



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the January 15, 2014 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Mike Gelcius, Rick Anderson, Emma Crane, Terry Dancy, Dan Allen

MEMBERS ABSENT: Ruth White, Laura Alexander, Andy Deegan

OTHERS: Roger Wells, Bob Crane, John Wilson

Chair Brown opened the meeting at 9:00am.

Permit Application – Roger Wells

Mr. Wells explained the shoreland application for Senator Bob Odell's home on Little Lake Sunapee. Bristol Sweet did all the mapping to identify the trees on the property. An original driveway to the home is there but not used. He showed where the well and septic tank were, as well as the docks. He showed where the 50 and 100' and 250' setbacks were. He was proposing to make the driveway longer, which he understood required a permit from DES. This would significantly reduce the steepness of the driveway. He has configured the parking area to be able to contain three cars. The front desk would stay as-is. In the back of the home, a double-trunked tree, which is being counted as two trees, will need to come down. Impervious cover and disturbance (temporary or permanent) was calculated at less than 20% so no storm water plan was required. There would be three trees, in total, coming out. Two were to be able to put in the driveway, and one was a 16" white pine they would like to take out because it was in the middle of a scenic view. He was there to ask about their feelings on the matter. Mr. Wells said if the Conservation Commission didn't feel this was a good idea, he wouldn't submit an application to DES. He noted there were more than sufficient points on the property even after the tree was cut.

Mr. Anderson suggested that if the plan showed that at least 50 points remained in each quadrant even after the trees were removed, he thought the Planning Board would approve it.

Chair Brown asked what the surface of the existing driveway was. Mr. Wells said it was bluestone.

Ms. Crane said if it was a healthy tree, she wouldn't support removing it. Mr. Dancy said if they satisfy the regulations, they can have the tree cut regardless of how the Town feels. Mr. Wells said none of these trees can be cut until the following spring and he wanted to make sure that they were making the best economical decision possible; having someone to come cut the trees down was expensive and they'd like to have them all cut at the same time, if possible.

There was no problem from the Conservation Commission regarding the two trees to be removed for the driveway. It was the consensus of the Conservation Commission's that they'd prefer to see the one tree within the scenic view stay and not be cut down. It was also determined that they met the regulations and would be allowed to cut the tree, per DES.

**IT WAS MOVED (Bob Brown) AND SECONDED (Rick Anderson) that there were no objections to the proposed plan for the tree-cutting request at the Odell property.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Permit Applications

Ms. St. John said a property on Pleasant Street submitted an intent-to-cut.

Country Club had an update to a plan from 2012, as well as an update to a property on South Cove Road. Beaconwood Realty Trust at 231 Poor Road got approval from DES for some work but had to go to G&C for approval before a building permit could be issued.

At the previous night's Planning Board meeting, Mr. Anderson gave an excellent presentation on the working group and recommendations for zoning amendments. She had also come up with several proposed amendments that were most important to consider. The Planning Board asked that the Conservation Commission consider three proposed amendments having to do with wetlands, streams and waterfront.

The Planning Board would meet again on January 28, 2014 in a work session to discuss their findings with regards to these amendments.

Ms. St. John said the map they use could use some updating. She would like to create a wetlands and streams overlay. The Regional Planning Commission created a working map for her, using the resources from flood overlay, shore lands, and significant wetlands with a buffer. She suggested that if they want additional protection for streams (including intermittent), it should be included in the ordinance. She suggested a 20' buffer.

Mr. Anderson felt there could be an interpretation issue with this proposed amendment. Adding intermittent streams to the map might cause confusion. He didn't have a problem adding the names of streams on the map but was hesitant about including the term "intermittent." He thought this could create some non-conforming situations. He wondered what it would do to the Conservation Commission's responsibilities to have to approve things, do site visits, etc., with regards to these "intermittent" streams. It was felt that the term "intermittent" was subjective.

Ms. St. John said it was helpful to know the names of streams as people ask about them all the time. These streams have no protection under their ordinance. If they want to include these streams to protect water quality, they could. At the very least, she would like to have the names of the streams on the zoning map. Mr. Anderson said he didn't have an issue with adding the names of the streams to the map, but didn't feel they should designate them.

IT WAS MOVED (Rick Anderson) AND SECONDED (Terry Dancy) that redefining streams was no small matter and should be taken under advisement and subjected to study over the coming year by the Conservation Commission. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Allen said the stream shown crossing the interstate from the Bog Road area, is called "Ruth's Brook" because it drains from Ruth's house. Another brook further down that is slightly larger, flowing into the Messer Pond and parallel to Ruth's Brook. This one is called the "Todd Farm Brook" or "Messer Brook." It was suggested by Mr. Gelcius that the undefined brooks be defined at some point so they could be added to the map. It was determined that this could be done sometime in the year. Mr. Gelcius was willing to work on this project if he had help.

