



***TOWN OF WEARE
CONSERVATION COMMISSION***

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Conservation Commission

Andrew Fulton, Chairman
Stephen Najjar, Vice Chair
Wendy Stevens, Secretary
George Malette
Jeff Jackson

CONSERVATION COMMISSION – AUGUST 14, 2013 MEETING MINUTES draft

Meeting called to order at 7:09 PM by Chairman Fulton.

Members present: Andy Fulton, Steve Najjar, and George Malette

Guests: Tina Connor, Jacob Couture, Mary Couture, Allison Gillum (PLC), Robert Connor, Laretta Phillips, Tom Tremblay, Tom Carr (Meridian Land Services), Lisa Grolljahn (prospective member)

I. Jacob Couture re. Poor Farm Town Forest trail maintenance

Jacob Couture (BSA Troop 24 scout) outlined his proposal to focus a 6-hour community service project on clearing fallen limbs from the trails in the Poor Farm Forest. His father David Couture would be the adult leader for the effort and only adults would be allowed to handle chain saws as needed. Most of the work would be undertaken with hand tools. The commission discussed the merits of the proposal and appreciation of the volunteer interest, authorized the work predicated upon Mr. Couture contacting the commission chair with the date of the project and the names of those expected to be involved. Mr. Fulton requested email communication to document the agreed conditions and notify the commission of the schedule. Mary Couture inquired regarding whether it would be ok for any large trunk pieces cut from the trail to be left along the trail. Mr. Fulton confirmed the commission's agreement with the approach. Only a portion of the trails will be worked upon. Mr. Malette inquired and Jacob responded that he is familiar with the available trail map and knows not to disturb stone walls or other artifacts during the work.

II. Tom Carr re. proposed changes to Nana's Snack Shack building layout

Mr. Carr presented a plan showing proposed changes to the site layout. Owners Tina and Robert Connor were present. Changes are to improve the business operation. The existing buildings are within the 50-foot building setback from jurisdictional wetlands as well as the 25-foot wetland buffer. The proposed changes would move some of the existing structures further from the wetlands and the owners will be undertaking a program of Japanese knotweed control. Mr. Najjar commented that under current conditions the wetlands buffer is essentially nonexistent and that the wetlands buffer ordinance would not apply to this pre-existing development. The building setback from wetlands can't be accommodated and the proposed changes can't remedy the situation but don't worsen it either. Mr. Najjar pointed out that knotweed eradication is nearly impossible but all agreed that control is a worthy endeavor. Mr. Fulton indicated that he would email Mr. Meany so that the commission's comments would be available to the Planning Board during their site plan review.

III. Tom Tremblay re. commercial site plan

Mr. Tremblay (president Linwood Real Estate, Lincoln, NH) presented a plan for development of an office building on a South Stark Highway lot abutting town land (firehouse just south of Country 3 Corners on NH Route 114). A substantial portion of the middle of the lot is occupied by a wetland draining to the south and the proposed building envelope is between the wetland and the road. The site plan was produced by Art Siciliano and had been approved by the Planning Board in 2006. Construction was not undertaken within

the allotted time frame and the plan will have to be re-submitted for approval. Mr. Tremblay asked if the wetland boundary could be cleaned up as it is rather brushy and whether the commission would consider a site walk to evaluate the property. The commission discussed the plan and concluded that the plan would have to be updated to include the town 25-foot wetland buffer and 50-foot wetland setback before the commission could effectively comment on it. Enforcement of the building setback from wetlands would eliminate the building envelope as depicted on the 2006 plan. Mr. Tremblay may return to the commission in the future for further discussion.

