



Town of Weare Conservation Commission

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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 – JANUARY 8, 2014 FINAL MEETING MINUTES

Meeting called to order at 7:08 pm by Chairman Andy Fulton

Present: Andy Fulton, George Malette, Steve Najjar, Wendy Stevens, Chris Tuck and Lisa Grolljahn

Guests: None

- I. Mr. Fulton opened the public hearing regarding purchase of Banks/Schmid property. Mr. Fulton stated a legal advertisement has been published. There were no guests in the audience. Mr. Najjar made a motion to expend \$180,000 from the Conservation Fund towards the purchase of the Banks/Schmid property on East Rd. with the condition that it be conservation land with a conservation easement on it to be held by SPNH and the Weare Conservation Commission will be the manager of the property with the exception of the athletic fields area and gravel pit area. Mr. Malette seconded. Mr. Fulton noted that it was the same motion that we had previously motioned and this only affirmed it. Mr. Najjar would like to amend the motion to say that the pledge expires one year from this evening. Mr. Malette seconded the amended motion. All were in favor. Mr. Najjar made a motion to close the public hearing. Mrs. Tuck seconded the motion. All were in favor.

- II. Mr. Fulton opened a discussion on several permits. Dec. 17th Zapora driveway that was discussed with Art Siciliano. Dec 23rd shoreland impact permit for 4,770 square feet of shoreland impact for a new dwelling at 186 Cottage Road. Dec. 30th shoreland impact permit on Hargraves, 176 Russell Rd. and January 2nd Lavalliere, 10 N. Riverdale Rd. Mr. Najjar inquired on the Oak Hill Road and asked why this does not appear to have gone before the Zoning Board. Mr. Najjar shared a situation with a parcel with two vernal pools on it. He had inquired with the Land Use department and Wendy Rice had claimed that it was the responsibility of the state to protect the vernal pools. Mr. Najjar had tried to explain that it was a town ordinance. The parcel ended up being modified and it was unclear whether buffers were understood and/or respected. Mr. Najjar said he thinks we should re-engage the Land Use Coordinator so that he understands that it is that department's responsibility to enforce these issues. After some discussion, Mr. Fulton summarized that it has been dealt with in the past in different ways and the commission can decide how it would like to approach the situation. Mr. Najjar pointed out that there could be other land permits/projects that effect the jurisdictional buffer and there is no way that violations could be detected. Mr. Najjar summarized that Wendy Rice was very unclear about the wetlands requirements. Mr. Fulton will draft an email to Mr. Meaney. Mr. Najjar wanted it stated that the Wetlands Buffer Ordinance is not well understood. Mr. Fulton will drop the permits in the Land Use Dept's box and ask that they be properly recognized.

Mr. Fulton mentioned he did not recall a lot of information about the shoreline impact permit for a warehouse on Riverdale/Piscataquog River. A map was reviewed. Mr. Najjar noted it was difficult to comment on the permit application without seeing a plan. Mr. Najjar and Mrs. Grolljahn noted the closeness of the proposed building to the river. Mr. Fulton confirmed this was the first he has seen of this plan. Mr. Fulton asked Mr. Malette if this was to come before the Planning Board. Mr. Malette said it depends if it is on the aquifer or not. Mrs. Stevens noted the square footage on the permit to be nearly half an acre. Mr. Fulton agreed it was a large disturbance. Mr. Fulton said it was in the realm of our duty to at least inquire with our code enforcement officer and express concerns and make sure that the Wetlands Buffer Ordinance is being followed. Mr. Najjar asked if once a person gets a wetlands approval, do they need any permits to do groundwork and/or place a driveway? Mr. Malette mentioned we do have driveway permits. Mr. Fulton noted it is very preliminary to the project, and that somebody

could get a driveway permit before obtaining a building permit. Mr. Fulton said he thought Mr. Najjar is saying we should clearly have a first point of contact, and not wait to see if a building permit surfaces, and that communication needs to be present.

