



# TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

## **APPROVED Minutes of the July 18, 2012 Conservation Commission Meeting**

**MEMBERS PRESENT: Bob Brown (Chairman), Ryan Bernstein (Trail Intern), Rick Anderson, Dan Allen, Ruth White, Emma Crane, Andy Deegan**

**MEMBERS ABSENT: Sue Clough, Terry Dancy, Laura Alexander, Bob Crane**

Chair Brown called the meeting to order at 9:00am.

### Morgan Hill Trail

Anthony and Beverly Yuskaitus came before the Conservation Commission with some concern about the road leading to the access of the Morgan Hill Trail. A letter from Nancy Coonley, who also lives on the road, was discussed at the last meeting, which expressed her concern about the erosion on the road and the request of the Conservation Commission (CC) to assist in paying for repairs. Chair Brown explained that in talking with the Board of Selectmen and Ms. Hallquist, he found it not in compliance with New Hampshire law to spend taxpayer's dollars on private property. The road is privately owned but he could find no information about who owned it. If it is a private driveway or a class VI road, it would be an issue if taxpayer money was spent on its maintenance. Chair Brown said that he agrees with what they are trying to do with the road but the simple fact was that they cannot use taxpayer money to repair or refurbish private property.

Ms. Yuskaitus said that she had done some research and found that nine years ago the CC paid 1/3 of the last bill that was written to repair the road. She provided a packet of information for Chair Brown and noted she had received help from Debbie Stanley. In her research, it appeared that the land was deeded by the parents of Van Webb to the Town of New London. She noted that the Morgan Hill Trails are posted on the Town's website for the use of everyone's enjoyment whether they are from New London or other places. The deed of dedication and the warranty deed show that the Town of New London adopted RSA: 36-a for the land to be managed by the CC and she saw this as an easement to the Town of New London and that the road should be under the care of the CC. The warranty deed says that Richard and Elizabeth Webb have granted the land to their son, Van.

Ms. Yuskaitus went on to discuss the Van Webb Conservation easement. There are three parcels of land which are continuous and a conservation deed has been given to the Town of New London in perpetuity. She showed a copy of the bill the CC paid nine years ago of which they paid 1/3. The current bill is \$2,250. The Town is using the road for people to access the trail. She is asking them to pay more than just a portion of it as they did before and was asking for \$750. The homeowners maintain the paved road already. They have a lot of people driving on their road and it is in need of repair. She felt that committees change and the present committee hasn't been given the chance to find out what has gone on in the past. It was clear to her that the CC or the Town of New London should pay for this.

Chair Brown thanked her for the information. He said that he is still brought back to the original problem that the Board of Selectmen are telling them, that the Town cannot use taxpayer money to conduct work on private property. That is the dilemma. Mr. Deegan asked if they (the CC) had a file for the Webb property and the Morgan Hill Trail. It seemed to him that they had some smart people working for the town and on the CC and they wrote a check to these people. They had to have had some rationale to do this. He believed if there was a file and documentation, they can figure out what they were thinking and if

it still applies. He agreed with Ms. Yuskaitus about the road and said that the Town has an interest in that property as it is used a lot by hikers.

Ms. Coonley said that although her property value is decreased by the easements on the land and the fact that she allows people to hike on the property, she and her late husband never thought of these things as a negative. She felt, however, that it is private but they have allowed people to use the property to get to the trails. They shouldn't have to use their own money to maintain this road that the town has had permission to use. Her husband used to do a lot of work to the property to keep it in shape, as well as picking up trash that hikers had left behind.

Mr. Allen said that the description of the easement includes the driveway through the property and the road. He wondered if it included the trail only. If it includes the road, would the easement show sufficient ownership to justify expenditure? Chair Brown said that is a legal question they would have to ask. He hoped they'd find some language in the easement that talked about the responsibility of maintenance.

