



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the November 20, 2013 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Ruth White, Mike Gelcius, Rick Anderson, Dan Allen, Terry Dancy, Emma Crane Andy Deegan, John Clough

MEMBERS ABSENT: Laura Alexander

OTHERS: June Fichter, John Wilson, John & Sue Clough, Bob Crane

Chair Brown opened the meeting at 9:00am.

Mr. Anderson said he would like to talk a bit about the work group he is involved in with regards to shoreland, streams and wetlands. The work group was prompted by interpretation issues that have come forth in the past year. Ms. St. John has helped in analyzing the ordinances as she has grown more familiar with them. The ordinances are the law and are approved by the citizens of New London and need to be clarified or changed to be read and understood the same way by everyone. Mr. Anderson said the working group offered the Conservation Commission the opportunity to be involved and Emma Crane, also a member of the Planning Board, has participated. The work group wishes to seek the endorsement of the Conservation Commission with regards to their recommendations, and then pass them on to the Planning Board for consideration.

Mr. Anderson said one conclusion they made is that site visits are helpful and are an important educational activity. Protecting water is science-based and there are many references to science in the ordinance which is helpful in keeping everyone on the same page. Process is also important to resolve interpretation issues and should be defined.

Mr. Anderson explained that ordinances from nearby towns were reviewed and it was clear that their goals are the same with regards to the water. The thought process and objectives are all the same and are heavily supported by scientific findings. Vegetative buffers were of utmost importance for all three areas (shoreland, streams and wetlands). The consensus was that the ordinances were pretty good but some wording needed to be adjusted to ensure clarity for all.

Mr. Anderson went through the report that was compiled from the work group. There was some discussion of cutting within the buffer and docks as permitted by the State versus what is permitted by the Town. Mr. Dancy asked if they had defined if the Town's more strict regulations would over-rule the State's regulations. Mr. Anderson said they would and this is clearly stated in the preamble of the ordinance.

Mr. Anderson introduced the Executive Director of the Lake Sunapee Protective Association (LSPA), June Fichter, who is involved in the work group. She is also involved at the State level with NH Lakes and other statewide committees. LSPA has access to some valuable resources with regards to findings and ordinances as they are developed with the aid of science.

Mr. Clough asked if a structure like a dock is allowed in New London. Mr. Anderson said they were. Mr. Clough wondered if they would be allowed if they were created using huge pilings. He has seen one that is done in this way with a green canvas top which looks much like a boat house. Mr. Anderson said if people want to put in a dock, they will need a wetland permit to do so. At that point, the State would determine if the plans would be allowed. Ms. Fichter said the line is blurring between more substantial docks and boat houses. She thought a temporary roof was a distinguishing factor. She felt this was something to keep an eye on for the future. What he described is still considered a dock by the State.

Ms. White asked if there would be any way they could get some of the definitive things in the ordinance put on one sheet of paper and provided to new people who move to the area. She recalled that Peter Stanley (former Zoning Administrator) had been working on something like this that indicated a step-by-step process for doing things on one's property that needed permission, etc. Mr. Gelcius said they had discussed something called a "decision tree" or flow document that shows what processes are involved in each step when something (such as a building or a cutting) is wanted. This would be a guideline for people and they would also have a checklist to go along with it to stay on track.

Ms. St. John said there are already checklists in the site plan regulations. She wondered if this was for people coming in to the Conservation Commission or just to the Town. Mr. Anderson said the Conservation Commission is restricted to making recommendations about wetlands, streams, shoreland and slopes and other situations when there is an erosion and sedimentation control plan required. The shoreland ordinance as written does not require the involvement of the Conservation Commission. The checklist will easily direct the homeowner as to where they will need to submit an application, depending on the location or situation.

Ms. St. John said she is getting a list of ten items to the Planning Board she would like to revise for the ordinance. Anyone can submit a petition warrant article to make changes as well. She felt the work group's recommendations should be brought to the attention of the Planning Board as a lot of work went into it. She said a review of the shoreland ordinances was on her list to be revised. This would be a great time to start presenting this information to the Planning Board. January 13 is the first date to accept petitions to amend zoning ordinances. Feb. 12 is the last date. She suggested starting the process now.

