



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
Jeff Jackson, Member
Lisa Purington-Grolljahn,
Member

CONSERVATION COMMISSION – APRIL 8, 2015 DRAFT MEETING MINUTES

Present: Andy Fulton, Steve Najjar, Lisa Purington-Grolljahn, Jeff Jackson, and Wendy Stevens.

Guests: Dave Ward, Bill Bolton, Brian Hotz of SPNHF and Rick Kohler of Todd Land Use Consultants.

Meeting called to order at 7:02 pm by Chairman Andy Fulton

I. BROOKSHIRE SUBDIVISION

Mr. Kohler stated the early aerial photography showed that clearing occurred prior to the development. The clearing as it exists currently was done during the early stages, so a majority of the encroachments were created prior to homeowners purchasing their homes. He stated he spoke with many of the homeowners, and they just continued mowing what was already lawn, and it was in the open space area. They did stake out the property lines, located the undisturbed forest from the lawn areas, but whether or not they are encroachments is not for him to decide. He has surveyed and located everything. He offered a three page report.

Lot 23. They did set monuments and they hung orange ribbon on trees or grade stakes. Everything is marked with orange to indicate a boundary line. He observed the biggest violation in EA1, photo 1, there is a play structure that is within the open space. There was additional clearing and pea gravel.

Lot 24. Mr. Kohler stated points 3, 4 and 5 looking from the driveway is where there is a large cistern and a communication device. That corner of his lot is 3 feet into his driveway, and it is an encroachment.

Lot 25. Photos 9 and 10 have a septic vent (see photograph) and cutting occurred into the forest. He stated the septic vent is right on the property line, which is not to suggest that the leechfield is right on the property line however the septic vent is.

Lot 26. Encroachment EA 4 was cleared during development, and it is part of a drainage easement. The tree line is within the open space, but it is just lawn area and it is being maintained around those drainage structures. Vice Chair Najjar asked if the drainage easement is owned by the town. Mr. Kohler stated he thought so but he would have to verify.

Lot 7 & 8. There are structures within the open space on Lot 8 (a raised bed). There is an open mowed area in the front. Vice Chair Najjar asked about the underground powerfeed, does that start on the open space side? Mr. Kohler stated they would have to look at the Plan to see how they are laid out, but he guessed they would be in the right of way. Photos 15 & 16 show the raised bed. Mr. Kohler stated see RBTBS (Rebar to be set) on Lot 8. They were not able to find a monument there, and he believes that occurred when the driveway was installed and he believes the monument should be at the end of the tree line and corner of the driveway so he believes the driveway was set properly.

Lot 6. The treeline is beyond the rebar, there are 670 sf that the landowner has been mowing with no structures.

Mr. Kohler stated it looks like equipment has been moving back and forth between the lots, he did see tracks and depressions, and the woods are all broomstick saplings.

Lot 5. See pictures 24 & 25. The rebar is right in the middle of the lawn area in the open space area. The existing tree line exists relative to the driveway, and the treeline is what he observed prior to any driveway. He thinks the majority of what is going on is how the lots were cleared prior to construction, and people came in and kept mowing to the treeline.

Chairman Fulton summarized in most cases, Mr. Kohler found the rebar. Mr. Kohler stated he will check his records. Vice Chair Najjar stated he would like to see everything monumented. Vice Chair Najjar asked about the letters to residents. Mr. Kohler stated his professional opinion is that the monuments were lost during the clearing process, for example logs skidded over them or they were run over by an excavator. Chairman Fulton discussed checking with the Code Enforcement Officer about monument requirements before Certificates of Occupancies are given. Vice Chair Najjar stated he thought through the development process, a title company or a builder would be liable for this type of scenario. Mr. Kohler stated he thinks the most serious issue is on Lot 23 as the cutting has obviously been done recently. Vice Chair Najjar stated we should send this to town council. Mr. Kohler stated he will send the commission a complete digital file. Mr. Kohler discussed what type of monumenting should be done as rebar can hurt someone, sunken monuments disappear, etc, a fence was discussed. Vice Chair Najjar stated perhaps granite markers. Mr. Kohler suggested a fence, and Vice Chair Najjar agreed that will prevent encroachments. Vice Chair Najjar stated the open space is owned by the town, and it is not a common ownership among the landowners. Chairman Fulton asked about the second phase of Elanor Way? Mr. Kohler stated everything on the plan is what they were told to concentrate on based on Mr. Turner's reconnaissance and blazing. Vice Chair Najjar stated he thought the northern area (second phase) was all set.

