



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the December 17, 2014 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Mike Gelcius, Mark Vernon, Terry Dancy, Dan Allen, Ruth White, Andy Deegan (left at 9:30am)

MEMBERS ABSENT: Laura Alexander

OTHERS: Lucy St. John (Planning & Zoning Administrator), Greg Grigsby (Pelletieri Associates), Paul Goodwin (Watermark Reconstruction), Peter Blakeman (Blakeman Engineering), Harry Snow (Snow Construction)

Chair Brown opened the meeting at 8:30am.

Applications – Lucy St. John, Planning & Zoning Administrator

Ms. St. John noted that the applicants were present and would be providing presentations to explain their intentions.

Greg Grigsby - Pelletieri Associates - Shoreland Application for Bob & Kathy Ruggles on 823 Bunker Road

The applicants seek to install a detached garage along with associated landscape improvement and drainage work. Currently, the property contains 19.1% impervious area and after the proposed work is done, would be 19.93%; still under the 20% threshold. They would not be decreasing the unaltered area, which will remain the same. The contractors are aware that the work has to be done outside of the 50' setback. A map of the property was shown to the Conservation Commission and Mr. Grigsby pointed out the proposed structure on the property. There would be just three trees taken down as the owner wished to keep as many trees as possible. The driveway was shown to be pervious, and the granite cobbles would be expanded to provide good infiltration.

Chair Brown asked for the change in elevation from the road to the water. Mr. Grigsby said it was about a 7' change in elevation.

Mr. Grigsby said they have met with the abutters, who are comfortable with what they are proposing. One main concern they had was to maintain the green space between two abutting properties, which the engineers have complied with and have done.

Paul Goodwin, Watermark Reconstruction – Krakhour Residence 31 Wilmot Center Road

The project is to remove an existing L-shaped seasonal dock, which was approved in 1994. They would like to replace it with a U-shaped seasonal dock. The whole shoreline is covered in boulders including the water. The site for the dock is where there is a gap in the rocks already, but they would like to move 10-12 boulders to provide more open space. DES says if they move a rock, it has to be deposited in at most 10' of water. They plan to move the rock to the side of the dock. They do have the option to remove the rock altogether as long as it is put back into lake water. Once they see the size of the rocks when they are moved from the water, they will decide what to do.

A map showing the existing dock was shown, and it was pointed out where the new dock would go. A seasonal boat lift was planned to go in the middle of the "U". They have proposed a seasonal canopy of 12' x 30' in size that would be attached to the seasonal boat lift. Mr. Goodwin noted that DES allows 14' x 30' canopies, so this falls within the State limits. He had recently been notified that the canopy was not allowed in accordance with New London's Zoning Ordinance because boat houses were not allowed. Mr. Goodwin disagreed with the idea that a canopy could be defined as a boat house. The Zoning Ordinance says that current state regulations did not allow new boat houses over the water. A canopy is an accessory docking structure, not a boat house, per

NHDES regulations. A boat house was defined as something with a permanent roof. A canopy, in his eyes, was not a boat house. Per DES regulations, the frame must be made of a thin metal tube which can be left up over the winter, but could be removed if necessary. It cannot be timber frame. Canopies are allowed per DES and he didn't think there was any question that they should be allowed in New London. The whole canopy in this situation, would be removed, as the dock is seasonal, so nothing would be there in the winter months.

Chair Brown asked if the canopy was made of canvas, it would be allowed by DES, but if it was made of corrugated metal, it wouldn't. Mr. Goodwin agreed and said his father fought a 20-year battle with DES on this point. It now has to be a flexible fabric roof.

Chair Brown asked if the rocks they want to move are in shallow water, which interfere with boat navigation? Mr. Goodwin said "navigable" is stated as 3' of space in the water. The rocks that are found to allow less than 3' of drift are the ones they want to move. He thought Bonin Architects had attained a shoreland permit to do the work on the shore. They would have a small barge and a diver to help with the rock moving project.

Mr. Dancy wondered if the new dock was within the size permitted by the State. Mr. Goodwin said the State is allowing them to build a dock 20' longer than usually permitted due to the number of boulders in the area.