Ms. Crane said she would like to see clarification of the tree-cutting application procedure for shore land as it is currently vague. Ms. St. John said they need to decide if they want the Conservation Commission or the Planning Board to review these requests. Chair Brown said after a lot of discussion since October, it was noted that the ordinance says it is the Planning Board's responsibility to review these requests. Nowhere does it say Conservation Commission. The Selectmen didn't feel that this should be handed off to the Conservation Commission. They are happy to provide a support role in the procedure, however. Ms. St. John said the wording should be crafted such that people will understand the procedure. Mr. Anderson said the main drive of the working group was clarification. They felt that any tree-cutting or clearing request in the streams buffer was through the Conservation Commission before the Planning Board. They felt the ordinances were working well as structured. He felt the 50 point measuring stick was clear when counting trees on the shoreland.

Ms. St. John asked if the work group would like to be on the next Planning Board agenda as this is the time to get these findings to them. Mr. Anderson felt this was appropriate and would like to get the report to the Planning Board ahead of time to give them time to think about it. Mr. Wilson believed that no new boat houses were allowed in New London and felt that was the majority view of people. This needs to be clarified. Additionally, "Docks" are clearly spelled out in the DES regulations and going forward if these two things could gain support and recognition by the Conservation Commission, and if they could accomplish clarifying these two things this year, it would help take care of two critical issues. Mr. Wilson said additionally, commercial farming is something that needs to be considered. They don't want to ban commercial farms, but there are no real qualifications or regulations set forth so in the future should these things increase in number, it can be clear to all what is permitted and where.

Ms. St. John said anyone can appeal the Planning Board's or her decision. If they don't like the interpretation she or the Planning Board has made, they can go to the Zoning Board of Adjustment (ZBA). During this process or any other process they don't agree with, there is an appeal process and a timeframe for it. Mr. Anderson thought it would be a better objective to get everyone on the same page to minimize interpretation issues. Ms. St. John said that everyone is entitled to their interpretation and this process is set in place for such instances.

IT WAS MOVED (Ruth White) AND SECONDED (Mike Gelcius) to advance the recommendations of the working group to the Planning Board. THE MOTION WAS APPROVED UNANIMOUSLY.

Permit Applications

David & Karen Demers – 624 Bunker Road (076-029-000)

Ms. St. John said Mr. Robert Stewart from RCS Designs was there to present his application for the Demers property on 624 Bunker Road. Mr. Stewart said the request is for a shoreland permit and he was there to address some questions that had been asked. The property lies on both sides of the street and they would like to redevelop the lot where the existing cottage is now. The cottage draws water off the lake and they use an outhouse for septic. The building has some historic significance as it is believed to have been the third home built on the lake. The Demers would like to keep the cottage but also to build a retirement home. They want to move the existing building further to the rear of the lot and build a larger home in its place. It would be 15-20' further back than where the cottage is now.

Mr. Stewart noted that the Demers would like to change the location of the driveway. Currently it is at a 21% grade and drops down to the main road. Site distance was improved by bringing the driveway down, as was planned with Richard Lee, Public Works Director. This would reduce the grade to 10% which is still fairly steep, but there is no other way to do it without dropping down the construction area 10'. The driveway would be pervious and designed for water storage. Roof cutters would be on the front of the building to drop water onto the driveway to store the water until it perks into the ground. Currently, the water washes the gravel from the driveway onto the main road.

Mr. Stewart said they would plan to take care of the runoff from the new home by storing and treating it before it reaches the lake. Right now there is nothing preventing runoff from going into the lake. There is currently a patio area (impervious) on the front of the building which encroaches into the woodland buffer. This, and the steps attached would be removed. From his experience having working on the project over a year, there is some ice build-up that occurs in this area that has to be treated. With this design this will be greatly reduced and he hoped the roads would not need to be salted.

It was noted by Mr. Stewart that overall there would be more impervious surface on the property but there would be mitigation plans in place to take care of it, whereas now there are no provisions for runoff. The total percentage of impervious surface was reported as 16.2%, which is still under the 20% that would require a permit from the State. The only thing they were not able to improve was the runoff from a small portion of the driveway.

