



*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  
Marc Phillips

**CONSERVATION COMMISSION – April 13, 2022 DRAFT MINUTES**

**MEMBERS PRESENT:** Andy Fulton, Chairman; Steve Najjar, Vice Chairman; Marc Phillips; Sherry Burdick; Ray Lemay; Bill Bolton

**Absent:** Mike Camacho

**GUESTS:** Town Administrator Naomi Bolton, Nicholas Gagnon

Chairman Fulton called the meeting to order at 7:200 pm., welcomed those present to the April 13, 2020 Weare Conservation Commission meeting. Confirming his quorum in attendance to his left, Bill Bolton, Ray Lemay, Vice Chairman Steve Najjar; and to his right Sherry Burdick and Marc Phillips.

**I. APPOINTMENTS/GUESTS:**

Nick Gagnon, 222 Pine Hill Road stated that he has been a resident of Weare for about 3 years now. His main concern is that about 4 feet off his property line he has a rotted poplar tree that is about 40 feet tall, adjacent to his bedroom. It possibly is in danger of falling over and possibly into his bedroom of his house. He is here to find out if he hires someone or does the Town have a different outlook as to how it can be addressed. He took pictures of the dead tree and how close it is to the yellow triangle that is on the tree next to this. Mr. Gagnon shared his phone with the pictures of the tree. He had sent pictures to Vice Chairman Najjar via email. Vice Chairman Najjar asked if he was going to hire a contractor. Mr. Gagnon indicated that his neighbor works for Asplundh so he will probably just hire them to take care of it, by dropping it away from his house onto the Conservation land. Chairman Fulton stated that this is new territory to the conservation commission. It appears to be a safety concern. The commission didn't see any reason why they can't drop it in the conservation land and leave it or Mr. Gagnon is welcome to take the wood from the tree for his own use. Vice Chairman Najjar suggested that the Chairman hand scratch out a note before Mr. Gagnon leaves giving him permission with a copy for PLC as well. **Vice Chairman Najjar moved that the Conservation Commission authorize Nick Gagnon to remove the rotted that's about a couple of feet off the boundary line on the Eastman Town Forest property and that the Chairman sign a note saying that he's responsible for any liability and the he is able to hire someone to he can keep the tree or leave it, Marc Phillips seconded the motion. Passed 6-0-0**

Town Administrator Bolton drafted the following letter for Mr. Gagnon, which Chairman Fulton signed:  
"The conservation commission on behalf of the Chairman Andy Fulton, after a motion made and seconded, to allow you to remove the dead poplar around/approximately 2-3 feet off boundary. The permission is granted only for this one tree and no others. Tree can be fallen onto the conservation area." Cc: PLC

**II. MINUTES:**

**February 9, 2022 Minutes:** Ray Lemay moved, Sherry Burdick seconded to approve the minutes of February 9, 2022 as amended. Passed 3-0-3.

**III. PLANNING/ZONING BOARD:** none

#### IV. NHDES MAIL RECEIVED:

1. NHDES – Alleged Violation – Duck Pond Road – Town ROW – February 22, 2022: This letter is a result of a complaint from a resident regarding to the DPW removing the beaver dam off Route 114, causing it to drain. DPW Director Knapp spoke to Jen Drociak regarding this. There has been no follow up in writing since the phone call. This is now going to be handled by the State of NH. Vice Chairman Najjar stated that the conservation commission can take this as a project and get wildlife services to put in a beaver deceiver or something like that. They can also trap them as well. Vice Chairman Najjar looked up a contact for the State Wildlife Services, David Alabam – 603-223-6832 and suggested passing it onto the owner of the property.
2. NHDES – Emergency Authorization – DOT – Bridge over Otter Brook – March 14, 2022: NHDES has provided DOT an emergency authorization to do what they have to do to keep this moving. A letter from NHDOT was sent to several town committees looking for information. The tentative construction date for this project is 2023. Chairman Fulton stated that he will draft a one paragraph response expressing the conservation commission concerns and send it to DOT.
3. NHDES – Forestry PBN – Tax Map 412-155: Conservation Commission indicated it does not merit any further conversation.

#### V. ELECT CHAIR AND VICE CHAIR:

Chairman Fulton stated that we didn't have a March meeting, but we did have a lot of support indicative of the voting on the town warrant. Chairman Fulton stated that he is willing to continue as Chair unless anyone else would like to take it on. The slate of officers for the upcoming year were suggested: Andy Fulton, Chairman; Steve Najjar, Vice Chairman; Mike Camacho, Secretary. **Steve Najjar moved to recommend this slate of officers for the upcoming year; Marc Phillips seconded the motion. Passed 6-0-0**

Chairman Fulton then asked if anyone has any by-law changes that they would like to see happen for the upcoming year. There were none.

