

**Weare Conservation Commission**  
**Minutes**  
**April 11, 2006**  
**+++++FINAL+++++**

In attendance were: Andy Fulton, Pat Myers, Steve Najjar, Andrea Alderman, George Malette, and John Ciampi.

Guests included: Craig Heafield (property owner), Jeff Hudson and Tom Sauser (ownership group with SHB Properties), and Jim Edwards.

Andy called the meeting to order at 7:12 PM.

**1). SHB Properties** – located on lot 152, map 411. Jim Edwards addresses the Commission concerning phase 1 of this project which was also submitted to the Planning Board, and he is process of preparing phase 2. Some highlights of Mr. Edwards discourse are as follows:

- The road through the property has been designed in its entirety.
- The design of the drainage system has been completed.
- DOT has issued SHB Propertied an updated permit for the road construction.
- The abutter on the rear of the property has asked SHB to extend the road up to his parcel.
- Phase 2 plan is expected to be ready for next months Conservation Commis-sion meeting.
- Andy asked Mr. Edwards why this property wouldn't be a candidate for a cluster to which Jim replied that the best developable area is in the center of the Property, and also, in order to access the back property, a road through the center of this subdivision is more suitable, and additionally, Mr. Edwards feels this property is more suitable as a standard layout.
- Andy asked Jim to tell the Commission a little about the back property, and he sketched a rough outline of it, mentioning it involved a substantial amount of land and that it is on a Rural Conservation Overlay District.
- Jim showed a topographical map of the property which showed the drainage flowing toward the front of the property.
- Soils are classified as moderately well drained.
- The property runs along a ridge.
- There are no wetland impacts.
- The building setback lines will be removed.
- Andy asked Mr. Edwards to explain the non-disturbance areas of the property, to which he responded it will prevent clear cutting and the building of structures.
- Jim told the Commission that the back abutter has no immediate designs to develop his property; he only wishes to gain access to his back lot.
- Andy asked that if the back were to be developed, does SHB have any regard toward the increased flow of traffic through their subdivision, and Mr. Edwards replied that since the land is in the Overlay District, traffic is likely to be minimal.
- Speaking for himself, Andy explained he would prefer to see the back parcel remain just as it now exists, and speaking as a Commission member, he has the obligation to restrict development into rural areas of Town.
- Mr. Edwards disclosed that DOT has already made accommodations to the subdivision road, expecting increased traffic flow from the back lot.

- The Conservation Commission will suggest to the Planning Board, Andy explained to Jim, that developers retain an environmental consultant in order to complete a pesticide study on old orchards in order to detect if any harmful residues that may still remain in the water and soil; and upon completion of the study, forward the results to the Commission for their review, in which SHB agreed.
- Jeff Hudson, of SHB Properties, spoke about his research on the old orchard site and he distributed a research analysis flyer entitled Past Chemical Usage and Resulting Status of Soils and Water to the members for their perusal. After delineating his references, Mr. Hudson summed up that there are no State standards established for soils in and around orchards. Geoserve, an environmental consultant firm located in Derring, has prepared an on site analysis, taking 15 samples from the orchard site, and also from the surrounding woods and wetlands.
- Andy requested that the final report from Geoserve be sent to the Commission and Planning Board, to which SHB agreed.