IV. Laretta Phillips re. property conservation

Ms. Phillips addressed the commission regarding her offer to sell the town approximately 6.89 acres of property at and about Chipmunk Falls. She had prior discussed the property with Mr. Fulton but opted to make a personal appearance before the commission for the first time this evening. Several years back she had discussed the property with Pat Myers, former commission chair, then of the open space committee. She noted the attributes of the property, her history of ownership, and her desire for the land to be conserved for the public good. She has owned the land since 1992, found it to be a very creative place, but is ready to move on. Mr. Malette noted that land conservation in the area of Chipmunk Falls has been a long-standing goal of the commission. Mr. Fulton mentioned that most recently the town purchased 10 acres in the area from Linda Hall. Allison Gillum noted that she has heard of Chipmunk Falls and that the Piscataquog Land Conservancy would very likely be interested in land conservation in that area. Ms. Phillips described an octagon house that was built on the property by the prior owners and was formerly used as a seasonal residence. Ms. Phillips would love to see the structure preserved but understands it may not be. The property is at the end of a woods road (not sure whether Class VI or private) and is not served by utilities. Mr. Fulton noted that he knows the area well and that the hydrology of the parcel makes it quite unique.

Mr. Malette motioned and Mr. Najjar seconded entry to non-public session per the provisions of RSA 91-A:3,II(d) to discuss the specifics of Ms. Phillips' offer. By roll call vote all approved entering non-public session. Following non-public session, Mr. Malette motioned to seal and restrict non-public minutes and Mr. Najjar seconded. All voted in favor.

Mr. Malette motioned to commit \$38K from the conservation fund toward the purchase of Ms. Phillips' property at Chipmunk Falls, provided the parcel appraises at a value within \$5K of that amount, with an a concurrent commitment of up to \$10K from the conservation fund to cover PLC's stewardship fee should PLC be interested in securing a conservation easement on the property. Mr. Najjar seconded the motion and in discussion noted that the property does not abut that of any member of the commission. All voted in favor.

Mr. Najjar motioned and Mr. Malette seconded the commitment of up to \$3K from the conservation fund toward a property boundary survey if needed and/or other potential PLC project costs.

Ms. Gillum said she would discuss the potential property and easement acquisition with the PLC board, with an eye towards a purchase and sale agreement toward the beginning of October, if pursued by PLC. Ms. Phillips hopes for closing by the end of October.

V. Phone call re. vacant property listing

Mr. Fulton informed the commission of a phone call recently received from town resident Joanne Racine regarding a 50-acre vacant property listing in her Cram Road neighborhood. Mr. Fulton told the commission that Ms. Racine was hopeful that the commission would be interested in purchasing the property for town conservation land. The commission opted to not pursue the issue at this time.

VI. Allison Gillum re. potential land conservation project

Ms. Gillum was present to discuss a potential land conservation project being pursued by PLC.

Mr. Najjar motioned and Mr. Malette seconded entry to non-public session per the provisions of RSA 91-A:3,II(d) to discuss the specifics of PLC's project. By roll call vote all approved entering non-public session. Following non-public session, Mr. Najjar motioned to seal and restrict non-public minutes and Mr. Malette seconded. All voted in favor.

No motions were entertained or decisions made about the project being pursued by PLC. PLC's work is ongoing and the commission will be updated as progress is made.

VII. Re. April 10, 2013; May 8, 2013; and July 10, 2013 meeting minutes

Opted to hold for next meeting.

VIII. PLANNING BOARD:

1. No comment re. August 7, 2013 LLA; Swieszkowski - 151 Barnard Hill Road and Pro Mod Realty, LLC - 143 & 145 Barnard Hill Road; (409/194 & 409/19.3)

IX. NH DES/WETLANDS BUREAU, ETC. CORRESPONDENCE:

1. July 9, 2013 Complete Forestry Notification, Clark, 407/30&37 noted
2. July 23, 2013 Shoreland Impact Permit 2013-01747, Daniels Lake Development Corporation, Old Town Road, 109/41 noted