#### VI. FORESTRY SERVICES AGREEMENTS:

Vice Chairman Najjar stated that a few of the FSA's were written to expire in 2023. Town Administrator Bolton informed the commission that they can't have contracts that go beyond December 31, 2022. They all have been already signed by Jeremy Turner. A phone call to Mr. Turner was attempted to see if he would authorize a change of date, but because he did not answer the commission decided they would have them changed and signed by Mr. Turner and then by Chairman Fulton.

- #2022-007FF – Timber Stand Improvement – Toby Hill for not to exceed \$2,400
- #2022-001FF – Hourly Forestry Services for any projects for 2022 - \$75 per hour.

**Vice Chairman Najjar moved, to approve the hourly forestry services agreement and to budget \$2,500 for meeting attendance and miscellaneous town forest related issues (#2022-001FF) and to approve the FSA #2022-007FF for Toby Hill Timber Stand Improvement not to exceed \$2,400 and to authorize Chairman Fulton sign the agreements. Passed 6-0-0**

- #2022-002FF – Update Bartlett Forest Management plan & Chevy Forest Management Plan
  - A. Bartlett Forest Management Plan-127 acres - \$2,794 (25% due upon signing: \$698)
  - B. Chevy Forest Management Plan-157 acres - \$3,454 (25% due upon signing: \$863)
- #2022-004FF – Develop comprehensive stewardship plan – Barden lot – 82 acres - \$2,500
- #2022-003FF – Boundary maintenance for all town forests – the last 10 miles – up to \$6,500 including materials
- #2022-006FF – first line type – should be with Town not SPNHF. \$3,500 estimate for tree markings in the Eastman Conservation lands and to change the date. Chairman Fulton that this one being corrected and acted upon at the next meeting.

**Vice Chairman Najjar moved to authorize the Chairman to sign forestry service agreements #2022-**

**002FF; #2022-003FF; and #2022-004FF for a grand total of \$15,248 upon agreement of Meadowsend to change the effective date December 31, 2022; Sherry Burdick seconded the motion. Passed 6-0-0**

## **VII. OTHER BUSINESS:**

- a) Pondview Road complaint: Chairman Fulton stated that he has some questions for the Board. When there is a construction project ongoing in town, site work is being done, land is being disturbed, trees removed, roots, soil being exposed, etc. It rains and soil moves its called silt and that runs with the water and gets into water bodies potentially. His question for the commission is, what role do we play in all of that? From a science ecology sort of standpoint running mud into the water bodies is not typically desirable. It doesn't happen a lot we do a pretty good job of holding onto our soil. There was a particular instance brought to Chairman Fulton's attention and he asked the code enforcement officer to look into it, as he wasn't sure if we have town rules on this. Member Ray Lemay explained if the property is under 1 acre there is no oversight, but over 1 acre it is controlled by State permits. It is a federal rule that no siltation can get into a water body. Chairman Fulton stated that the reason he is bringing this up is that he got a response that he could look into but it would be next week. After some discussion the Board didn't move on it, as there is currently only part time code enforcement and members felt it was not their place to get in between the developer and town. Possibly if staffing gets back to full time there could be more done by the Town. Vice Chairman Najjar stated that for the record he did find it in the zoning ordinance in Article 36 that indicates that an erosion control plan is needed for every driveway that drains towards the roadway so that was required (per zoning) for that lot. It is on page 86 of the zoning ordinance, under geometric paragraph.
- b) Request for practicing firearms on Town Conservation Land: Chairman Fulton stated that the last item he has is that he received an email request regarding permission to target practice firearms on Town Conservation lands. Member Bill Bolton stated that his opinion is that the town should never give permission for anything like that because you are then taking on the liability as well. Mr. Bolton stated that his is all for the hunting, but there are places you can go and spend a few dollars and do it all weekend or all day long. Mr. Bolton said he pays yearly to be able to do that. Other members agreed that it sounds like a tremendous amount of liability for the town. Vice Chairman Najjar stated that there seems to be a probably with State law which indicates that you can do shoot on any town land. Mr. Bolton stated that we are not prohibiting they are just not giving any permission. The Board agreed that we should ask Town counsel with regard to the Londonderry case.
- c) TMS Diesel complaint: Vice Chairman Najjar stated that the manager that handles wetlands inspector said the Conservation Commission should just email him directly with all the details. The email indicated that TMS Diesel filled the wetland in the corner. Vice Chairman Najjar stated that he would forward it to Chairman Fulton. Chairman Fulton stated that as an employee of DES he is going to ask the Vice Chairman Najjar reply directly to DES. There are possibly two violations, one a wetland and one a wetland buffer ordinance.

## **VIII. NEXT MEETING: May 11, 2022**

**Being there was no further business to come before the Board, Vice Chairman Najjar moved, Sherry Burdick seconded to adjourn at 8:54 PM. Passed 4-0-0**

## **ADJOURNMENT**

A True Record.

*Naomi L. Bolton*

Town Administrator Bolton

From notes & You Tube recording