**2). - Discussion of Easement on River Rd.** – Margaret Watkins, of the PWA, discoursed on an easement located on tax map 412, lots 100 & 101. As related by Margaret, this property harbors isolated wetlands, views, and has wildlife and recreational assets. Margaret proposed adding an amendment to the deed of allowing limited cutting in order to perpetuate certain open vistas. Craig Heafield is donating this easement of 28 acres to the Town along with a connecting ROW. Craig’s subdivision portion proposes 14 house lots. Discussion surrounded the issue of the access road location and the lay of the easement property, to which the Goffstown Town Line is on boundary line of the easement. Because of the many interesting features of the property, Margaret proposes to include a clause promoting construction of a series of hiking trails on the land. As for access to the property, Craig explained that parking facilities will be shown on a forth coming revised plan. Craig welcomes any comments from the Commission this evening since he will be meeting with Planning on Thursday evening in order to finalize acceptance of the easement and subdivision. Margaret has the opinion that this open space land does not lent itself to typical logging operations because of its rugged characteristics, so she feels a more concise management plan will be sufficient. Provision will be included to the deed to allow for subsequent construction of a kiosk, and, Margaret continued, a clause to prohibit any motorized vehicles. Additionally, this property can never be subdivided. There was some bandying concerning the access ROW, and if it should be owned outright by the Town, or incorporated into the individual property owners deeds so the Town would only own the right of passage. Steve explained that overall, the use of the ROW is “cleaner” if it were owned outright. Under the Condemnation clause, Steve wants to make sure that if condemnation should occur, any monetary proceeds garnered from that taking will revert into the Conservation Fund to be used explicitly for environmental projects. Concerning expenses, Margaret is asking for \$400.00 per lot stewardship fee, for a total of \$5600.00; \$2000.00 from the Conservation Fund for a defense fund, and \$400.00 to PWA for basic fees which includes baseline documentation. Pat made motion to expend up \$2000.00 from the Conservation Fund for a Defense Fund for this property. Andrea 2<sup>nd</sup> all voted in favor and the motion carries.

**3). Holly Hill Violation** – A major change in the Violation Letter to the Johnson’s concerning their illegal cutting of trees on conservation property is to remove the PWA’s cost of \$160.00 because, as Margaret pointed out, part of the stewardship fee *is* to pay for violations. A fee of \$210.00 is being levied for an estimated 3 cord of wood illegally cut (\$7.00 x 3 x the penalty burden of 10 factor). The suspected intent of the illegal cutting was to open up a view. Margaret explained that the blazing of boundary trees is one sure way to help prevent this plight from reoccurring. A “take home lesson” from this experience, Margaret added, is

to work with neighbors who border on open space property. Margaret feels there is a need to give the Johnson's a deadline for rectifying their blunder. George suggested wording to the effect that if remedial action hasn't started by June 3, then the Town will hire an agent to do the work. George also suggested changing the wording in the Johnson's letter by striking "open space" and inserting "conservation land" in order to avoid misinterpretation that open space means "devoid of trees". All members agreed to this change. Steve feels that the Conservation Commission may be embroiled in legal affairs if the Johnson's choose to disregard the inducement of the letter, to which it would revert to small claims court. Pat made motion to approve the Commission's Chair signing off on this letter once the final changes are made. Andrea 2<sup>nd</sup>. Final tally was 3 "yehs" and 2 "nays" (Steve and George). The "yehs override and the motion carries.

**4). Frank and Jennifer Ferrante Subdivision** – Pine Hill Rd., (house and 20 acres), in which Margaret wants to know exactly what Frank's property entails, since he is, from now on, a different land owner from the 608 acre parcel surrounding his house, and there could potentially be different problems associated with Mr. Ferrante's 20 acres. Steve suggested that the Town take the easement with the stipulation there be neither building nor subdividing on this parcel. The *Purchase and Sales Agreement* states there shall be no further subdividing on the 20 acres, to which Pat expressed disagreement, saying that, if this parcel is an easement, it should be more explicative. Margaret replies that it can be called a Conservation Restriction rather than a Conservation Easement, but still would have to be a separate deed which would delineate whatever restrictions are held valuable to the deed holder. Margaret said that "no further subdividing" can be written on the lot plat to make it easily noticed by Planning or whoever else may review it. Margaret also mentioned that whoever monitors the 608 acre parcel could also monitor this 20 acre piece. Due diligence, Pat commented, is the responsibility of the buyer, to which Margaret responded that minimally a phase one hazardous waste inspection should be done. Andy stated he has no concerns about due diligence on Frank's 20 acres. At this point in the discussion, Steve made motion to expend up to \$15,000.00 to the PWA, to cover any costs associated with placing an easement on the 608 Pine Hill acreage, and also on Frank Ferrante's 20 acre house lot. Andrea 2<sup>nd</sup> all voted in favor and the motion carries.