Mr. Deegan said that the easement is the same as what Ausbon Sargent holds on the Coonley property and at Clark Pond. It doesn't require that there are trails on the property. Trails were there and the easement was put on the property and then given to the town. It does allow for public access but doesn't define where the trail is. There are two easements in question: Ausbon Sargent (on the Coonley property) and Webb (granted to the Town) and they do not overlap. Ms. Coonley said that right now the road is dangerous and has a big rut in it. She has put a cone to warn people to steer clear of it and didn't want to have to close the road completely.

Mr. Deegan said there is an easement on the property but he hasn't seen anything about the road. This easement allows the town to use the property. Technically if they do not have a right of access over the private road, they could put up a sign that says "no trespassing" which would restrict the Morgan Hill Trail and other trails. Ms. Coonley and Ms. Yuskaitus said that they really don't want to close access to the trails. Ms. Coonley said that they offer help to bird watchers, allow people to park in their driveway, and direct people who have questions. They feel as though they are stewards of the trail and are just asking for a little help in maintaining this portion of the road.

Nancy Coonley wasn't sure who owned the road but felt that if it was OK to pay the bill nine years ago why wasn't it today? Chair Brown said the CC was in favor of what she and Ms. Yuskaitus were trying to do but they are finding that based on the information available, the town probably should not have participated in this project nine years ago. Ms. Yuskaitus said that she disagreed with this statement. She felt that Ms. Hallquist had cited a statute when asked her opinion on the matter, but didn't go above and beyond the call of duty and go deeper into the research. Ms. White asked Ms. Yuskaitus if she had shown Ms. Hallquist the information that she had brought with her to the meeting. She said that she hadn't.

Mr. Deegan said that the CC would happily comply with their request, but if the Board of Selectmen tell them no, their hands are tied. They need to find the file and figure out what happened. They need to find the rationale and then they can make a presentation to the Board of Selectmen with actual backing and hopefully convince them to help maintain the road.

Ms. Coonley said that often it is a matter of interpretation. Is there a difference between a private road and a private road that grants public access? She thought their definitions may not be as hard-lined as the RSA is. She felt they should be able to work as a team so this doesn't happen again. The CC members will change over time. Chair Brown said he would give the information Ms. Yuskaitus provided to Ms. Hallquist and to Peter Bianchi (chair of Board of Selectmen) to review.

Mr. Allen said if it was a Class VI road, the town couldn't spend money on its maintenance even though the town owns it. Chair Brown said he talked to Mr. Lee and who said he doesn't do anything on the portion of road in question. Ms. Coonley said that a work-around would be that the Town doesn't give any money to them to fix the road, but that the town truck comes up and grades the road. Mr. Deegan said they are all on the same page. It is the others who are not there who are shooting it down.

Chair Brown said they need to find in writing who owns the road. There was some discussion as to what "private road" means. Ms. White said that they need to convince the selectmen. Going to them without all the information of who the owner of the road is won't help them get any further. Mr. Allen said if the rights in the easement are to maintain the road, they will do so.

Mr. Yuskaitus said that on the four properties below Ms. Coonley's house there is a formal agreement in the deed that the properties will support maintenance of the road. Mr. Deegan said that the language about the roads might be in their deeds or may reference something.

Mr. Yuskaitus asked if the CC would be willing to provide a letter of support to maintain the road. Mr. Allen said that this decision to maintain a road has to go to Town Meeting. Mr. Deegan said they need to look at the file and find out why the choice to pay was made and they can go from there. He would speak with Sue Andrews when he returned to his office, as she was the chair of the CC nine years ago. Ms. Crane volunteered to go through minutes from that timeframe.

#### Hiking Patch Project

Ms. Crane said that Ms. White has been putting together information about the patch project for newspaper articles. In turn, she has been finding places to put the information for free, as well as places around town where people could pick up a printout of the information. On the bottom of the hiking form it says to send the form, once completed, in to the Conservation Commission. When someone completes all of the trails, they will be given one of the patches which were approved by the Conservation Commission. Chair Brown asked if handing out the patches was something Linda Jackman could do, as she is there in the office every week day. Ms. White said that initially it should be a Conservation Commission member giving the patches out. This program is intended to highlight the Conservation Commission and all the work they do on the trails. When they publicize the program in the Kearsarge Shopper and/or the Intertown Record they want it to have a direct connection to the Conservation Commission; not just the general town office.