Ms. St. John said with regards to the streams and wetlands map, the ZBA has granted setbacks to streams and wetlands per the regulations in the ordinance. The wetlands that are identified and have buffers are included on the map and permission is needed to disturb the buffers. There is currently no protection for wetlands that are not named. A category for these unnamed wetlands was a 20' buffer/no-cut zone. She said there is a lot of variation between towns and what their buffers are. If they want to protect all the wetlands in their town, they could consider this amendment.

Mr. Allen suggested they define what a wetland is and then no longer would be dependent on a map. A soil scientist will need to come out to determine if it is a wetland or not. Ms. St. John said this is currently done. Their ordinance, however, doesn't protect any of the unnamed wetlands in the town; there are no setbacks or buffers associated with them.

Chair Brown thought this was an important subject that needed further discussion and required further study and consideration.

IT WAS MOVED (Bob Brown) AND SECONDED (Mike Gelcius) that they table the discussion about the unnamed wetlands and discuss it at a future Conservation Commission’s meeting. THE MOTION WAS APPROVED. Ms. Crane abstained.

Ms. St. John said there was a third amendment suggestion with regards to boat houses. Mr. Anderson thought this was well-done but there were a couple of points he made about wording. John Wilson asked why they couldn’t just say “no new boat houses”? Ms. St. John said if that is what they’d like the Planning Board to consider, that could be done. Mr. Wilson thought it best to say it straight out and not dance around the facts. There was also some talk about docks and how they should go along with what the State says with regards to how they are affixed to the waterfront. Ms. St. John said as a Conservation Commission, they can always submit their comments to DES if they have a problem with a certain request.

IT WAS MOVED (Rick Anderson) AND SECONDED (Dan Allen) that the Conservation Commission continue to support the amendment proposed by the Conservation Commission previously, adding the sentence under 1:a that reads the attachment of dock to the shoreland be the least impacting alternative as permitted by the State permitting and approval process. THE MOTION WAS APPROVED. Ms. Crane abstained.

Ms. St. John said at the Planning Board meeting the previous evening there was discussion about tree-cutting. She suggested clarifying the tree-cutting approval process within the Town. Mr. Anderson said the Conservation Commission is mentioned in the ordinance when dealing with cutting in the streams and wetland areas but not within the shoreland. He said the shoreland cutting requests were more straight-forward because they are done on a point system; if the points are there, it is OK to cut. If the points are not there, cutting is not allowed.

Chair Brown said it is clearly a Planning Board function and he was willing to assist. He did not feel the Conservation Commission should take this over. Mr. Anderson said due to a prior experience by Ms. Crane, it was thought a Town employee should be the one to make these site visits. Ms. Crane thought having a person service the tri-town area (Newbury, Sunapee, New London) that could do this kind of thing would be helpful. It was noted that this was a budgetary issue but it was something that should be considered.

Mr. Wilson said Ms. St. John’s position used to be a Zoning Enforcement Officer but has since changed to that of a Zoning Administrator. There is no enforcement or threat of enforcement of the laws now and he felt people felt free to do things that may not be approved. He hoped that the Conservation Commission might look more into a tri-town resource to help with follow-through of these things.

Minutes of December 18, 2013

IT WAS MOVED (Emma Crane) AND SECONDED (Mike Gelcius) to approve the minutes of December 18, 2013, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Planning Board Update

Ms. Crane noted that President Tom Galligan from the Colby-Sawyer College gave a presentation of their master plan, Mr. Anderson spoke about the work group’s findings, and Mr. Helm spoke about a possible retirement community to be constructed on the hospital’s land, but only if the land could be re-zoned as a hospital institutional zone (requiring a zoning amendment).

Easements & Acquisitions

Chair Brown said he and Mr. Deegan have been working on the desirable lands list and there may be some things developing in the next few months. They cannot provide details until they have had more discussions with property owners.

Chair Brown noted that he had a phone conversation with the principles at Big Hilltop, LLC who wish to put negotiations on hold pending the results of the lawsuit against the Town with regards to property assessments. He felt this was unfortunate; this was a court decision and was not decided by the Selectmen. He hoped perhaps their minds would change in the future.

Trails & Projects

Chair Brown said he made some more new signs for Phillips Preserve. He hoped someone could go out and put them out. More signs were made for Morgan Hill and Mr. Vernon would put them up.

Duck boxes at Low Plain would be put out and maintained by the Elkin's Fish & Game Club. Mr. Gelcius said they mark down what was in the boxes and decide which boxes need to be replaced.

Chair Brown said it had been discussed at an earlier meeting the need for some galvanized piping material to place duck boxes above water. He found a plumber who could get the materials for much less than even his own wholesaler could. It would be just under \$600 for the pipe and they could do this under their allowable materials in their budget. He proposed expending this money.

