



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the March 20, 2013 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Andy Deegan, Rick Anderson, Terry Dancy, Laura Alexander, Emma Crane, Dan Allen, Sue Clough

MEMBERS ABSENT: Ruth White

OTHERS: Bob Crane (Webmaster), Lucy St. John (Planning & Zoning Administrator), Charlie Hirshberg, and Frank Anzalone

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

Review of Minutes from February 20, 2013

IT WAS MOVED (Laura Alexander) AND SECONDED (Andy Deegan) to approve the minutes of February 20, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

p. 1 2nd paragraph: He believes that "General BMPs...apply to every circumstance."

Planning & Zoning Administrator Update - Lucy St. John

Ms. St. John had nothing new to report other than a difference of opinion with Mr. Anderson on the interpretation of something she had said in the minutes of February 20, 2013.

Charlie Hirshberg – Pleasant Lake Boat House

Mr. Hirshberg said he is working with Frank Anzalone on a boat house which currently does not exist. The building of the boat house is a zoning issue and he would need to meet with the Zoning Board of Adjustment. He has been to meet with Ms. St. John and Ms. Hallquist as well as the wetlands bureau. They wanted to come before the Conservation Commission before they filed a request with the wetland's bureau. New London's zoning regulations say that new boat houses have to be built over the water. DES says that boat houses have to be built into the shore. Ms. St. John said that the State says the applicants will need to create a canal and change the natural shoreline in order to build the boat house over the water (per New London's regulations). There would need to be trees taken down as well and this project will surely raise a lot of flags.

Mr. Hirshberg said that this is the Dunning property which was sold to David Diamond. He passed out some maps and a preliminary plan of the boathouse to the Conservation Commission members to review. He said that the area has a natural gradual entrance to the water. There is an existing jetty with an adjacent channel which makes it an ideal location for a boat house. Some portions of the channel would need to be dredged to get the depth for boat clearance.

Mr. Hirshberg said that the 50' setback line will move back, should additional waters of the State be created to allow for the boat house to be built over the water. Mr. Anzalone said that they cannot create a non-conforming issue and by following through with this plan, they would. The foot print can't exceed 900' by State wetland regulation. This boathouse is planned to be 895 square feet.

Mr. Hirshberg said the next step is to file a wetlands permit with DES. Mr. Anderson asked if there were enough points in each cell once the intended trees were taken down. Mr. Hirshberg said that they would end up needing to replant because of New London's regulations. They would be fine with the points, according to DES, however.

Mr. Hirshberg said they would propose a terraced drip edge from the boat houses' peaked roof. The drip edge wouldn't go right into the water's edge but would be isolated and go into the lake through infiltration and not a

direct flow. He added that the base would be a concrete u-section. DES would permit the limits of the boat house which looks as if it would be both over the water and in the land (foundation).

Mr. Dancy recalled a past instance where a boat house wasn't permitted to be rebuilt after it had been abandoned for more than five years. There were substantial regulations that would not permit the construction of boat houses on Pleasant Lake at that time. He wondered if the regulations had changed with the State regulations since that time, which was about 15 years ago. Mr. Hirshberg said that for as long as he could remember they had been permitted to create dug-in boat houses. This was because they didn't want people to construct on State land, which is under the water.

Mr. Anzalone said they are planning to dredge out the land, which then becomes water. This was a grey area. Once they get their dredge permit from DES, they will build the boat house over the water, which had once been the applicants' property.

Mr. Dancy didn't like the precedence they were setting by digging out a whole lot of shoreland. He wondered what the point was in having a 50' setback for the lake if they are allowed to dig within it to create more water. Ms. St. John said they have to go by their current regulations. She read from the New London Zoning Ordinance which included a permitted use of putting docks and boathouses as permitted by the State. The State is the permitting authority for docks and boathouses over the water. Mr. Dancy disagreed and said the ordinance didn't say they could excavate within the 50' buffer to create water. He felt it was stretching the regulation and feared increasing destruction of the shoreline and maintaining water quality. Ms. St. John said that the State is allowing this to happen and it has happened on other bodies of water. She said that they will need to go to the Planning Board and also would need to get a variance from the ZBA. The Town's ordinance offers that the buffer can be violated as allowed by the State. Mr. Dancy thought this was ridiculous.

Chair Brown said that if the neighbor wanted to build a house 2' within the setback, they wouldn't be able to do it. Mr. Anzalone said that concrete would be the least amount of impact to the lake, but if the lake were lowered, they could use other methods.

Ms. Crane said in all her years with the Conservation Commission, she recalled approving just one boat house, which was being built on an existing foundation. She remembered that only existing boat houses could be rebuilt and no new boat houses could be built. Mr. Anderson and Ms. Clough agreed with this sentiment and with Mr. Dancy. Ms. St. John said that as an applicant, they have the right to submit an application to the State. The permit will come to the Town for comment. They knew this issue would raise a lot of flags and so they came to the Conservation Commission first to let them know what they were planning and answer some questions.

Mr. Hirshberg said their next step is to file for the wetlands permit. Ms. St. John said that even though New London does not approve the permit, the State can still approve it.

Rick Anderson – Streams Overlay District

Mr. Anderson wanted to talk about agricultural activity and requests that may come in with regards to the streams. He provided some information in a hand-out to the members of the Conservation Commission. He felt the regulation says that the natural woodland buffer needed to be protected within 100'. He spoke with Michael Lynch from the Natural Resource Conservation Service (NRCS) who confirmed that BMPs should be applied on site-specific instances. In a previous meeting, Ms. Hallquist had asked him how they could justify the 100' buffer. He referenced a study done by the OEP, NRCS and UNH which references 100'. Mr. Anderson felt that if a tree-cutting request comes before them within the 100' buffer, he thought they would have the ability to review the request. He wasn't against agriculture, but felt if they were going to do it, it needed to be done right and get the NRCS involved to create site specific plans to do it the best way. Mr. Anderson said that he is planning to create this sort of information for the shoreland overlay district as well.