Ms. White offered that they could hand the patches out as they are earned, or do it twice/year for everyone who completed the trails. This would create an opportunity for some publicity. It was noted that the Greenway has been successful in a similar program. At their annual meeting they hand out the awards and it goes into the newspaper.

Ms. White thought perhaps the Valley News might publish their blurb about the project as there were a lot of hikers in the upper valley. After a suggestion from Kristy Heath, Ms. White said that she would take a picture of the patch and come up with some information about the program to possibly display at the weekly "Market on the Green". She would check with Chad Denning (Recreation Director and coordinator of the Market on the Green) on the availability of an informational booth.

#### Approval of Minutes from June 27, 2012

It was noted that Mrs. Coonley lives at 938 Morgan Hill Road

Page 3: blanks should be filled in as: Dancy Trail, Great Brook Trail  
Page 2: the State Invasive Species Coordinator, "Enforcement "guy."  
...Supportive of the work the commission is doing with the pamphlet.

**IT WAS MOVED (Emma Crane) AND SECONDED (Ruth White) to approve the minutes of June 27, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### Easements

Chair Brown said that Low Plain has now been paid for in full for the monitoring fee. They have paid half for Philips. Mr. Deegan said he has emailed the Philips Easement to the Conservation Commission and didn't hear back. He is waiting for comments. Once he receives comments he will update the baseline.

Mr. Deegan said that referring to the Low Plain easement, he is still trying to find when that was approved at town meeting. He will get that information to Rich Cook. It was done in two parts so it probably went to town meeting twice. He would check with Linda Hardy as she is the one who takes minutes for town meeting.

With regards to the adjacent property to the Philips Preserve, nothing has progressed.

Chair Brown said that the Low Plain forestry plan is done. This is a priority behind the Philips plan. Some people were interested in helping with marking. He said that their aim is to do this in concert with the spirit of the easement. He asked Mr. Deegan if he could try and contact Leo Maslin. Mr. Deegan agreed to do so.

Chair Brown gave an update on the maple tree that was rotted through near a power line on the \_\_\_ trail. It reaches up above the high voltage lines. He contacted PSNH who said that if they could come and cut another large fir tree that was close to the power line, they could justify knocking the other one down too. Chair Brown agreed that this was fine to do and was told the trees would be cut down within the next two weeks.

#### Planning Board Report

Ms. Crane listed the things that had been accomplished by the Planning Board at their last meeting, including: approval of a waiver for a boundary survey, approval of an annexation on land on Forest Acres Road between, approval of a waiver for Kearsarge COA to put in a temporary storage container for two months, approval of a waiver for Dr. Baker (orthodontist) who wished to re-arrange his floor plan (he will not be increasing the number of service chairs, just rearranging them), and the approval for the Flying Goose to put in a wood pellet silo. They also edited the new executive summary of the Master Plan. The original version of the Master Plan was over 300 pages and this summary was only 22 pages in length.

#### Budget

Chair Brown said they have spent just about all their money. They paid for the patches with money from last year's budget, which were about \$1.70 each. They purchased 200 patches.

They have had two deliveries of wood. One delivery of Hemlock from Cote & Reney and one delivery of Pressure Treated lumber from LaValleys.

Chair Brown said that some money had come in from trail map sales. He didn't realize that this money doesn't go to the Conservation Commission, but into the town's General Fund. It is listed as "Town Clerk Sales" and computes to a little over \$400/year. This is something to keep in mind as they do their budgets for upcoming years. The Conservation Commission does provide a small income that is not necessarily noticed.

Chair Brown noted that their large map is missing some trails and needs to be updated. Ms. Crane indicated that Laura Alexander and Bob Crane manage this map. Chair Brown wondered if they could put

the review of this map on the medium priority list. He thought they should get a quote on how much it would be to do a re-print. Ms. Crane said that ECHO printed them last time and they were on a Tyvek-type material and so were a little more expensive than just a paper copy.