Mr. Stewart said he designed the asphalt impervious driveway to have a 2" per 24 hour rain-fall storage using crushed stone which would allow the water to percolate into the ground. He added 8" of stone which gave three times the storage capacity actually needed for a 2" rain event. The driveway would only reach its peak capacity after a three to four day rain event that brings 2" of water in a 24 hour period. Water would leave a perforated pipe if it reaches within a foot of the top of the stone and would then run off. Mr. Stewart assured the Conservation Commission that the owners would be given instructions on how to maintain the permeability of the driveway. This is required by DES to preserve the integrity of the system, itself. A vacuum system has to come in and clean out debris on a schedule in both the spring and the fall. Wording would be included in all permitting to this effect.

Mr. Stewart said the point system for trees on the property both pre and post construction would be maintained and they will meet both the State and town regulations.

Ms. St. John presented some more permit by notification applications. She said the upcoming Planning Board agenda would have two shoreland tree cutting applications. One involved a tree that was deemed hazardous which Dave Carey would be cutting ASAP. Another is for some cutting on 407 Bunker Road.

Ms. St. John said if anyone would like to have her conduct a training session with regards to permit applications, she would be happy to set it up. She has done a similar kind of training with the ZBA and it took 1.5 – 2 hours. Several Conservation Commission members thought this would be a useful training. Mr.

Anderson thought it would be most useful after the decision trees were created. It would be discussed further at another meeting.

Boat House Discussion

Ms. St. John said Mr. Hirshberg and the other representative who were requested to attend the meeting that day could not do so because of prior commitments. There was question as to whether they should discuss the issue then or wait until Mr. Hirshberg was there to answer questions.

Mr. Anderson thought the ordinance should be clarified to say “no new boat houses” would be allowed. Ms. St. John said they have to go by the context of the language of the current ordinance. Once an amendment is officially posted by the Planning Board, that amendment takes effect until Town Meeting votes for or against it. It was thought that further discussion on the matter should be held off until the next meeting. They wanted to listen to the applicant’s presentation before they made any decision. Mr. Anderson felt they should voice their feelings now rather than wait until later about this. If they are against any new boat houses, it wouldn’t matter what details were forthcoming. "No new boat houses" simply means "no new boathouses."

IT WAS MOVED (Dan Allen) AND SECONDED (Rick Anderson) that the Conservation Commission notify the Board of Selectmen and Planning Board that a new boat house was not approvable. THE MOTION PASSED. Ms. Crane voted against the motion.

Mr. Wilson said a recommendation from the Conservation Commission did carry some weight on the issues. Ms. St. John noted the application came in on November 18 and the Town Clerk sent it in to DES.

When asked, Ms. St. John said she perceived the boat house application as doable. Chair Brown asked what they would say if he wanted to build a house on the edge of a shoreline; would he be able to. Ms. St. John said he wouldn’t because the State says buildings have to be 50’ back from the shoreline. The boat house is allowable because it is the logical place for it or a dock is at the water’s edge. She feels it is acceptable because it is a boat house and not a home. Mr. Dancy said the Town’s regulation says there is no disturbance of the shoreline allowed whatsoever and this shouldn’t be allowed. Ms. St. John said some town’s ordinances state “no dug-in boat houses.” New London’s does not include this statement. They either need to approve or not approve the building permit. Mr. Wilson said a building permit can’t be granted without a DES permit in hand. He said this is not an easy permit to get from DES. They have to prove that they are not going to adversely impact the area and there is no other reasonable alternative. There is already a jetty and a calm place to dock a boat. Ms. St. John said how she interprets the ordinance is if the State allows it, they can have it. Chair Brown didn’t think it was OK to dig up 1,000 sq’ of waterfront. Mr. Anderson read the ordinance to say that no disturbance whatsoever can be made within the 50’ waterfront setback.

Approval of Minutes

IT WAS MOVED (Terry Dancy) AND SECONDED (Mike Gelcius) to approve the minutes of October 16, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Big Hilltop Update

Chair Brown said he was contacted by the spokesperson for Big Hilltop property recently. They own other adjacent waterfront land which has been the topic of some controversy. They are trying to get tax relief by deeming some of the property as being in current use, which has been reviewed by taxation committee in Concord who disagrees. This controversy has nothing to do with the property the Conservation Commission is considering, but the owners don’t want to continue any further discussions on the Big Hilltop property at this time.

Mr. Deegan wondered if the New London Conservation Commission would be interested in helping conserve a property not currently on their list. The property he was thinking of would protect Pleasant Lake water quality. It was thought by the Conservation Commission that they would be interested in hearing more about the

project. He would speak to the land owner to see if they would be interested in opening up the project, which had been on hold for several years. Mr. Deegan said he would give a report on this project at the next meeting.

