



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the July 17, 2013 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Andy Deegan, Rick Anderson, Dan Allen, Ruth White, Terry Dancy, Mike Gelcius, Emma Crane (arrived at 10:00am)

MEMBERS ABSENT: Laura Alexander

OTHERS: Lucy St. John (Planning & Zoning Administrator), Steve D'Angeli (Trail Intern), Pierre Bedard, Richard Lee (Public Works Director), Bob Stewart

Chair Brown opened the meeting at 9:00am.

He welcomed the newest member, Mike Gelcius, who has been active in helping with the trails at Low Plain as well as other conservation projects.

Applications – Lucy St. John

Demers – 624 Bunker Road

Bob Stewart from RCS Designs was there to represent the Demers. In 2010/2011 Mr. Demers went for a building permit to take an impervious walkway that was stone and put decking over it to make it easier for access down to the lake. It didn't require a permit from shoreland or wetlands at the time. He went through the planning and zoning process with Peter Stanley, who signed off on it. The decking was put in as well as some planting that he offered to do to stabilize the bank. Some of the native species that were recommended to him were put in, particularly low bush blueberry bushes. He had someone put the decking in for him and when they installed it they installed it not exactly over the impervious area, but it had been placed on one corner approximately 2' over the water's edge. Thereby it was no longer a walkway, but was a wharf. Consequently there was a complaint filed with DES. DES came out and looked at it and confirmed it was over the water's edge and said it needed to be pulled back. The issue has been resolved on how to comply and fix the situation which is to move the decking back over the existing walkway, and for him to continue the planting schedule. He was also interested in resurfacing the concrete retaining wall that had been pitted over time. He filed a wetlands non-specific permit, which was issued. The permit says that if this work is done by September 30, 2013, he is all set. The question arose as to whether he needed another building permit to do this work. Ms. St. John had suggested they bring this to light and that they understand this is not new project, but just an effort to comply with the initial building permit.

Mr. Stewart said that Mr. Demers was more than willing to comply with what DES has requested. He noted that there was a scheduled draw-down of the lake this fall, which would enable them to do this work. Mr. Anderson asked if the width of the walkway complied with the ordinance. Mr. Stewart said that the walkway was made of 6' decking and that is what the ordinance states.

Ms. St. John said that they would have the Demers apply for a new building permit to move the walkway.

Mr. Stewart said there is a retaining wall that goes along the fair amount of frontage, which is in need of repair. He bought the property about three years ago. There was a wetlands permit issued to repair the wall under the previous owner's name, which was Dunning. The Dunnings hadn't repaired the wall. The Demers would like to repair the wall during the lake draw-down. An application was sent in for a time extension of this permit and it was granted contingent upon erosion control measures be taken and that it be done during a lake draw-down. He wondered if a building permit was necessary to repair this wall. Ms. St. John said that the ordinance has conflicting requirements regarding retaining walls and sedimentation plans. It wasn't clear as to whether a building permit was needed to repair a retaining wall.

Chair Brown asked if the wall was in the water during normal water levels. Mr. Stewart said that under high conditions it is, but the water just goes up to the base of the wall during normal conditions. Mr. Dancy said he recalled a wall can be repair with the same material as what was used previously. Mr. Stewart said the plan was to gather the rocks that had dislodged and fallen into the lake, and reposition them and stabilize them to repair the wall.

Mr. Anderson said it was unclear who the person/body was responsible to review erosion, storm water and sedimentation control plans within the shoreland overlay. It seemed as though the Board of Selectmen was the board to review these things and approve them. It was the consensus that the Conservation Commission was in favor of this work being done.

Laughinghouse

Ms. St. John said that this project deals with the issue of decreasing the buffer. This issue will be discussed at the Planning Board meeting on July 23rd and the applicant will present at be at a hearing of the ZBA on July 24th.

Mr. Pierre Bedard was present to explain that the addition the applicant wants to put on was within the original plans of the house. It was shown that the plans were changed so that the addition would be outside the buffer of the nearby marsh. Unfortunately, sometime in the past, someone had dug about 12' into the nearby marsh for an unknown reason; perhaps to draw water. This "manmade" wetland causes the home to be within the 100' setback. Mr. Bedard said that since attending a recent Zoning Board of Adjustment (ZBA) hearing, which discussed a similar issue, they have applied for both a special exception and a variance. Mr. Dancy was concerned with setting precedence when dealing with issues of this sort. In this case, however, the decrease in the setback is relatively small. Mr. Bedard said that the septic design makes it look like they took the setback into consideration, as the house was moved prior to building. Mr. Anderson said he didn't have a problem with periodically adjusting the buffer as long as each area is reviewed on a case by case basis. 8.5' didn't seem to be an issue.