II. **BANKS/SCHMID PARCEL**

Mr. Hotz of SPNHF stated he was following up on an effort by the town and Russell Foundation concerning the Banks/Schmid project. He stated SPNHF was brought in at a late point and were asked to help the select board go through the process of acquiring the property, and there was a discussion of placing an easement on a portion of the property. They met with conservation, dpw, parks and rec, and others in the fall of 2013 to figure out what would be in the land conservation area vs. a separate approximately 30 acre portion of gravel pits/ball fields that would be kept out of the easement. They were asked to approach the Emma Sawyer Trust to work on raising funds for Phase II, the conservation easement. He is attending on April 14th. He will be approaching them with a budget. Chairman Fulton stated he recalled 20 acres in the warrant article, not 30 acres. Mr. Hotz stated 30 was drawn out with a big +/- . Ms. Stevens asked if this included the cemetery easement. Mr. Hotz stated it does not. Ms. Stevens stated she could reach out to Jack Dearborn regarding including the cemetery parcel as part of the easement in order to save money and save time. Mr. Hotz stated there is an aquifer under there and there was nothing about town water extraction. Mr. Hotz stated we might want to have specific reserved rights. Ms. Stevens asked would this mean a farmer could not put in a well? Mr. Hotz clarified that he was speaking of a municipal well. Chairman Fulton stated he would encourage that the discussion was on 20 acres set aside, not on 30 and referred to existing documentation.

Mr. Hotz asked about a reserved right regarding the donut hole. Vice Chair Najjar talked about the exclusion and that it should be along the road. Ms. Stevens mentioned to include snowmobiling as a permitted use on the existing trail. Mr. Hotz will add it to the baseline map and include the language. Mr. Bolton stated the trail is GPS'd and Mr. Hotz stated he will make sure that happens. Mr. Hotz stated the SPNHF involvement in the 20 acres should be very small. Vice Chair Najjar said if the intent is ballfields and parking, and Mr. Hotz stated as long as it is kept clean and it is just a matter of simplicity, and a residential building is not OK. Vice Chair Najjar talked about forcing pervious surfaces regarding parking and the wetlands areas. Mr. Hotz stated he will go before the Emma Sawyer Trust and send draft language, and an important piece will be the survey work. Vice Chair Najjar asked if they will blaze it, Mr. Hotz stated it would be good for Mr. Turner to go and blaze it. Chairman Fulton summarized to plan to meet again in June.

III. TRAILS SUBCOMMITTEE

Mr. Ward stated they had a good winter at Eastman, the grooming went well with good usage, foot, dog, skiers, snowshoers. Mr. Ward stated he built a homemade drag, and he groomed the property and also the abutters groomed the property. He stated the crossings froze up nicely. They did get a trail out to the meadow, and they did go around the edge of the landing. Out towards the meadow, the two brooks where the logging operation was, the first one they laid pine boughs in, the second one was a 12 foot issue and they worked their way around that. People used and enjoyed it. He sees them falling short in terms of signage. He would like to spend funds on signage on Rt. 77. Ms. Stevens asked if that was state signage? Mr. Ward confirmed yes. Mr. Ward stated the question is would it be on the table if he brought a firm cost of permitting, plan and graphic layout. It was discussed that the state had specific requirements that had to be adhered to.

Mr Ward stated they have weare-trails.org and they would like to start to gather the information and put together a prototype site and go public within a few months. It would include a lot of what is already on the conservation site, but make it nice and easy. He would like to have the web sites on the signage. Vice Chair Najjar asked why were they creating a second domain when they are a subcommittee and are given their own area on the town web site. Vice Chair Najjar stated he would like to see us stick with that and keep the information under the same area.

Mr. Ward asked about the by-laws and he was wondering if that was going to happen. Mr. Ward stated current members are Christine Nase, Chrissie Sargeant and Heather Payeur. Vice Chair Najjar asked if there were any minutes. Mr. Ward stated they have not had a meeting in a couple of months but they had one last night and minutes will be forthcoming.

