

TOWN OF NEW LONDON
CONSERVATION COMMISSION
FEBRUARY 16, 2005
(approved 3-16-05)

PRESENT: Les Norman (Chairman), Laura Alexander, Dale Conly, Bob Crane, Emma Crane, Terry Dancy, Vicki Koron, Peter Stanley, Ruth White.

ALSO: Dan Allen, Hugh Chapin, Debbie Stanley.

Les Norman opened the meeting at 1 p.m.

Minutes – January 19

Peter Stanley moved to accept. Ruth White seconded. No further discussion. Motion unanimously approved.

Butterworth Gift

The Butterworth family has presented the Commission with a gift of \$50. Peter Stanley moved to accept the gift. Laura Alexander seconded. No further discussion. Motion unanimously approved.

New Conservation Easement

Debbie Stanley informed the Commission that ASLPT has been bequeathed, subject to restrictions, a piece of land along Little Lake Sunapee and Newport Road consisting of nine acres and 1,000 feet of shoreline. The Land Trust went through its evaluation process before deciding that it would be interested in owning this parcel, and it estimates that it will take title in September of this year. She attended today's meeting of the New London Conservation Commission to ask if the Commission would be willing to hold the conservation easement for the parcel.

She went on to say that the evaluation process found that the parcel:

- is very near (though not abutting) other conservation easement properties which total three-quarters mile undeveloped shoreline along Little Lake Sunapee,
- parallels a well traveled road (Newport Road),
- has scenic value, and is consistent with the Town's goal to protect that scenic stretch of Newport Road and Little Sunapee,
- is consistent with the New London Master Plan's objective of maintaining the scenic rural quality at the entrances to the Town,
- is consistent with the goals of (big) Lake Sunapee Protective Association, particularly the newly formed watershed group.

The gift is subject to the following restrictions:

- The parcel, an old camp, has seventeen buildings on it, and those must be removed within a year (of acceptance of the gift).
- The land must then be returned to its natural state.
- There will be no public access.

- If the Land Trust chooses to not accept title to the property with these restrictions, the gift would automatically go to Bates College.

Debbie Stanley said that the gift does not include money for accomplishing those requirements, and she has calculated that those costs, plus the first year of regular property taxes, would be about \$100,000. She noted that, once the buildings are removed and the parcel is put into a conservation easement, the property would be taxed at the current use rate.

In December, she met with the Little Lake Sunapee Protective Association, which has agreed to assist in the fund-raising between now and September. She has also met with the Fire Department which has said it could remove all but two of the seventeen buildings, but that must be done in the winter months.

Thus, the projected time frame is:

- If the Land Trust takes title in September of this year (2005), the buildings would be removed in winter of 2006.
- The current use status would be applied by April 1, 2006.
- Between removal of the buildings and April 1, 2006, the parcel will be placed in a conservation easement to assure that it is protected in perpetuity. Specifically, the Ausbon Sargent Land Preservation Trust will hold title to the property, and would grant the conservation easement to the New London Conservation Commission, if the Commission agrees.

Peter Stanley pointed out that New London's zoning ordinance would allow this parcel to be subdivided into four lots. For a number of reasons, including soils types and availability of Town sewer in that area, this parcel is highly developable.

Les Norman said he has consulted with Jessie Levine, and learned that the procedure would be for the Conservation Commission to vote on whether or not to recommend to the Board of Selectmen that it (the Select Board) approve the Conservation Commission's becoming primary holder of this easement.

Several members noted that in the past, the Commission has simply voted on whether or not to become primary or back-up grantee of a conservation easement, but all agreed that if it is appropriate procedure to recommend approval (or denial) to the Selectmen first, that procedure will be followed now.

Laura Alexander moved that the Conservation Commission recommend to the Board of Selectmen that it approve the Conservation Commission's becoming the primary holder of this conservation easement, after ASLPT has taken title of the land. Ruth White seconded.