Mr. Bedard said that the buffer to the natural wetland would overlap this reduced buffer, so no further encroachment or building within the buffer would be allowed.

**IT WS MOVED (Rick Anderson) AND SECONDED (Andy Deegan) to accept the Laughinghouse application to reduce the wetlands buffer, as presented.
THE MOTION WAS APPROVED UNANIMOUSLY.**

Permit by Notice Applications

Ms. St. John distributed a Permit by Notification (PBN) Summary regarding a property on 30 Checkerberry Lane where someone is interested in replenishing six cubic yards of sand on a beach. She explained how an application moves through the Town. Once she gets them, she creates a summary and passes it around. The Conservation Commission is not required to make any comments on these things, but can if they wish. There were several of these PBN applications offered by Ms. St. John and they were passed around for the Conservation Commission members to review and add any comments as they saw necessary.

Mr. Bob Stewart was there to represent the Ketchem application. He said there is quite a drop-off on the property that leads to Red Brook but there is a fairly flat area where he would be working. He has taken precautions for erosion by installing silt fences and straw bales. Mr. Dancy said that Red Brook is the largest contributor of phosphorous into Pleasant Lake. Mr. Stewart assured the board that he would take appropriate erosion control measures and that nothing would leave the site.

Ms. St. John reiterated that she had not reviewed each of these applications in detail. She only reviews the ones that would require a building permit. In the future she would create a summary of each of the PBNs for the Conservation Commission to review. She briefly listed the applications that had come in. There were several tree-cutting requests that had come in, including two that came in the day before.

Bob and Emma Crane arrived at 10:00am.

There was a tree-cutting request that had come in right before the meeting for a property at the Owls Nest development, which seemed extensive. The Conservation Commission thought there should be more time to review this request and perhaps a site visit was in order.

IT WAS MOVED (Ruth White) AND SECONDED (Emma Crane) that they do not move forward with the Owls Nest request without a site visit. THE MOTION WAS APPROVED UNANIMOUSLY.

Permit for Notification to Repair Boat Launch at Pleasant Lake – Richard Lee

Mr. Lee said that over the years, due to people power-loading their boats out of the lake, there has been some erosion to the ramp and there is a 2' hole at the bottom of it. He has come up with a plan to repair it and remove all the pavement that had been there previously. The new ramp would be constructed of 12' x 30' concrete mats, which come cabled together in 12' x 4' pieces. They would lay the mats in flush with the bottom of the lake and pack the pieces together with gravel. Mr. Lee said the pavement that is there now has been there for about 35 years.

IT WAS MOVED (Terry Dancy) AND SECONDED (Emma Crane) to approve the signing of the Permit for Notification for the repair of the boat launch at Pleasant Lake. THE MOTION WAS APPROVED UNANIMOUSLY.

Beach Replenishment – Duck Inlet Lane, William Olsen

IT WAS MOVED (Rick Anderson) AND SECONDED (Terry Dancy) to approve the request for beach replenishment at Duck Inlet Lane, by William Olsen. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Anderson suggested that in the future, it would be helpful to know which of these requests are within the ordinance so that they can easily pass them through. He thought they should reserve the right to conduct a site visit for any which may seem questionable. In fact, for tree-cuttings, the application offers that a site visit is encouraged and provides Peter Stanley's phone number (which should be changed).

Cahill Property at the Point – Shoreland Application for tree-cutting.

There was talk that the ownership of this property may be changing hands. Ms. St. John suggested that in the future, they may want the applicants (or their representatives) to come before the Conservation Commission to give an overview of their projects. It was noted that as they review the applications now, there is no one to ask questions, should there be any. Ms. Crane said that this would be helpful so she could bring better information to the Planning Board meetings, as she is the Conservation Commission's representative to that board. Ms. White said that people shouldn't always have to come in to answer questions, but the more complicated ones should be encouraged to attend a meeting to explain.

Ms. St. John said that photos are not required, but she encourages people to submit them. Mr. Anderson said that photos shouldn't be in the ordinance but it should be explained to the applicants that they are highly appreciated and approval can come about more quickly if they are provided.

IT WAS MOVED (Ruth White) AND SECONDED (Emma Crane) to not make a decision on the Ketcham application at this time, as it had just arrived that morning. THE MOTION WAS APPROVED UNANIMOUSLY.

It was noted that Mr. Stewart, who had been present at the meeting but had since left, said he would be responsible for making sure erosion control measures were taken.

Ms. White withdrew her prior motion.