Mr. Ward stated their next item is to develop a plan for trails to the high school, work with bicycle groups. He did have a visit from the cross country coach. They also have an eagle scout looking to complete a project. Vice Chair Najjar stated he would like to see a plan and schedule a walk through and perhaps get Mr. Turner involved to look at wetlands and rare habitat. Mr. Ward stated they do want to gps what was actually used last year. They did hang some signage "no snowmobile" and some weare conservation signage from the top of the road.

Mr. Ward talked about improving the lower landing of Eastman, and when he talked to DPW it sounded like they weren't interested in doing that. He asked if there was interest in developing parking at the lower area, or the one on top of the hill? Mr. Ward stated it wasn't plowed that way. He thought it could be plowed to hold 3 or 4 cars. Vice Chair Najjar clarified that we fee-own the Eastman town land, and we own right up to rt. 77 and the abutter simply has the right to utilize the gravel driveway that is a historic road that was the original Pine Hill Rd.

Vice Chair Najjar will ask Mr. Turner for an FSA for work for a permanent opening/parking lot at lower Eastman and also to manage the newly reclaimed meadow.

Ms. Stevens will get a log-in to the Trails Subcommittee to Mr. Ward.

IV. NEW MEMBER

Mr. Bolton stated his agenda would be to make certain that Weare has recreational areas. He is the President of the Weare Winter Wanderers and they currently have 100 or more miles in town, and he has a good education on the Eastman property. He was disappointed that snowmobiling had been left out of it. He is an avid hunter. He thinks he can bring good to the table to knock down a barrier between recreational people and this board and whatever board in the town. He stated recreation is not his only agenda, and he is as concerned about open property as anybody could be.

Chairman Fulton asked if there was a particular situation that created this? Mr. Bolton stated his kids are almost grown and he volunteers a great deal with snowmobiling, he is the Hillsborough County Director and he reports to NHSA (the New Hampshire Snowmobile Association) and he is the advisor for the trails bureau at DRED. He believes he will work very well with the Trails Subcommittee. He stated again this was not his sole cause and he will be a watchdog for the Town of Weare. He stated

there is a stigma between us and them and if we can't work positively with folks we don't get anything.

Vice Chair Najjar stated in the PLC easement, there are no motorized vehicles allowed. Mr. Bolton stated that in the future with the Charles & Ethel Eastman fund folks, who he had spoken with that evening, that non-motorized vehicles was instituted and he has issue with that and anything in the future should include motorized vehicles. He would also like to see dog sledding implemented.

Chairman Fulton asked for a sense of Mr. Ward and Mr. Bolton's vision in terms of recreation in Weare. Mr. Bolton stated they are a group of over 300 memberships and they are very active. Ms. Stevens asked if the vision was to open up every trail and connect to every stateway during all seasons? Mr. Bolton stated he was only interested in snowmobile. Mr. Purington-Grolljahn stated Woods Family Forest is the perfect example of why it would be good for everybody working together because all that does is make families that have decided to preserve land really upset. Without having preserved land, you don't have a place for recreation. Mr. Bolton stated 30 years ago they could do whatever they wanted whenever they wanted and there weren't any people, and now there are a lot of people and that particular family, he feels bad but they should have done a better job with their easement. Vice Chair Najjar clarified that the town bought that piece of land and the previous owner was looking for special treatment and that isn't the way it works. Mr. Bolton stated they've had a lot of folks give the use of their property without them even asking. Mr. Purington-Grolljahn asked about somebody living close to a trail and she gets woken up at all hours of the night and is there anything she can do? Mr. Bolton stated they should contact the club and they will see what they can do.

Mr. Jackson asked where we were in the membership? Chairman Fulton will locate the volunteer form and forward it onto the Selectmen.

V. **OFFICER ELECTIONS & BY-LAWS**

Chairman Fulton asked if there were any issues with the by-laws? The commission had none. Vice Chair Najjar made a motion to move the current slate: Andy Fulton, Chair, Steve Najjar, Vice Chair, Wendy Stevens, Secretary, Jeff Jackson, Member and Lisa Purington-Grolljahn, Member. Mr. Jackson seconded. The vote was unanimous.