Burpee Hill Easement

Chair Brown said the Conservation Commission sent a letter to the Peter Garre indicating they have not found an infraction of the easement on his neighbor's property. There were no responses to the letter as of yet.

Planning Board Report

Ms. Crane noted that at the last Planning Board meeting there was approval granted for a homeowner to have clinical and motivational hypnosis business in his home. The Planning Board also approved three shoreland applications (Herrick Cove, Lakeshore Drive and 103-A), and they continued to have a discussion regarding Marshall's Garage.

Trails and Projects

Chair Brown said the dedication at the Phillips Preserve on October 21st went well with about 20 people in attendance. There was also a nice photo in the Intertown Record.

They will have a work day that Friday at Morgan Hill, Durra Crockett and Great Brook trails with a group of people.

Trail Adopter List

It was noted that they have all the trails covered and five new people have been added. Mr. Allen has helped to offer training for those unsure of what to do. Mr. Deegan said new person on Morgan Hill and Morgan Hill Loop is quite active and providing lots of communication.

Chair Brown felt it would be best to send out the survey four times per year instead of sending it out with dates the trail adopters would have to remember. It is easy to send the survey out via email so why not? He suggested maybe taking a walk with the adopters from time to time to check on the trails. Mr. Dancy felt it was worthwhile specifying dates and then sending out a reminder. This is how they handle the milfoil watching program.

Chair Brown noted that Mr. Lee offered to do his best to mow Phillips field the following week. Mr. Deegan said Clark Lookout is having an issue with people having fires there and heard there is even stacked firewood there. He wasn't sure how they can police that. Chair Brown said the police have a key to the gate but this was hard to monitor since the location of the fires is quite a ways into the woods.

Low Plain Forestry Plain

Chair Brown said they have finished the forestry work at Phillips. They have a comprehensive plan at Low Plain. He wondered if there were two or three people who might like to study the forestry plan and get familiar with it and think about it. Any work there would be a couple years out but it would be nice if they could study the plan as they did go through the work of getting it done and paying for it. Several people were interested in reading it and Chair Brown said he would email it to the whole Conservation Commission. Those who wanted to review it could do so.

Mike Gelcius was thanked for all the work he had done at Low Plain and other places. He cleaned up some of the old bridge material at the Low Plain beaver pond and material stacked along Newport Road.

Budget

Chair Brown said the Planning Board budget CIP group meeting was coming up on December 3rd. He wasn't sure what they were looking for from the Conservation Commission. He thought perhaps the Conservation Commission would be asking for reserves for the Land Acquisition Fund. Based on the level of funding they have in the preserve, he wasn't sure it would be appropriate to submit another request that year. Ms. Crane agreed with Chair Brown and said unless they had a project on the line they shouldn't ask for more money.

The Conservation Commission was in agreement that no request for contribution to the Land Acquisition Fund would be made.

Chair Brown said they will need to submit their operating budget around the time of their December meeting. Their annual budget runs around \$14,000 - \$15,000. They are probably not going to be using all of those funds this year. Sometimes they don't end up paying for things that they had planned on paying for. They don't like to request funds that they don't need, but they do need to prepare for certain things such as surveys, which might not end up needing to be done.

Chair Brown said they will need to buy a little more lumber by the end of June, pay for the balance of the trail maintenance worker and other standard things. They meet with other Conservation Commission's twice each year and it is interesting to hear what is going on. In many ways they are fortunate that they do get support from the Town as they wouldn't be able to do as much trail work without it. They do rely on volunteerism to do a lot of the work and a lot of people enjoy the trails. Chair Brown said he was amazed to see the number of cars parked at the Clark Pond trail on a regular basis. He noted that some towns don't get support and can't even maintain their trails.