Terry Dancy opened some further discussion during which it was clarified that the Land Trust would not be subdividing the parcel into the four lots mentioned above; however, if the parcel is not protected (that is, if it goes to Bates College), there is potential for it to be subdivided into four lots, and developed.

Dan Allen asked if there would be any unseen costs for the Commission.

Debbie Stanley said in those instances when the Land Trust accepts a conservation easement from a private property owner, it requires a contribution to cover cost of monitoring.

Conservation Commission members noted that in agreeing to hold this conservation easement, the Commission would accept liability to monitor the easement (by volunteer members, at no cost to the Conservation Commission)

and to challenge any violations of the easement. They noted that, in this case, the owner is not likely to violate the terms of the conservation easement.

Debbie Stanley pointed out that as title holder, the Land Trust will incur the on-going costs of the property taxes and the insurance.

Conservation Commission members noted that since the terms of the will prohibit public access, there will be no trails on the property.

There was no further discussion of the motion to recommend to the Selectmen that they approve the Conservation Commission's becoming primary holder of this conservation easement. The motion was unanimously approved.

Conservation Commission Web Site

Bob Crane reported on his progress creating a web site for the Conservation Commission. The site will piggy back on to the Town's web site, and will be linked from the Recreation Department's home page. In turn, it will link to other conservation web sites as the on-line Herbarium, the Knights Hill web site, the SRK Greenway Coalition web site, and ASLPT's web site. He provided several sample pages for the Commission's perusal.

The Conservation Commission web site will have a home page showing the map of conservation lands in the area (taken from GRANIT), and access to pages for: Trails, Mission & Members, Reports, Natural History, Outings, Projects.

Each of those pages will in turn link to pages containing information for that subject. For example, the head page for Trails will provide the New London Trails map in entirety (including some others as the Greenway trails and the Cook Trail) with a number corresponding to each trail. The site user can click on any given number to access a detailed description and map of that particular trail.

Ruth White said Bob Andrews had some thoughts on how to use photographs, and she and the Cranes will get together to come up with a plan for which, and how to best use, photographs for the Conservation Commission's web site.

Bob Crane said it will be possible to pre-store photographs on the site with a calendar, so that they change on a regular basis.

Ruth White suggested that something similar could be done with information such as a reminder to wear orange in November, and to take bird feeders down in summer, etc.

Bob Crane said this is also a place for people who may be interested in trail maintenance to learn more. He asked if the Commission would like him to make the web site available immediately, or to wait until all the pages are complete.

Conservation Commission members were immensely impressed with his accomplishment, and enthused about the new web site. They recommended that he go ahead and make those pages which are complete now available to the public, with notes that the others are "under development."

Wetlands Applications

- Les Norman said he has received an e-mail regarding the Sargent's application to cross a wetland with a driveway, asking if the Commission wishes to view the project. Applicants have received DES approval.

He pointed out that his procedure has been to review the Commission's copies of the applications to DES upon receipt of those, and to bring any which may be controversial to the Commission's attention. In the interest of

saving time, he does not bring the “plain vanilla” applications as the Sargent’s. to the attention of the Commission. He asked if the Commission wishes him to continue operating that way in regards to these applications.

Members concurred.

- He opened discussion of the Yelton’s project on Bunker Road. The original plan was to repair the retaining wall there at the time that Pleasant Lake was drawn down. As it turned out, the lake was not drawn down to a level that would allow them to do that work, so they returned to DES with a modified plan which the Commission has not seen.

In addition, the owners decided to tear down the existing building, and rebuild, using a larger footprint, and expanding upwards two and one-half stories. All of this work will occur within the fifty-foot set back. The Board of Selectmen denied approval of the building permit, and the Planning Board did not approve the site plan. However, the ZBA did grant the special exception.