Planning Board Update – Emma Crane

Ms. Crane reported that the Planning Board approved the site plan for interior modification at the New London Shopping Center. Flash Photo is moving into where Radio Shack was, Clarkes Hardware will expand into the old Flash Photo area. There was also a tree cutting approved for Sue Andrews who had a dead Birch over the lake. Many on the Planning Board could recall the rope swing that hung from that tree in years past.

Carroll Property

Chair Brown said there is a proposed violation by the Garre's. He called Doug Carroll who lives in Maryland who explained the history behind the violation. They have had animals on the property for a long time and have cattle (to keep the grass cut down), and goats (to cut down the brush the cattle won't eat). The animals are owned by Brian Patten who lives in Springfield. It has been an ongoing operation for a long time. He did ask Mr. Patten to move the trailer to another location. He moves the animals all around so they are on new grass. The trailer is for shelter and is supposed to move with the animals. Chair Brown said that he got permission to go on the property but there were substantial gates and barbed wire in place, but the snow level was too high to get to where the trailer was.

Mr. Deegan said that the field is owned in part by Mr. Carroll's sister. It is a narrow piece of property and he said he does have a survey of it if Chair Brown would like to see it.

Phillips Preserve Tour

Chair Brown said that the tour is set up for Sunday, March 24th at 2:00pm. The ad went into the Kearsarge Shopper and it also appeared in the Intertown Record. Ms. Alexander said that letters went out to abutters and local people who had some concern about what they were doing on the land. About 25 letters went out in all. Mr. Deegan said he spoke with Rich Anderson, whose neighbors were not happy with what had happened at the preserve. He explained to them about forestry and it was felt that the forestry job had been done well. He hoped that the walk would further convey this sentiment to others who may doubt the cutting.

Chair Brown thought they should include a forestry section on the website to help educate people. He referenced one resident who was very upset about the cutting. Once she had been informed of forestry practices and what they had done, and assured by her friend who is a selectman, she calmed down.

Big Hilltop, LLC.

Chair Brown said that there was a meeting between Big Hilltop, LLC, and Brian Hotz of the Forest Society. There are some liability concerns but they appear to be relatively minor. There were issues on signage, people getting hurt on the property and suing them, and not wanting to cut more trails on the property. They will not be ready to move forward with this project in time for the May 2013 Town Meeting. This will give them more time to get the easement language worked out with the Town, and to get fundraising underway. They won't go forward with the appraisal until the easement language is approved by the Selectmen.

Budget Meeting

Chair Brown said that he met with the Budget Committee on February 20th. They went line item by line item with their \$14,000 operating budget and he felt frustrated by how it went. His portion of the meeting went 45 minutes. The recommendation for the CIP fund was \$12,500. Chair Brown said that at their last meeting they thought \$25,000 was a good number to ask for. He said they had also talked about asking for severance tax or income from tree harvesting in New London to go into the Conservation Commission fund. They had decided that they shouldn't do this because it was better to get funding directly from the Town through the CIP. There is about \$7,000 available from the Phillips cut, and perhaps since they weren't getting their \$25,000 they should ask to add the proceeds from the cut into their CIP. Ms. Alexander agreed with this idea. Mr. Dancy said that the Conservation Commission is managing the property so it would only be right that they would get the \$7,000. It was the consensus of the Conservation Commission that they should ask the Budget Committee to allow them to keep this amount to put into the CIP. Ms. Clough suggested that some of the Conservation Commission attend the budget meeting to support Chair Brown.

Trails and Projects

Mr. Allen suggested that where they have two or three of their club mosses together, they could transplant the fourth to the same site to have all of them together. He said Ms. White was in agreement with the idea. They would be labeled, once together.

Chair Brown said that he and his wife walked into Clark Pond and took some photos, which he sent to Linda Jackman for use in the Town Report. He said he notices constant traffic coming in and out of the area.

Trail Intern

This position was posted on the Town Website and Ms. Alexander would forward it to the appropriate place at Colby-Sawyer College.

Picnic Tables

Chair Brown has two picnic tables almost built; one can go to Messer Pond and one to Clark Pond.

Duck Boxes

The duck boxes are almost done and Elkins Fish & Game provided a report with conditions and inventory from the old boxes.

Merrimac County Department of Corrections

The Department of Corrections will send workers to New London this summer on selected Fridays. Help would be needed to direct the workers.

Website

Mr. Anderson said he has done some further work with the website, including adding some wording to their mission statement. He is open to any suggestions and comments people may have. There was some discussion regarding the use of linking information/maps on the website to smart phones using a unique digital icon that the phones can read. Mr. Anderson said he would like to update the website quarterly and wasn't looking for it to be a weekly/monthly update.

Master Trail Map

Ms. Alexander believed the master copy is at the County Press. Chair Brown said they wanted to add two trails to it. Mr. Crane said that they can make changes on the map at the County Press prior to re-printing. Ms. Alexander said she would look into getting the master and including the GPS data for the trails.

The next meeting is scheduled for April 17th at 9:00am.

Chair Brown said that there were three terms up after Town Meeting. He asked the members of the Conservation Commission to give some thought as to what they would like to do going forward.

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

The meeting adjourned at 10:51am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London