

**FINAL**



**WEARE CONSERVATION COMMISSION  
MEETING MINUTES  
December 13, 2023**

**PRESENT:** Andy Fulton- Chair, Steve Najjar- Vice Chairman, Mike Camacho- Secretary, Sherry Burdick- Commissioner, Marc Phillips-Commissioner, Suzanna Taytslin- Commissioner; Ray Lemay- Commissioner

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** Craig Francisco

Chair Fulton opened the Conservation Commission meeting at 7:19 p.m.

**Planning Board proposed Zoning Amendments:** Chair Fulton asked Planning Board Chair Francisco how they came up with the proposed changes to the wetland buffer in Zoning Ordinance. PB Chair Francisco said he has been a surveyor since 1978 and does work in many different towns. The current ordinance treats all wetlands the same. He took several wetland setbacks from towns and blended them. PB Chair Francisco said what he is proposing to the Planning Board is to vary the wetland buffer depending on the type of wetland. PB Chair Francisco explained how to rate and evaluate the wetland. Chair Fulton asked what PB Chair Francisco has seen in town that has issues with wetlands that need to be corrected or addressed. PB Chair Francisco said since he has been chairing there has not been big development proposed in town but with the housing crisis and the need to build more houses, it could be an issue. Vice Chair Najjar said he would encourage the PB not to use a square foot parameter to not have a setback because it will end up killing the wetland if you are on top of it. Chair Fulton asked if they were changing the minimum 25-foot setback non-disturbed or are they changing the building setback. PB Chair Francisco said it would be changing both. Chair Fulton asked who would be the one determining the setback for the wetland. PB Chair Francisco said it would be a wetland scientist. Discussion ensued about wetland buffers and the planning process. Vice Chair Najjar said it is concerning a septic designer can delineate a wetland and would be uncomfortable with them making a functional assessment. PB Chair Francisco said he could add that a licensed wetland scientist must make the assessment. The Commission and PB Chair discussed changes to the proposed wetland buffer ordinance and concerns. PB Chair Francisco said he is going to work on the wetland buffer more and make some changes.

**Minutes:**

**November 15, 2023:** Commissioner Phillips motioned to accept the November 15, 2023 minutes as amended. Seconded by Commissioner Burdick. Motion passed 7-0-0.

**Parks and Recreation:** Chair Fulton said at the last meeting a letter was sent for to provide more information to the conservation commission. TA Bolton is going to provide more information to Laura. Vice Chair Najjar said maybe they need to send an email stating the CC has asked for legal support and why is there none. Chair Fulton said that he has sent emails and has received no response. The commission

discussed their frustration regarding getting no response from the Selectmen about legal advice that they are trying to seek. Vice Chair Najjar stated the CC should go out to bid for their legal counsel. Phillips said that they asked the BOS for permission to talk to town counsel and are not sure where the disconnect is. Vice Chair Najjar clarified that Burdick is the commissioner and not the ex-officio of the CC. Burdick said that Mildred Hall is an advisory committee and she does not think they are bound to give out minutes. TA Bolton said in part the Mildred Hall committee helped in the purchase of the parcel. Phillips said they need to put forth before the Chairman of the BOS as to why they do not have answers so they can move forward. Vice Chair Najjar said for next month's meeting he would like to suggest that they come up with a draft statement of work just in case they want to send it out to comply with the Town's purchasing policy. Chair Fulton said that if Vice Chair Najjar would like to draft and share something with the board at next month's meeting that would be fine.

Chair Fulton said that he has received a couple of emails in regard to the Shmid/ Banks property and support of the more sports fields. He said he also received an email from a former CC member to get more information about the field.

**Land Management:** Vice Chair Najjar recapped the forester contract conversation that he and Chair Fulton had with the Board of Selectmen on Monday night. The Commission had statement work to review for Meadowsend. Vice Chair Najjar said they will need to encumber the estimated amount for the showing of the timber harvest. Vice Chair Najjar spoke with Jeremy Turner regarding the work done for Eastman and what the CC owed him. Mr. Turner told Vice Chair Najjar the cost was \$400. Vice Chair Najjar said that they may want to encumber the money for when that bill comes through and stop where they are at for Eastman.

**Vice Chair Najjar motioned for the Conservation Commission to propose to Meadowsend Timberlands that they cancel the Forestry Services Agreement for Eastman Timber Harvest, and the Commission settles the expenses with them based on Jeremy Turner's email for field timing mapping of \$400 and they submit the bill before December 31<sup>st</sup>, 2023. Commissioner Lemay seconded. Motion passed 7-0-0.**

**Felch Harvest bid documents:** Chair Fulton presented the rebid for the Timber Harvest at Felch Field to the CC to review. The commission reviewed the document. Camacho asked the commission if they would rank higher if they had experience in creating a trail. Chair Fulton said that was a good idea. Vice Chair Najjar said they could ask to add it. The Vice-Chair said the changes were the end date to 12/31/24 on pages one and two on the bid sheet, and the notice on page two.

**Vice Chair Najjar motioned to encumber \$750 fiscal year 2023 forestry appropriation to complete Felch Farm unit five timber harvest and the funds are to be used for showing and tabulation for the award. Commissioner Lemay seconded. Motion passed 7-0-0.**

**General Services Agreement:** Chair Fulton asked the CC to look at the agreement and make sure nothing needed to be corrected so they could send it to Jeremy to sign. Vice Chair Najjar suggested not making changes until the agreement is completed and putting forth a new one for when it is time to renew. With no changes by the CC Vice Chair Najjar sent Jeremy Turner the agreement to sign. Chair Fulton said the CC will have additional work next year for a longer-term forester.

**Other Business:** Commissioner Phillips asked for an update on Shmid. Chair Fulton said he and Vice Chair Najjar attended the BOS meeting and the BOS had questions they wanted researcher before stating a position. Chair Fulton said that he believes their position was heard and understood by the BOS.

Barden: Commissioner Lemay asked to work on the Barden RFP at the next meeting. CC agreed to be added to the next agenda.

Poor Farm Boundary: TA Bolton mailed the certified letter today and they have thirty days to respond and can be followed up on the February agenda.

Chair Fulton said that he was contacted by the Forester doing work for Sherry Burdick and had questions about smoothing out a bump at the end of the driveway. Vice Chair Najjar said an abutter contacted him with concerns and they were addressed.

91: A training was recorded and TA Bolton will follow up with the Town Counsel for notes.

TA Bolton said there were three forestry notifications and no action is needed.

Vice Chair Najjar read the proposed 2024 warrant article for \$25,000 and asked Chair Fulton to pass it along to the Select Board.

**A motion to adjourn was made by Commissioner Phillips at 10:17 p.m. Seconded by Commissioner Lemay. The vote passed 7-0-0.**

### **ADJOURNMENT**

A True Record.

*Kearsten O'Brien*

Kearsten O'Brien, Minute Taker