Comments to the Planning Board concerning the 20 acre Property is that the Conservation Commission feels that all appears well with this land transaction, and would like to see it be expedited through the Planning Board process, and to suggest that they allow provision on the Plan that this property cannot be further subdivided. Furthermore, that it be designated a "conservation restriction". With this phase in the discussion finished, Steve tabled a motion to have the Planning Board expedite approving this plan, and to record on the plan there shall be no further subdivision on lot 402/32.5. Pat 2<sup>nd</sup> all voted in favor and the motion carries.

Steve made motion to authorize \$5,000.00, to be expended from the Conservation Fund, to cover title search (\$717.00), title insurance (\$3275.00), and recording fee (\$16.39). John 2<sup>nd</sup> all voted in favor and the motion carries.

Steve made motion to withdraw up to \$2,000.00 from the Conservation Fund for attorney fees for Mitchell and Bates to review the Conservation Easement on Pine Hill Forest. Andrea 2<sup>nd</sup> all voted in favor and the motion carries.

Steve recommended at the next Commission meeting there be a public hearing on Pine Hill Forest for the express purpose of hearing comments on the acquisition of this property. Steve recommended sending out a press release thanking those persons and organizations for their contribution of time, effort, and/or product donations in support of this project. He suggested this letter include the reining chair's signature of approval.

Steve made motion to designate Pine Hill Property as a Town Forest. Andrea 2<sup>nd</sup> all voted in favor and the motion carries.

**5). Comments to the Planning Board:**

- John & Tammy Nelson, and Bruce Gilman, LLA. Purpose is to annex parcel A from tax lot 406/65 to tax lot 406/70, and Parcel B is to be annexed from tax lot 406/70. No comments to the Planning Board.
- Subdivision of Robert W. Jr. & Melanie Gordon, tax map 406, lot 31. Purpose is to construct a house on this lot. No comments to Planning.

**6). Natural Heritage Bureau** – Andrea discoursed on the fundamental attributes of this project. She initiated contact with the Natural Heritage Bureau (NHB) because of the need to begin conducting research on a town wide Natural Resource Inventory (NRI) project. Andrea spoke with Lionel Chute, of the Forest Society, who will focus on the biological portion of the field study. Another agency will be selected for any other field study priorities. She mentioned that data on certain properties is available, but not the ecological interpretation of it; however, Pat forwarded comment that ecological information is necessary to guide the Planning Board and other Town Agencies who may seek this kind of information. And Andrea emphasized the importance of making ecological information to anyone who wishes to view it, not only those who have access to arc view. Steve mentioned that he has spoken to a Jim Nailer, of (?), who has completed a NRI for the Town of Hollis, in which he used existing GIS data. Pat countered that most towns do not have a volunteer professional doing this type of work. Steve noted that course filter analysis is available to anyone who wants to download it. Also, anyone can pull up GIS data and analyze it anyway they want. Andrea also stated that what is really lacking in an NRI is ground truthing. Pat emphasized what is also needed is accompanying text for interpolative purposes. Steve chimed that priority of information is also essential. Andrea submitted that the NHB will also focus on a natural community and wildlife segment, and she added that the properties intended to be inventoried this year are the Felch Farm, and Ferrin Pond. Andy asked if Andrea would define “indirect costs” of the NRI, to which Andrea answered costs related to office expenditures. Andy made comment that although there are other agencies specialized in certain aspects of a NRI, the challenge is putting it all together. Pat replied that most towns put together a NRI in layers, rather than in one fell swoop. Steve commented that the local Town maps haven’t been updated within 6 years which can act as a disadvantage in putting a NRI. And Steve asked if the Conservation Commission should have a *broad overview* of Town environmental assets, or *specific knowledge* of what is available under our stewardship, and consensus stated a *broad overview*. Much discussion continued on this topic, but without formulating any consensus or establishing a concrete plan.

Respectfully Submitted,

John Ciampi  
Recording Secretary

cc: Tina Pelletier  
BOS  
WCC files  
Town Clerk