Subsequent to that granting, Peter Stanley learned that there had been (prior to the ZBA’s approval) a change in the State’s regulations. Specifically, the new regulations prohibit anyone from increasing a structure’s volume or footprint within the setback, without special waivers and approvals from the State.

The owners were notified, but went ahead and poured their foundation anyway. The Selectmen issued a cease and desist order for this project, until all State approvals have been obtained. The State has subsequently said the owners may go ahead and build upward, but not outward.

Terry Dancy pointed out that the size restrictions for alteration or expansions of non-conforming buildings within the fifty-foot setback are clearly stipulated in the New London Zoning Ordinance. (Article XVI §H, for both footprints and height.)

Peter Stanley said the ZBA granted the Yeltons the special exception to do this work, before being aware of the change in state regulation (although the change had been made prior to the ZBA hearing on this). In response to Emma Crane’s question, he said that the Selectmen will allow the owners to cap the portion of the foundation that is in violation, but as they have proceeded with the building project, they will have to tear that portion off.

- Les Norman reported that the Wheatons have submitted an application to DES for a three-fingered dock on their property on Poor Road and Lake Sunapee (just south of Herrick Cove). The new dock will replace a one-fingered dock.

Peter Stanley said that the New London Zoning Ordinance prohibits docks for use by more than two persons. (Article XVI §D-3).

Dan Allen pointed out that the dimensions stipulated in this application would allow four boats. A twenty-five foot long boat would be eight feet wide.

Peter Stanley suggested that the Conservation Commission craft a letter to DES recommending that the current plan for this dock not be approved, if it would put the owner out of compliance with the New London zoning regulations. He noted that one of the State’s conditions of approval is that no local regulations be violated. He noted that this work would require moving some deep water objects in front of the property.

Members authorized Les Norman to send a letter to DES expressing the Commission’s concerns. The letter should use “strong terms,” but be “even handed.”

Proposed Amendments to the Zoning Ordinance.

Peter Stanley said that three amendments will be proposed to voters at next month's Town Meeting:

- Removal of the requirement for ZBA approval for temporary wetlands crossings for forestry projects. (This does not eliminate the requirement that approval be obtained for permanent crossings.) He said the Conservation Commission will still get copies of the applications.
- Upgrading of the Shoreland Overlay District's requirements so that they be as strict as the State's regulations. Specifically, the amended New London Zoning Ordinance will prohibit volumetric increases or changes to footprints for any non-conforming structure within the fifty-foot setback.
- Removal of the provision which allows by special exception any use not otherwise permitted in the Wetland Conservation Overlay District. (Article XIII §E-3.) He reminded the Commission that that was included when the wetland conservation overlay district was first adopted, and the Planning Board now feels it is too liberal.

Trails

Bob Crane said there are a couple of fallen trees which will require some chain saw work. He has received a list of volunteers from Wayne Warriner which include phone numbers, but not e-mail addresses, and he still plans to advertise for volunteers in April.

Trail Map

Terry Dancy said he would like to obtain from Upper Valley/Lake Sunapee Region Planning Commission the base map, which would include not only contours but also road names, and other details.

Laura Alexander said if it has a GIS layer, she can put the GPS points on it.

Winter Walks

Ruth White reported that twelve people (and two snowmobiles) attended the duck box walk. Sixteen duck boxes have been set up at Low Plain, and she has marked their locations on a blown up copy of Esther Currier's map. Next Saturday they will do the Mountain Road part of the duck box walk, and she would like to do the same thing with the map for that trail. She suggested the Commission keep track of what each box produces.

Bob Crane suggested that they could begin keeping that data in a notebook, then transfer it to spread sheet.

Ruth White reported that five people went on the Lyon Brook walk despite the rain.

She reported that the roof is off the first blind at Low Plain.

Peter Stanley said it should be a priority of spring's trail maintenance, to put some stronger framing along the front top edge of that blind, and put the roof back on, perhaps with stronger hinges.