IT WAS MOVED (Rick Anderson) AND SECONDED (Terry Dancy) to approve the Ketcham application and that Bob Stewart was to inspect the erosion control measures before and during the course of the work. THE MOTION WAS APPROVED.

Ms. Crane abstained as she was not present for the first part of the discussion.

Ms. St. John suggested the Conservation Commission send a letter or some kind of notification to the applicant to let them know what they had decided.

Colby-Sawyer College

Ms. St. John said that part of the Planning Board's condition of approval for the upgrade of the recreational field was that DES had to approve their alteration of terrain among other permits and approvals. The approval for alteration of terrain had come in.

It was noted that it would be a good idea to have the Conservation Commission sit down with the Selectmen and the Planning Board to get on the same page. It was noted that there was a joint meeting of the Selectmen and the Planning Board planned for July 30th at 7pm. Perhaps representatives from the Conservation Commission could attend.

Approval of June 19th Minutes

IT WAS MOVED (Dan Allen) AND SECONDED (Ruth White) to approve the minutes of June 19, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Upcoming Land Acquisition Projects for the Conservation Commission

Chair Brown said that he has heard from many people who wished the Conservation Commission had a project they could talk about and work on. He thought they should begin to contact some more people on the desirable land list to see what they could get for interest. Mr. Deegan said that he has come up with a list of 10 owners. He noted that L-Chip has been fully funded for the next two years and between that fact and the money New London has, there could be a good opportunity to show that the Town can and is working with other organizations to conserve land.

Mr. Deegan said that there are some properties he has in mind that are not on the list in the Master Plan. Those may be considered if the properties on their desirable list are not available. He said he is keeping regular contact with the Phillips property and they are not interested in anything with the Town at this time.

Mr. Allen suggested that the Bucklin property owners may be interested in an easement now, as there was a death in the family and an auction ensued. He hoped a possible easement would include the Great Brook Trail.

Mr. Deegan said he has a letter ready to go out to a couple of the land owners letting them know about the L-Chip funding. He has another letter to send out to some of the other property owners. This would be ready to go out that week.

Mr. Anderson said that he attended a recent Citizens Advisory Committee meeting where Phyllis Piotrow gave a great overview of the state of funding with regards to what the master plan recommends.

Trail Work - Steve D'Angeli

Mr. D'Angeli said that he has been digging some trenches, repairing board walks, replaced a bridge, cut some brush, and has done some shimming. Ms. White wondered if they would do something with the beaver pipe pictures as a form of public relations. Chair Brown said that Mr. D'Angeli is doing a great job and is a self-starter. He appreciated the work he has been doing. They worked together on Morgan Hill a lot, doing tree-work and Mr. D'Angeli said the Webb Forest would be next for that sort of work. He said they had done some blazing as well.

Mr. Allen said Mr. D'Angeli helped him put some drains in on the Norman Trail.

Mr. Allen added that he has spoken with Mark Vernon about the trails on the property he will be subdividing. There is a revised trail agreement that SRKG has used and they will forward it to Mr. Vernon.

Mr. Allen said that the Kidder-Cleveland-Clough trail off of Pleasant Street offers no place to park. He said the property across the road is owned by the Town and perhaps they could use this for parking. Chair Brown said that he spoke with Mr. Lee about the steep slope that is there where the trail head is. He was told that they would need to wait some time and see if perhaps steps could be put in.

Chair Brown said they would take an inventory of the lumber they have as they have used quite a bit in the last few weeks.

Mr. Gelcius said he would be re-doing the kiosk sign at Low Plain. Ms. White said she would like to be informed when the sign is finished and she would post trail information.

Chair Brown said that they are having trouble with trash again at the Morgan Hill trail. There is some history of bad behavior in that area and the police department will be making a check of the area regularly. The Conservation Commission will also be posting a sign that says "Closed from sunset to sunrise."

The next workdays with the Merrimac County Department of Corrections are August 9, September 6 and October 4.

Mowing of Low Plain – Chair Brown said he didn't know who did the mowing. Mr. Gelcius said that Elkins Fish and Game Club did. Chair Brown thanked them for doing this.

Invasive Species

Mr. Anderson said that the Pleasant Lake Protective Association has two groups who have adopted half of the roadway around Pleasant Lake to "Patrol and Control" the Japanese Knotweed. He is encouraging more people to adopt patches of it and sections of the roadway.

Appointments

Chair Brown said that the Selectmen had made their appointment to replace Sue Clough with Mike Gelcius. There are still two positions available to be filled.

August Meeting

Chair Brown said their next meeting was scheduled for August 21st at 9:00am in the Syd Crook conference room.

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

The meeting adjourned at 11:25am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London