IT WAS MOVED (Terry Dancy) AND SECONDED (Emma Crane) to approve expending up to \$600 to purchase galvanized piping for new duck boxes. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Allen said someone rode a snowmobile down the Messer Pond Trail and Clark Pond Trail. He didn't think this should be encouraged. If written permission is not granted, snowmobiles should not be there. It was thought a sign should be posted and Ms. Hallquist would be consulted with regards to wording.

Low Plain Forestry Plan

Chair Brown asked the members of the Conservation Commission to take a look at the plan for discussion at the next meeting. Mr. Dancy recalled there were some things that should be done sooner than later. It was determined that it was too late to do things this year. Perhaps something next year could be done.

Chair Brown said foresting on the property could be an educational piece to teach about responsible forestry and some income could be realized as well.

Proposed Trail – Lyon Brook to Parkside

Chair Brown said a trail had been laid out with the help of Chad Denning a long time ago. They found a way to do this without crossing private property. Mr. Denning has since left the Town and Scott Blewitt, new Recreation Director, is interested in picking up the project. Chair Brown wondered if there were a couple of people who would be interested in working on this project. Ms. Crane suggested John Clough would be interested.

Merrimac County Work Dates

Chair Brown said the schedule would not be made until March. He would update the Conservation Commission when he hears back.

Budget

Chair Brown would like Budget Committee support on RSA 36-a:5 which is a proposed warrant article that must be submitted annually. Its intent is to allow the Conservation Commission to retain the unused portion of their annual budget. This has nothing to do with the CIP or the Land Acquisition Fund, but rather the money they request for the operation of the Conservation Commission. Many towns do this and the reason they are asking for this is so if things such as a survey or land appraisal are planned and not spent in the budget year, the funds can be carried over and spent for a survey or appraisal sometime in the following budget year. This would enable them to not have to ask for the funds again but to keep the funds that had already been appropriated. Currently, the money they don't use is returned to the General Fund.

Chair Brown said they would be presenting this at Town Meeting. Mr. Wilson said they could certainly discuss this at a budget meeting. There is an aversion towards having committees hold on to money that is not spent but he understood what he was saying. He wondered if there was an alternative towards this method of fund saving/allocation. He noted the revolving fund within the Recreation Department, which rises and falls throughout the year. It falls outside of the purview of the Budget Committee and is oftentimes questioned as it is a different sort of fund. Chair Brown said this particular RSA is intended only for Conservation Commissions. It is not trying to squirrel away a war chest but is an effort to be able to have funds for things like surveys and appraisals, which have already been approved.

Chair Brown said they receive about \$500 each year from the trail maps that are sold in the Town. The money that comes in goes directly to the General Fund and not to the Conservation Commission. They also generated \$7,200 from the timber cut at Phillips Preserve which did not go to the Conservation Commission, but into the General Fund.

Calendar Events

Low Plain Tour – This would not be advertised until March.

Correspondence

Pathways Consulting – A letter was sent to the Conservation Commission regarding the Elkins project. They wonder if there are any concerns with the project. Mr. Dancy said he had been involved but felt there were no concerns. PLPA and the Elkins citizens had provided input. It is an extensive sidewalk project throughout Elkins and is being paid mostly by a grant. He saw it as a good opportunity and an improvement for the area. The Town is on the hook to determine what they can do to improve the safety of the dam in Elkins.

Budget

They have spent 25% of their 2014 budget and they are half-way through the year. They won't be doing the appraisal at Big Hilltop so that is less they will spend. It is time for membership dues to the Ausbon-Sargent Preservation Land Trust. They budgeted \$500 dollars and he thought they should vote on this.

IT WAS MOVED (Dan Allen) AND SECONDED (Emma Crane) to approve the expenditure of \$500 for the annual membership to Ausbon Sargent. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Brown said the Society for NH Forests was asking for membership from the Town. He wondered if the Town should become a member. Ms. Crane suggested becoming a member at the introductory level of \$50.

IT WAS MOVED (Emma Crane) AND SECONDED (Dan Allen) to approve the expenditure of \$50 for a membership to the Society for the Protection of New Hampshire Forests. THE MOTION WAS APPROVED UNANIMOUSLY.

Other

Mr. Anderson summarized a letter from DES which explains that the more stringent regulations will apply when considering regulations within the shoreland. This was written in regards to the Guimond dug-in boat house.

The next meeting was scheduled for February 19, 2014.

Mr. Gelcius said the decision-tree has been put together. He was open to input. It is focused on items specific to Conservation Commission and only highlights areas where the Conservation Commission may be involved.

IT WAS MOVED (Emma Crane) AND SECONDED (Dan Allen) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 11:11am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London