Chair Brown said that Sutton gets a portion of the Land Use Tax, which is a fairly common practice in many towns. Some towns give a portion of the tax and some split it 50/50. The New London Conservation Commission has never received any Land Use tax. Additionally, some Conservation Commission's get all or some of the Timber Tax accumulated in Town. They have never had this happen in New London either. Their source of revenue is to ask for their budget at Town Meeting. Many towns use an RSA that allows the Conservation Commission to retain any surplus of their budget. Currently any New London Conservation Commission funds go back to the town. To make them able to keep any surplus, they would need to submit a warrant article. Such a fund could be spent at the discretion of the Conservation Commission for related expenses. This would come in handy if they needed to have a survey done and if it was the end of the budget season, money could be used from the fund. Mr. Allen felt the Big Hilltop situation was a good example of why it would be good to have a fund they could use in an unexpected or last-minute position.

Mr. Gelcius thought it was a good idea. Mr. Deegan thought they needed to show examples of why there is surplus and that they are not inflating their budget just to be able to keep the surplus.

Mr. Allen suggested increasing the amount they could pay an intern. If the intern is satisfactory they can give them more work to do for the better part of the summer. Chair Brown said this was a good point. They set aside 240 hours maximum because that is the parameter of the Colby-Sawyer College intern program. They have had an intern for the last three seasons. The first two years the intern was working on an official intern project however this past summer, although he was a Colby-Sawyer College student, he had already completed his intern project the year before so he was just a regular worker. They were still only funded for 240 hours. It was felt by the Conservation Commission that their worker last summer did a great job and scheduled his time for 20 hours/week to spread out the time.

Mr. Clough suggested that if the trail worker was working alone, working half a day in the woods was enough. Chair Brown said that is what the worker did. The intern had another job so spaced out his time for the Town. He never used a chain saw and they took safety into upmost consideration.

Duck Box Materials Request

Mr. Gelcius said he was on Beaver Pond with Ron Evans the other day and they were scouting the duck boxes in preparation of the coming winter. They want to put boxes into the water as the ones there now are landlocked which is not good for promoting wood ducks. He wondered if it was possible to get funding for materials. They need pipes and the hardware to drive the pipes into the lake with another pipe over them. They have done this at Pleasant Lake and it works great. Mr. Gelcius said they would like to put five new boxes in, which would cost around \$400 for materials. They would be purchasing galvanized pipe but the boxes would

be provided by Elkins Fish & Game. Chair Brown said part of their mission is to improve wildlife. He wondered if they could get any scrap pipe to save money.

It was agreed that this would be an acceptable use of funds. Chair Brown said there was money in the budget to purchase this kind of thing.

Mail/Correspondence

Chair Brown said Leo Maslin, Malcolm Milne and Tim Fluery had helped them fill out the application for the Town to get a parcel of land certified as a tree farm. He noted that it doesn't cost anything to join the Tree Farm Society, which is very large. The only thing they have been asked to pay for is their sign showing tree farm designation. He has received some welcome letters from the Society and a notice that they have re-scheduled the recertification of their tree farm to make sure everything is going as planned. The letters note that donations are accepted to help with their stewardship program. He wondered if the Conservation Commission wanted to consider making a donation to help support the Tree Farm Society. It was suggested that \$100 would be an appropriate amount for donation.

Beaver Dam at Great Brook

Mr. Anderson noted that John Wilson had provided him with some pictures of a beaver dam at Great Brook. He suggested they get the Pleasant Lake Protective Association (PLPA) involved to take care of the problem. Before they move forward he wanted to make sure the Conservation Commission was OK with this. Chair Brown said this is on private property, not Town land. They are not able to spend any town funds on this as it is tax payer money. Mr. Anderson said he spoke with Greg Berger (who uses the property adjacent to the brook) about it the other day, who had no strong feeling about it one way or another.

Mr. Deegan said that property owners near the Great Brook were happy to see the beaver. He wondered why they were controlling wildlife if it wasn't impacting roads or causing flooding. Ms. White said they will always have people who like to have the wildlife there. Mr. Gelcius said that Mr. Wilson had concern about the loons and there was a draw-down of the lake and the dam is impeding some water from going back into the lake. It is a combination of several factors. Mr. Clough said the smelt run would be halted as well as other fish that run upstream. The beavers are also a health risk to humans.

Request for the Conservation Commission Annual Report

Chair Brown said he would be happy to get remarks from those on the Commission about things that they had worked on in the last year. Emails could be sent to him anytime with thoughts and ideas.

The next meeting was scheduled for December 18, 2013. The third Wednesday of each month in 2014 has been reserved for Conservation Commission meetings.

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

The meeting adjourned at 11:52am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London