Phillips Preserve

Peter Stanley reported that the thinning of the forest and the cutting of the field has been completed, and the loggers are out now. He and several other Commission members who have visited the site feel the work has been exceptionally well done, though there have been a couple of unhappy people, particularly on the day of the power outage. The field is a little larger than one and a half acre, and the Commission may choose to let some grow back in gradually, or to maintain an edge by alternating sections to be mown each year.

He estimates that income from the forestry will be between \$10,000 and \$12,000 probably not enough to cover the cost of stumping, grading, mulching, seeding the field. He suggested that he may be able to borrow an excavator from Richard Lee and take out some of the stumps himself.

Terry Dancy clarified that the proposed operating budget of \$21,370 for 2005 does include \$12,000 for this work.

Les Norman clarified that the line item for \$10,000 for "Care of Trees." does not fall under this Commission's purview; it is for the whole Town, roadside trees, etc.

Peter Stanley requested that anyone wishing to access the Phillips Preserve now, do so by using the trails rather than the road which is on private property.

Membership

Les Norman said the Commission will recommend to the Selectmen that Emma Crane and Laura Alexander whose terms expire in March, be reappointed. That will leave one position open on the Conservation Commission, and he introduced Hugh Chapin and Dan Allen, both of whom may be interested.

Dan Allen said he has done extensive trail work already, as well as perambulations, and would like to continue that.

Hugh Chapin cited his COA experience, and his service on the advisory committee for Knight's Hill Nature Park, where his legal experience was instrumental in getting the title for the park straightened out. He said he is also willing to do trail work.

Any Other Business

- The Wilmot and Sutton perambulation reports are in, and Springfield's is in-progress.
- Terry Dancy said a write up on the wood harvest at Phillips has appeared in the *Argus-Champion*.
- Les Norman confirmed that at Town meeting this year, the Conservation Commission will be requesting a deposit of \$150,000 into the capital reserve for conservation land. Last year and the year before the requests were for deposits of \$75,000, but the objective now is to bring the reserve up to a half million, after which the amounts of deposits will be brought back down (unless the reserve is spent).

Terry Dancy said the article will make clear that the money can only be spent with Town approval.

- Laura Alexander said that her third year students will make their final presentations of the project they have been doing with ASLPT on May 9 at 7 p.m.
- Les Norman said he has been invited to a meeting regarding the State's guard rails on Route 11.
- Terry Dancy and Laura Alexander briefly discussed an on-going feasibility study being conducted by someone at the College, for a water quality field station in this area. Terry Dancy said this would fit in with the new Sunapee Region Watershed Coalition's work. Concerns include both availability of water sources, and pollution of surface water from the increasing amounts of impervious surfaces being created.
- Laura Alexander said that one of her students is helping to create a brochure regarding the invasive species program.

Membership Discussion

The Commission members thanked Dan Allen and Hugh Chapin for meeting with them, and for their interest in the Conservation Commission. At that time, Dan Allen and Hugh Chapin left the meeting.

In the ensuing discussion regarding membership, Commission members highlighted three points specifically:

- All meetings are open to the public, and all are welcome to attend. Les Norman said that as Chair, he would also welcome comments from non-members on the various topics of discussion at the meetings.
- Anyone interested in conservation need not be a member to participate in the Conservation Commission's work.
- Right now, the Commission's most acute need is for someone to be active in the (sometimes heavy) trail maintenance work.

Motion made, seconded and approved to recommend that the Board of Selectmen appoint Dan Allen to fill the vacant position on the Conservation Commission, and that the Commission forward a note to Hugh Chapin urging him to continue participating both at meetings and with trail work, as another slot may open in the near future.

Laura Alexander moved to adjourn. Peter Stanley seconded. The next meeting will be March 16 at 1 p.m. Peter Stanley said the UVLSRPC will be holding a meeting at the Fire Station that same night, regarding light pollution.

Respectfully submitted,

S.A. Denz
Recording Secretary