III. Agenda item Conservation Officer Delayne Brown was skipped due to non attendance.

IV. We received closing papers from Attorney Dunn for the Chipmunk Falls land purchase.

V. We received monitoring reports for the Brown Farm Easement and the Purington Farm easement.

VI. Irene C. Colburn Trust Papers

The Conservation Commission has been entrusted with property of 22 acres through the will of Irene Colburn. Trust documents were received in the mail today and circulated. Mr. Fulton noted that Roberta Townes has contacted the commission requesting 2+ acres of these 22 acres be given to her. He noted several header conflicts within the cover letter, specifically that some portions of the letter were addressed to Weare Christian Church, not the Weare Conservation Commission. He questioned the legitimacy of the paperwork. He suggested contacting our lawyer for advice. Maps were reviewed as to the location of the parcel, and it was noted that the trust stated the parcel was to be used for forested or agricultural purposes. Mr. Fulton read Mrs. Colburn's obituary which gave a lot of historical information. All members expressed appreciation for this gift. Mrs. Grolljhan said that when you think about somebody's request, maybe a lawyer should be the one to speak to the requests of the people involved. She understood why the additional 2 acres were needed, as there is a 10 acre minimum requirement for current use applicability. Mr. Najjar opened a discussion about placing both parcels under conservation, the 22 and the 7 ½ acres. He mentioned not wanting the parcel to become 10 acres and then becomes subdivided. Mrs. Tuck mentioned twice that she thinks lawyers should handle the situation. Mr. Malette mentioned having it in an easement would help tackle the issues. Mrs. Stevens mentioned she had to recuse herself as she is a friend of Roberta Townes. Mrs. Tuck said the wishes of Irene should be honored. Mrs. Grolljhan said she thought we should be flexible. Mr. Najjar suggested that we go ahead and contact our attorney, Laura Spector Morgan as a first step in approaching the situation. He would like to present the request, review what the trust says, and then perhaps leverage a larger conservation easement. Mrs. Grolljhan mentioned any survey expenses should be incurred by Roberta Townes. Mr. Najjar wanted to capture the events again. Mr. Najjar sees ambiguity in the language and said it would have been better to deal with a book and page number and he would also like the lawyer to address the validity of the language. He also mentioned a lot line adjustment may be required. Mr. Najjar asked who the executor was, it is Gail Haselton, co-trustee who signed with Mrs. Colburn. She is the remaining trustee with a secondary trustee of Don Haselton. Mr. Najjar summarized questions for the attorney: We will ask the attorney to review the legal description of the property, closing and survey costs, and if the commission chooses to negotiate, would some kind of reassignment of the land be legal. Mr. Najjar wondered about it becoming one easement. Mrs. Stevens said that would save money. Mr. Najjar mentioned PLC as becoming a party to the easement. Mr. Najjar finalized that assuming negotiations are legal, we should invite Mrs. Townes to the next meeting.

VII. Brookshire Update

Mr. Najjar asked if the commission has received a deed for the Brookshire parcel. Mr. Fulton could not recall. Mr. Najjar said we should go back and look. The violations and boundary issues were discussed, and Mr. Najjar stated we were going to need a surveyor to complete the project as there are two separate parcels and it has been a real mess for Jeremy Turner to decipher. He stated resident's lawns are on town land. Mr. Malette said we should have everything the way it should be, before development begins. Mr. Najjar stated lesson learned, and stated he hopes the approach upcoming with the Duck Pond development goes better.

VIII. Felch Farm Town Forest Gate

Mr. Fulton presented a request for the gate at Felch Farm to be unlocked for snowmobile access. Mrs. Stevens asked if it was part of a statewide trail system, Mr. Najjar answered no. Mrs. Grolljhan asked why gates were there. Mr. Najjar responded that after the last timber harvest, the forester installed a

new gate. Mr. Fulton mentioned Mr. Redmond wanted us to push access down the road. Mrs. Stevens stated we should open the gate, and that we have a good relationship between our lands and snowmobilers. Mrs. Grolljhan agreed and said they are likely trying to get from Point A to Point B, and are not mudding or destroying property. Mr. Najjar said he did not have a problem with it. It was agreed that the gate should be opened. Mr. Najjar will make arrangements.

IX. Chipmunk Falls

Mr. Fulton wants to get a hold of a note left in Loretta's camp that he would like to share. He does have a key to the building and we will ultimately have to manage the building. Mrs. Grolljahn mentioned making a memorial bench from the building. Mr. Malette mentioned a scout project.

X. Finance/Accounting

Mr. Najjar reviewed a note from Tina that we need to encumber \$12,279. The gates were \$6,000 for two gates and some of the \$7,760. What else was in the forestry article? Woods Town Forest and Holly Hill were recalled. Mr. Najjar made a motion to carry over/encumber the \$12,279.80 that's remaining on the 2013 Warrant Article for contracted forestry work into 2014 and also would like to note as part of this motion that we have several outstanding contracts, one for Woods Conservation Property and another one for three gates and we may have some other existing contracts. Mr. Malette seconded that motion. All were in favor.

XI. Forestry Service Agreements

Mr. Najjar asked if we had funds left in the Conservation Fund. Jeremy sent a new Forestry Service Agreement, he did not realize there were two parcels involved with the Brookshire project. The FSA was reviewed for \$2,000. Mr. Najjar made a motion to authorize the expense up to \$3,000 out of the Conservation Fund for boundary work on the east side of Brookshire Open Space. Mr. Najjar said he wanted to clarify what had been agreed on in the past. The Conservation Commission agreed to expend money from the Conservation Fund for conservation parcels that are not town owned, and that we have agreed to expend money from the Town Forest Account for town owned parcels that are not town forest. Mr. Fulton said we had \$23,000 and change spent out of the Conservation Fund over the past year and we still have room for the additional expense. Mrs. Grolljahn seconded the motion. All were in favor.

Mr. Najjar said for any future open space developments regarding the Planning Board, it should be required that it be monumented and blazed. He asked if Mr. Malette could pass that along to the Planning Board. Mr. Malette said he thought monumenting, blazing and signage. Mr. Fulton will draft a letter to Mr. Meaney. Mr. Malette agreed to make it official.

XII. Mr. Najjar said he talked to Tom Clow regarding our Warrant Articles and he said there were no concerns.

XIII. Web site

Mrs. Stevens gave an update regarding the hosting of our existing site, and Virtual Towns cannot host the existing site due to the size of the images vs. the layout of the template that is being offered by Virtual Towns. She furthered that we could proceed by doing the same thing that the police department has done which is to purchase our own domain, at roughly \$10 per year, and our own hosting for a web site at \$84 per year. She offered perhaps splitting hosting expenses with the police department with a way to save tax dollars, and offered to contact the Police Chief. She stated she would rather spend money on land. Mr. Fulton will email Mrs. Bolton regarding the issues with the web site.

XIV. Mr. Malette motioned to adjourn the meeting at 8:54. Mrs. Tuck seconded. The meeting was adjourned.

A true record,

Wendy J. Stevens