Mr. Anderson said that the Greenway's maps are in booklet form. They have one overall map and then sections of the map are broken down further. This would take some work but is handy.

#### Invasive Species

Mr. Anderson said that he has put an article on Japanese Knotweed in the Intertown Record. He had copies of the Knotweed pamphlet to hand out at the town office and it has also been put on the Conservation Commission's website and the Pleasant Lake Protective Association's website. Terri Bingham will also pass it out at the Messer Pond Protective Association meeting this week. The Lake Sunapee Protective Association is working with him on getting the word out as well. He was glad to hear that people are becoming more aware of Knotweed. Mr. Lee has done some cutting along roadsides and he has thought that in the future they could have neighborhood cutting parties, etc. An Exotic Weed Subcommittee of five people was created to take care of the Knotweed on Pleasant Street.

Mr. Anderson said that one approach is to cut the Knotweed in early June and spray late in the summer. Alternatively, In August the weed can also be cut after it has flowered and then paint the stem with herbicide. It has also been discussed that it would be useful to have a couple of people from Public Works seek certification to use herbicides.

#### Trails & Projects

Chair Brown said Elkins Fish & Game Club offered to do some blind repairs. They have an estimate of \$250 to do this. They have suggested using a metal frame and some netting materials. From what he gathered, they felt that a mesh-type top was more manageable but it sounded like they were talking about lumber and replacing everything. They could follow up with the Club on this to see if it was to be a replacement or refurbishment.

Chair Brown said he hasn't had a chance to talk with Mr. Denning about the proposed hospital/power line trail so wasn't sure where that stands.

Trail Intern, Ryan Bernstein, said that he and Chair Brown put up signs at Philips preserve.

Bucklin Trust – Chair Brown said that they should consider some type of permanent trail protection for the portion of the Great Brook Trail that runs through the Bucklin property.

#### Tree ID Signs

Mr. Allen said he talked to Fred Slayden about signs. It was determined that they will have at least 20 species of trees and 20 species of other plants with other trees yet to be identified. He estimated they would need at least 50 signs and that it will cost between \$150 and \$200. These signs are metal with wire frames that go directly into the ground. The signs should last at least six years. Mr. Allen said that he needed some help confirming some species identification and was assured that Ms. Alexander, Ms. Crane, and Ms. White would be willing to help with this. Mr. Allen noted that he has identified a Red Oak and has seen very few sugar maples. The signs would be ordered in the fall once the species are identified. Chair Brown said that this would be another good photo opportunity for publicity in the newspaper.

Mr. Allen said that Ms. White thought these signs should be implemented within the Dancy Trail. He opined that the loop and the Allen Loop should also be included as there are species that occur there that are not in other places.

Mr. Allen noted that the bridge is now in on the Great Brook Trail. Mark Vernon's plan was to go back and level things. Half the decking was in and he was going to complete it over the next couple of weeks. Chair Brown said that he didn't know all the people who were helping to put the bridge in, but there was a good turnout. People identified were Steve Allenby, Dave Henning, Ken Kessler and Bob Mann. He wanted to say a big thank-you to Peter Stanley for coming over with his tractor as this was instrumental in bringing the poles in and pushing them across with the help of the others there. The poles were 28' long. Chair Brown commended Mark Vernon on the hard work he has put in on this project as well.

#### Trail Intern Update

Ryan Bernstein said that he and Chair Brown put up a sign at Lyon Brook by the hospital. He did brush work around the sign to make it more visible. At Messer Pond he shimmed and elevated the board walks and did some brush work there too. He has been blazing the Lyon Brook Trail this week and it should be completed that afternoon. He noted that he has used many trail markers. On the KCC trails he has aligned the boardwalks behind the field and they are now really stable. He said that the water level is down in that area.

Chair Brown showed the Conservation Commission the blazes he had made from sheets of plastic at a cost of about .06 each. Purchasing similar pre-cut blazes online would cost about \$1 each. He had to purchase a finer toothed blade to cut them out, but it was evident that by making them in this fashion, they were saving a lot of money. They are using aluminum nails to affix the blazes to the trees.