Ms. St. John said per the ordinance the canopies are not allowed. Mr. Goodwin said the Town doesn't have jurisdiction over the water. Canopies are a huge part of their business and he would not give up on it. He said they would be applying for more of these in the future. Chair Brown wondered if it would be quicker for the applicant to go to the ZBA for a waiver. It may take longer to argue over the Town's ordinance and possibly have to have a special Town Meeting to change it, than it would to go to the ZBA. Mr. Goodwin said he was prepared to do what was necessary to change this regulation in the ordinance because it was something he envisioned coming before the Town many more times for in the future. He asked Ms. St. John to forward the Town's definition of "Boat Houses" in the zoning ordinance to him so he could review it; he did not believe the Town had jurisdiction over public waters. They are owned by the people. Ms. St. John said DES' approvals note that they are subject to Town regulations.

Ms. St. John noted a resident, Jack Sheehan, sent a letter to the Town regarding the erection of canopies over the water and the fact that one had gone in previously at 179 Cove Road (on Little Lake Sunapee) which seemingly went up uncontested. He thought the Town should take a more active role in overseeing these things and enforcing the Town's ordinance.

Mr. Vernon asked if the canopy would cause any view obstruction. Mr. Goodwin said it did not because of the shape of the property.

Chair Brown said he thought the Town needed to look into this issue a bit further. Mr. Deegan asked Ms. St. John to copy him on the email to Mr. Goodwin about the definition of "Boat House." Mr. Goodwin said if the Town wanted to discuss this further, they could send a letter to DES to ask for a 40-day hold on making their decision. He commented that the Town of Wolfeboro does this with every dredge and fill application that comes forward. The 40 days starts from the time DES receives the letter.

***Peter Blakeman, Blakeman Engineering, Harry Snow, Snow Construction - Muchemore Mere Bluff, LLC
Boulder Point***

The applicants would like to tear down the existing house, which is just under 1700 sq.', and is over 40 years old. It currently extends to about 39' from the lake. They would like to build a 37,000-38,000 sq.' house which would all be behind the 50' setback from the lake. The property has about 13.9% impervious coverage and with the new construction it would increase to 17.5%. The construction also includes a path way down to the existing dock. There would be a stone retaining wall just off the 50' line.

A map was shown of the existing plan and the proposed plan. The unaltered area would remain the same with the new construction as it is currently. Drip edges will be added to help with water infiltrating into the ground.

Other Planning Board Issues

Ms. St. John said the Conservation Commission should email her with any zoning amendment suggestions they may have as the Planning Board would be discussing possible changes for consideration at the next Town Meeting.

Ms. St. John added that Woody from the Lake Sunapee Protective Association will be organizing a watershed issues group at the beginning of the year, which she will participate in.

Land Acquisitions and Easements

Mr. Deegan said he didn't have any updates on land acquisitions. With regards to easements, the Selectmen discussed the Big Hilltop LLC issue (regarding the Clark Lookout closure by the land owner) but he wasn't sure what they had said as he hadn't yet read the minutes from the meeting. As of that Monday, the signs and tape had been removed. The lock on the gate is still there. He said it was a bizarre situation and they (Ausbon Sargent) are trying to let the land owner know that they can't do this kind of thing. It was noted that both Ausbon Sargent and the Town were working on second letters to the land owner.

Chair Brown said a person moved a trailer and van into the right of way at the Phillips Preserve. He said he had spoken to the individual but left due to the aggressive way the man was acting towards him. The man has since been arrested by the police and the trailer, vehicle, and buckets of human waste that were there have been towed off of the property. The sense is that this person may have been a relative of one of the owners of the property. He was arrested for trespassing. Because of the blockage to the entrance of Phillips Preserve, they weren't able to mow the field this year.

Easement Monitoring Reports

Mr. Vernon wondered who monitoring reports should go to when there are multiple property owners. Knights Hill Park and Trussell Ridge were the two he was wondering about. Mr. Deegan said it is up to the Commission. Chair Brown said they should just keep the reports on file and if anyone wants to see them, they could be provided a copy. He didn't feel it was necessary to send copies to everyone.

Mr. Vernon said he has been through the file drawers in the Conservation Commission cabinets. He found many easements he had never even heard of. Were they all being monitored? Mr. Dancy said there is a section for easements but didn't think they formalized a list. Chair Brown said he had asked the administration if there was a file of town properties and he was told that the best place to find that information is in the Town Report.