VI. **WOLF CREEK TOWN FOREST LAND PURCHASE**

Vice Chair Najjar stated that Mr. McSweeney sent an updated deed. Wolf Creek was impacted by the conveyance to the power company in the early 1900s which subsequently was given to the state of NH which was given to DES, and so all around Horace Lake there are property boundaries and in this case the actual stream runs right through the center of this property. The fee conveyance is up to an elevation of 30 feet from the bottom of the stream. The second conveyance was a flowage right. He added there may have been a few conveyances which all got captured in the deed. This new amendment to the deed addresses this. Chairman Fulton stated he thought it was a better legal acknowledgment of the property.

Ms. Stevens made a motion to approve the amended deed, and that we will forward it to Attorney Spector and Vice Chair Najjar can go to the Board of Selectman meeting Monday night to present it. And also to authorize Chairman Fulton to sign the deed at closing. Ms. Purington-Grolljahn seconded. The vote was unanimous.

VII. **CIAMPI FUND**

Chairman Fulton stated we received a bank statement with \$1149.15 in the unrestricted grant account. He noted to remember that that is available for appropriate expenditures, and is a legacy of John Ciampi.

VIII. **SITE PLAN REVIEW WILKINSONS PROPERTIES DBA COLLINS LANDING**

The site plan was reviewed, and appeared to add two detached garages. Mr. Najjar asked what did Mr. Siciliano mean by "edge of water" and where are the wetlands setbacks? The commission agreed that nearly everything on the map was marked as proposed and it was unclear where existing boundaries or markers were. The intent of the plan was unclear without any Notes and appeared to be a proposal for

two new garages and new units. Mr. Najjar stated “edge of wet” is not a legal term and asked if it was a jurisdictional wetland or not. He also would like to see a wetland stamp. Mr. Najjar stated he would like to see septic setbacks also. Chairman Fulton will forward comments to the Planning Board.

IX. SITE PLAN REVIEW 61 B&B LANE

The purpose of this plan is to show information for a proposed building addition to a sawmill. The conservation commission had no comment.

X. BROOKSHIRE DEVELOPMENT

Vice Chair Najjar stated we should contact town counsel and also Naomi Bolton about the situation at Brookshire as part of going forward. Ms. Purington-Grolljahn agreed. Vice Chair Najjar described similar issues at Holly Hill and Duck Pond.

XI. TOBEY HILL FSA

Still no FSA available from Mr. Turner.

XII. COLLINS LEDGE

Vice Chair Najjar stated John Ciampi used to monitor that land and nobody had done it since 2012. We need to get back to SPNHF regarding our plan. Vice Chair Najjar asked what are we allowed to mark the boundaries with? Chairman Fulton asked about having Mr. Turner monitor the land.

XIII. LIST OF PARCELS FOR REVIEW

Vice Chair Najjar would like to ask the Planning Board to contact certain landowners to mark their boundaries including such parties as River Ridge, Sunrise, SHB, Townes and other subdivisions and ask about blazing it. He mentioned High Rock never got conveyed which is a problem. He added Duck Pond is probably not marked and there are numerous no build areas which need to be marked. High Point was mentioned. He added at some point this is going to cost a fortune and we need to decide if we are going to spend funds on it.

Vice Chair Najjar stated regarding fee owned properties, he monitors the Alex lot but we have a lot of little parcels including Perkins Pond and it would be good to walk it in the ground. Vice Chair Najjar asked how we would monitor the lands.

Vice Chair Najjar would like to discuss monitoring approaches at next month’s meeting with Mr. Turner.

XIV. NON-PUBLIC HEARING

Ms. Stevens moved to go into a non-public session per RSA 91-A:3-II-e. Ms. Purington-Grolljahn seconded. A roll call was taken: Steve Najjar, yes, Jeff Jackson, yes, Andy Fulton, yes, Wendy Stevens, yes, Lisa Purington-Grolljahn, yes.

Vice Chair made a motion to come out of non-public. Mr. Jackson seconded. Vice Chair Najjar made a motion to seal and restrict the minutes. Ms. Stevens seconded. All were in favor.

XV. ADJOURNMENT

Mr. Jackson motioned to adjourn the meeting at 10:42pm. Ms. Stevens seconded. The meeting was adjourned.

Respectfully submitted,

Wendy J. Stevens