X. Shmid/Banks project

The commission discussed the status of the Shmid/Banks land purchase project. Mr. Najjar noted that the Board of Selectmen and Town Administrator were very concerned about project funding and timing. Ray Banks had arrived before the meeting also apparently quite concerned about the status of the project but left when informed that Ian McSweeny of the Russell Foundation would not be in attendance. As grant funds from outside the town had apparently not materialized, Mr. Najjar brought up the issue of whether additional conservation fund monies could be committed. Mr. Malette and Mr. Fulton shared Mr. Najjar's concern that the 2013 warrant article language regarding proposed and committed project funding sources might legally preclude additional commitments from the conservation fund to the project. Mr. Fulton had been informed that the Town Administrator had referred the question to the town's legal counsel and might also have to take the question to another government consulting entity. As no message was left for the commission prior to meeting, the commission assumed that a legal opinion had not been received. The commission was in agreement that this was a high quality project that warranted further assistance because it involved the town actually owning the land outright, it involved acquisition in a longstanding conservation focus area, and it had received substantial support at town meeting.

The commission discussed the estimated conservation fund balance and known outstanding commitments to arrive at a consensus regarding available funding. Mr. Fulton recommended that since the estimated conservation fund balance was based on conservative numbers, a buffer of approximately \$10K should be sufficient to guard against over-commitment of the fund. The commissioners acknowledged in open discussion that with the commitment of additional funds to this project the conservation fund would be essentially depleted and will not be available to support additional land conservation projects until replenished by future land use change tax receipts.

Mr. Najjar made motion to commit an additional \$130K from the conservation fund (for a total of \$180K) in support of the Shmid/Banks land purchase, subject to the following conditions:

1. Legal opinion indicates that warrant language allows contribution of more conservation fund monies; the pledge is void if not legal,
2. The pledge expires if not acted upon with one year (by August 14, 2014), and
3. The purchased property (exclusive of the approximate 20-acre gravel pit/recreation field) is to be managed by the conservation commission as conservation land.

Mr. Malette seconded the motion and in discussion noted that though he would not normally like to commit conservation funds of such magnitude on a land conservation project without having a full commission present, he would favor going ahead with the vote due to project time constraints indicated by the Board of Selectmen. All voted in favor.

XI. The commission briefly addressed the Jeremy Turner email re. Breed Brook conservation land boundary monuments survey proposal. The commission noted that the proposed expenditure was in-line with expectations and funding had been prior approved. The work is to address a potential easement encroachment issue raised by PLC as a result of annual easement monitoring.

XII. Mr. Najjar made motion and Mr. Malette seconded approval of the July 22, 2013 Brookshire boundary reconnaissance and maintenance Forestry Service Agreement with Meadowsend Timberlands Limited (TEMCO). All voted in favor. Funding for the work was prior approved.

XIII. Mr. Fulton noted that he received and will forward to Tom Car the August 6, 2013 SPNHF easement monitoring letter with form for Collins Ledge, due by January 15, 2015.

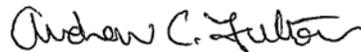
XIV. Mr. Fulton related to the commission that he had received a phone call and email from Stephen Flanders re. the need for brushing/mowing the field adjacent to the cemetery on Concord Stage Road. The field is part of the Eastman Conservation Area Town Forest. Mr. Najjar motioned and Mr. Malette seconded commitment of up to \$300 from the conservation fund for mowing the field. All voted in favor. Mr. Najjar is to make arrangement for the mowing.

XV. Agenda items noted without discussion:

1. Weatherbee easement funding request and subsequent property listing
2. July 27, 2013 esri invoice showing maintenance fee paid for two years through 5/31/2014 (\$0 balance)
3. PLC Chevy Hill/Oliphant intake walk schedule
4. June 26, 2013 Wendy Stevens email complaint to BOS re WCC chair
5. Disclosure and conflict of interest discussion
6. Confidentiality and ethics discussion
7. Commission membership discussion
8. Felch Farm stumpage check for \$16,257.83

XVI. Mr. Malette motioned and Mr. Najjar seconded meeting adjournment at 10:26 PM.

Recorded by,



Andrew C. Fulton
WCC Chair