinance regarding the 25 foot buffer zone and ground disturbance.

Mr. Najjar made a motion to forward these comments to the Zoning Board. Mrs. Stevens seconded.

The vote was unanimous. Mr. Fulton will put together comments and email them to Mr. Sandford and cc Chip.

Lisa Groljhan entered as a guest at 7:32

- II. Bradley Townes presented the commission with a buffer restoration plan at Reservoir Dr. This plan was designed by Meridian Land Services. Bradley reported clearing dead pine trees, and while dropping dead pine trees, damaged other trees and also removed them. Bradley mentioned it was pine trees and lawn before, and the new plan involves placing sugar maples, black chokeberry bushes, sweet fern, highbush blueberry bushes and new England restoration mix. Mr. Fulton asked who was doing the actual planting and Mr. Townes responded Townes Escavating. Mr. Fulton asked about a lawn area between the stone wall and the gravel driveway. Meridian recommended 4" of loam. Mr. Fulton would like to have Meridian confirm post construction that the plan has been followed. Mr. Najjar said he would question as a local company, how did this happen in the first place. Mr. Townes responded that they were unaware of any violations. Mr. Najjar suggested that we review the project completion during the fall after the plantings have had a chance to establish. Mr. Fulton will pass comment to the appropriate parties in order to ensure followup.

III. PLANNING BOARD ITEMS

- a. CIP invitation – Capital Improvement Program Committee – Mr. Fulton asked if any members were interested in joining the CIP Committee. Naomi Bolton emailed today that she was going to advise the BOS to not accept Warrant Articles that hadn't previously been considered by the CIP Committee. Mr. Fulton summarized that unless something has changed, we don't view conservation projects as capital items. Mr. Malette explained determining what a capital items is, is left up to the discretion of the current CIP. Mr. Fulton will ask Mrs. Bolton for clarification. No members were interested in joining the CIP.

IV. NH DES/WETLANDS BUREAU

- a. Indian Rd. and Route 149 – wetlands commentary is that its not automatic approval, needs topo map w/ crossings
- b. Shoreland Impact Permit 120 Cottage Rd. 103/6
- c. 7/1/13 Septic application missing municipal approval stamp, old Town Road, 109/41

V. OTHER ITEMS

- a. Holly Hill/Breed Brook land boundary monuments survey proposal. Eric Mitchell & Associates was the original surveyor of the project and wants \$1,500 to \$2,000 from the Conservation Fund to set the monuments set for the Breed Brook Conservation Area. Mr. Malette seconded the motion. Mrs. Stevens asked if it was possible that he would do it as the original part of the project. Mr. Najjar said Mitchell was not responsible for the original survey as he was not the original developer and people pull pins/monuments from time to time. All were in favor. Mr. Najjar made a motion to authorize Jeremy Turner to sign the contract to spend up to \$2,000 for the surveying on Breed Brook. Mr. Malette seconded the motion. All were in favor.
- b. Brookshire /Eleanor Way conservation land boundary marking. Phase II is in development. The acreage was a fee transfer to the town of Weare of roughly 30 acres. Mr. Najjar opened the idea of asking Jeremy to blaze the property which is a fee ownership property. Mrs. Stevens asked for time to review the parcel and soils. Mr. Malette pointed out that the parcel is very jagged and lengthy in shape. Blazing would be done for managing encroachment issues that may arise from abutters. Mr. Fulton explained that because of the odd shape of the 30 acres he felt it was important to blaze this parcel in order to protect the town's interest. Mr. Jackson asked if there is a visible survey available and Mr. Najjar said there is a survey plat. Mr. Malette said there is public access allowed along the river. Mr. Najjar said there is a parking area, and one must hop the guardrail in order to get to a fairly unmarked trail. Mr. Najjar made a motion to authorize up to \$4,000 from the Conservation Fund to blaze the boundary of

Brookshire conservation land through Meadowsend Timberland. Mrs. Stevens seconded the motion.

Further discussion pursued regarding the motion. Mr. Malette asked if we will have an easy way of tracking our properties. Mr. Najjar said we finished all of our town forests.

Mrs. Stevens asked about giving notice to abutters of upcoming blazing. After some discussion, Mr. Najjar recommended to put blazing information on the web site along with color coded information. Mrs. Stevens thought that was a good idea.

The motion passed unanimously.

- c. Mr. Fulton noted the absence of Mr. McSweeney, no discussion on Shmid/Banks
- d. Loretta Phillips Chipmunk Falls parcel. Loretta has contacted the town three times, the first being when Pat Myers was on the Open Space Committee. She was asking for around \$58,000. Mrs. Stevens asked to review budgeted items and a complete list of potential projects in order to review the status of funds and potential projects.
 - i. \$50,000 pledged to Banks/Shmid. Mr. Najjar pointed out a possible extra \$50,000 being asked for Banks/Shmid and mentioned he thought that the Warrant Article limited this year's spending to \$50,000 only as already committed.
 - ii. \$52,553 with DNS Excavating for the Mountain Rd. bridge
 - iii. \$9,000 for Meridien/Mountain Rd. bridge
 - iv. \$6,000 Breed Brook Boundary
 - v. \$4,000 Brookshire Boundary
 - 1. Total of \$121, 553 promised vs. May balance leaves \$192,000 uncommitted in the Conservation Fund.