Mr. Bernstein noted that he has less than 20 hours remaining to complete his internship. He will conclude trail marking and will cut more brush on the back side of the KCC trails. Chair Brown asked him to note where he has cut and where cutting is still needed when he compiles his end-of-the-summer report.

Chair Brown said that he made a sign for Mark Vernon, who wanted one for the Hazewood Entrance. He will be using some old trail signs/maps to create a collage-type of sign.

Chair Brown said that there are four remaining days scheduled with the volunteers from Merrimac County. The next one is scheduled August 1<sup>st</sup>. He'd like to finish up at Clark Lookout. Both sides need work and there are a few trees blocking the view. They may need to clear some feeder trails to drag the brush out of sight. Mr. Allen said he would like to do some work with the volunteers on the Northside Trail in November.

#### Tree Removal Approval

Chair Brown said he recalled that Dale Connelly who was a member of the Conservation Commission, was the Planning Board representative, and was the "tree-guy." Ms. Crane said that when Mr. Connelly left, she was the tree person. Ms. Levine (prior Town Administrator) thought it better for a town employee to do this task. Peter Stanley did it as part of his position. Now that Mr. Stanley is gone, the Conservation Commission has been asked to do the job. Chair Brown said that Dave Carey was not that interested in doing it as it was consuming a lot of his time. He didn't know how much time it would take and would need someone with knowledge and experience to make sure they don't get into trouble. He suggested perhaps paying someone to do it.

Mr. Anderson said he has some personal experience with lakeshore protection and tree-cutting. When the Town of New London decided that permission was needed to cut trees within the buffer zones, he was the first applicant to do so. He wanted to take out 40 good-sized hemlocks to add on to a cabin to make it into a full-time house. He spent a lot of time going through the process and agreed to replant some lower things in the area. The form, since then, has been changed a bit. He is concerned with keeping vegetation within the buffers. He would be willing to take over this task temporarily until a replacement is hired for Peter Stanley. Mr. Anderson noted that New London has stricter ordinances than the State does for point

requirements. Ms. Crane felt this should be something done by a town employee. Mr. Anderson said on an interim basis he was comfortable dealing with the requests of which he understood five were pending. If a controversial situation came up, it was suggested by Ms. Crane to go to the Town Administrator for consultation.

Fairway Lane Trust – Blakeman

Chair Brown showed the map from Blakeman Engineering for a utility crossing at Lake Sunapee Country Club. The plan looked like what they had talked about previously. It was noted that there was considerable wetland on the property. There were no concerns with the plan and it was decided they would sign it.

Wetlands Permit Application – Charles Lawson

A request had come in from 1549 Little Sunapee Road to replace a wooden dock that was built in the 60's that is falling apart. The wish to replace the wooden dock with an aluminum one and it would be the same size as the original: 16 x 10 dock. There were no concerns with this request.

Mr. Anderson said that this type of dock was a lower-impact dock as it can be lifted out and carried away when needed. They encourage people to use this kind of dock to hopefully rid the need of having to lower the lake to make repairs every few years. A request to lower the lake would be coming to the Board of Selectmen in the near future.

Mr. Allen suggested that some Knotweed cutting could be done by the volunteers from Merrimac County during one of the dates. Mr. Anderson said that big patches could be cut at the stump dump, the regular dump and Shepherd Pit. Mr. Anderson said there are certifications needed for the application of herbicides and once this is attained they will be able to work in right of ways and perhaps to be supervisors for others to use the spray. If they get both of these certifications, perhaps they could work on the right of ways throughout town. He felt that cutting and gathering the Knotweed was potentially a job the volunteers could do. They could cut and then the Public Works Department workers could spray it. He would talk to Mr. Lee about the certification and how they could proceed with this.

The August meeting was cancelled and the Conservation Commission would meet on September 19<sup>th</sup>, 2012 at 9:00am.

**IT WAS MOVED (Emma Crane) AND SECONDED (Rick Anderson) to adjourn the meeting.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 11:15am.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London