Mr. Najjar mentioned that for six acres he thought the price tag was very high. He was not sure if it was a Class VI or private road. Mr. Jackson asked if it abutted other parcels. Mr. Najjar responded it was in a high priority area. Mr. Fulton mentioned this parcel actually owns the falls. Mr. Fulton mentioned this parcel has been a meaningful retreat for Loretta as an author and storyteller.
- e. BUDGET REPORT – Mr. Fulton reported that we have a budget and nothing has been expended.
- f. Letter from SPNHF regarding the Purington Conservation Easement. A letter was sent from SPNHF to Jim Donnison regarding public access. The letter explained that it does not guarantee equestrian access, only pedestrian activities. Permission must be gained from the landowner for anything other than pedestrian access. The landowner has the right to post against access for agriculture during growing, harvesting, or livestock activity. The Puringtons have been allowed to post to this degree. Mr. Jackson asked what prompted the letter. Mr. Fulton responded there was some abuse of the land by a neighbor which involved cutting, traveling, etc. Mr. Fulton was contacted by Jocelyn of SPNHF prior to the cancelled June meeting and he expressed to her that his understanding that this is privately held land and the recourse would be governed by the easement, not by the Weare Conservation Commission. The resolution was out of our hands. Mr. Najjar said that was really unfortunate and Mr. Fulton said that was the downside of an agricultural easement. Mrs. Purington-Grohlijan came forward and said she does not feel it was because it was an agricultural easement. She explained this could happen on any easement, and that her father never wanted to post his land to restrict access, but unfortunately due to the situation with the neighbor and trash issues, cutting branches, and destroying hay fields, and roads dug up by horses... the intention of keeping it open land, unfortunately there has been an abuse. Mrs. Purington-Grohlijan pointed out that this is a property where taxes are still being paid, and the landowner does want fishing and hunting to happen. She mentioned SPNHF was embarrassed. Mrs. Stevens mentioned that

this is a teaching moment.

- g. Mr. Fulton stated a phone call was received regarding using ATV on Felch Farm Town Forest. Mr. Najjar handled a response. It was a hunter from Epsom that drew a moose tag. He said to come to the Weare Conservation Commission to ask. Mr. Fulton mentioned there was a plan with the Weare ATV Club at one time, and the club since folded.
- h. The Noah Payeur Eagle Scout Project at Ferrin Pond is complete. Kudos to Troop #24. Mr. Jackson asked about the campout and they did not have their overnight event. Mr. Malette asked for the final digital format and Mr. Fulton has not yet received it and will doublecheck.
- i. Mr. Najjar made a motion to pay \$2025 to Meadowsend invoice #1469 for the gate from the Town Forest account under the FSA that was approved in April. Mr. Malette seconded the motion. The vote was unanimous.
- j. Mr. Fulton has the new laptop and the hard drive has been recovered. He is working on offsite backup and is working with Tina in getting the GIS software registered. He added that if any members need the computer, it is available for use. Mr. Malette added that we have a GPS Unit and a camera.
- k. Mr. Fulton received a PLC invitation to the Chevy Hill/Oliphant intake walk. He is unaware of a date but it should be later this month.
- l. We've been invited to participate in the NH Coverts Program. It is a 3 or 4 day event learning about land management, forestry – the catch being you must become an ambassador in educating the community with 45 hours of volunteer in the first year and 15 each year thereafter.
- m. Mr. Fulton raised the issue regarding an email complaint from a resident regarding the chair taking a personal interest in conserving a parcel that abuts his house. Mr. Fulton explained that there is a sensitivity that must be handled in order to preserve a real estate transaction. Mr. Najjar explained that there is a process for any land acquisition, and that we have not got into any official negotiations. He explained that the entire Chipmunk Falls area has been designated as an area to be conserved that predates Mr. Fulton. Mrs. Stevens explained that she did have a complaint about not being informed about the project, and had not been informed of status since October. She also had an issue with withholding information, and that although there were no motions made that crossed a line, she feels a line is being skirted in a sense when it is put forth that no money should be expended on other projects until Barden is resolved. Mr. Fulton stated that Barden is nothing he is driving or seeking benefit from.

Mr. Najjar put forth that he supports owning land and would rather see farmland owned by the town and leased to farmers. Mrs. Stevens put forth that she supports fee owned projects because they stay on the taxroll. Mrs. Tuck said her concern was a one big dollar amount being put toward one project and others being turned away. Mr. Najjar asked where she was getting her information. Mr. Malette explained about ethics and how no one member can say the other is breaking a rule. Mr. Fulton stated he treats people with civility, respect, etc. and he maintains confidentiality. He expects members to commit to this type of behavior.

- n. Mrs. Tuck came forward and apologized for her email. She said she wanted to join the commission as she supports a balanced approach. Mrs. Tuck worked for the US Forest Service in silviculture, she lived in Alaska and fished out there. She does know something about forestry and timber. She is a firefighter and has taken survival skills, geography, geology and anthropology classes. She loves the land. She would like to see more walking of the land, and not so much from the desk. She worked on Mt. St. Helens, helicoptered in, saw elk, and dessimated trees. She also worked out at Crater Lake in Oregon. She is also a photographer.

- o. Mrs. Purington-Grohlijan came forward to say she lived in Weare her entire life, and grew up on a fifth generation family farm. She is raising her kids here and has deep roots and has an interest in keeping Weare on the rural side. She has been interested in joining for some time, but has waited to join until after the Purington project was completed. She holds her Masters Degree in education.

Mr. Malette made a motion to go into a non-public session RSA A3D, Steve seconded. A roll call was made and non-public session was entered at 10:08 pm to address the last item on the agenda.

Respectfully submitted,

Wendy J. Stevens