Ms. White said years ago the Conservation Commission made sure they had written permission from private land owners where trails crossed onto Town lands. Mr. Allen thought maybe they should separate easements from trail rights files. Chair Brown said the Commission had created a trail permission form, adopted by what the Greenway uses, and stated that it was a mutual agreement that could be terminated by either party with 30-day's notice. He said it would be good to update those permissions.

Mr. Gelcius wondered if they could do any trail work on the sections that are not town-owned property. Chair Brown said he was hesitant about doing trail work on private property. There is one trail with a portion on private land that he has had reports of overgrown areas. He has contacted the property owner and has volunteered to cut back some of the brush but has not heard a response. Mr. Gelcius said Ausbon Sargent was listed as the "owner" of the property he was inquiring about. Two trees are down and there are a couple spots where markers need to be put up. Chair Brown suggested an email be sent to Mr. Deegan to see if it was OK to go in and do this work.

Minutes of November 19, 2014

IT WAS MOVED (Dan Allen) AND SECONDED (Mark Vernon) to approve the minutes of November 19, 2014, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Clark Pond on page 2 should be changed to “Phillips Preserve” with regards to mowing. Strike “Clark Pond.” Trail System on page 4 – using “some of” the trails...

Boat House Discussion

Mr. Gelcius said based on Mr. Goodwin’s testimony, it sounded like they could do whatever they wanted over the water as long as they got DES approval. Chair Brown said he would be surprised if DES would issue a permit to dig up the bottom of the lake to build a new boat house. He understood Mr. Goodwin’s perception with regards to the Town’s ordinance and their definition of “boathouse.” Chair Brown said they have to think if a canopy does or does not impact the environmental health of the lake. He didn’t think it did. He said many canopies are on Lake Sunapee and some are even corrugated plastic which are likely attached to the boat lift and are removed each winter.

Mr. Gelcius preferred to have a more conservative stand and then require the State to explain exactly why the canopies are allowed. Ms. White thought the Town should send another letter to DES saying they do not believe the canopy should be allowed due to New London’s Zoning Ordinance. Chair Brown thought the Planning Board should review this and perhaps amend the ordinance if it was felt that canopies should be allowed. Ms. White agreed but thought they should still write a letter to DES. It was determined that Ms. St. John should be approached to ask her to draft the letter.

IT WAS MOVED (Dan Allen) AND SECONDED (Ruth White) to send a letter to DES asking for a 40-day hold on their decision. THE MOTION PASSED. Bob Brown voted against the motion.

IT WAS MOVED (Bob Brown) AND SECONDED (Ruth White) that the Planning Board be asked to review the boat house/canopy regulations to see if it is appropriate and whether or not soft-covered canopies should be included under the definition of “Boat Houses.” THE MOTION WAS APPROVED UNANIMOUSLY.

Trail Maps

Chair Brown said Laura Alexander has been working on a master map. Mr. Allen said he walked the Phillips Preserve trails and he believes they were recorded on Ms. White’s GPS. He has not yet heard back from Ms. Alexander with regards to downloading the data.

Mr. Vernon said the Recreation Department has five interns and thought the Conservation Commission should try to get a few if possible. He believed it was volunteer and was not a paid internship. Mr. Vernon said he would discuss this with Ms. Alexander to see if this was a possibility or who they needed to speak with to find out.

Mr. Gelcius announced that he has volunteered to take over the webmaster duties of the Conservation Commission website, since Rick Anderson had moved away. He noted that the trail maps on the web do not include all the maps they have. He wondered if they should be putting everything up on the website. QR Codes are present on three trails and can be read by smart phones. Then people can have the map right on their hand-held device/phone. It was noted that links to these maps (attained by the QR Codes) are present on the website.

It was noted that Ms. White had volunteered to keep the maps filled at the Bog trail. Ms. White said she has posted the warning sign about the boards being icy. Mr. Gelcius was asked to keep the Low Plain maps in supply. Mr. Gelcius said he will continue doing this as he has been doing it right along. Mr. Vernon said he would continue stocking the Webb trail maps.

It was noted that the beaver dam at the Kidder-Cleveland-Clough has been monitored. The dam has been restored and Mr. Gelcius said the water was flowing nicely. The pond level is about a foot below the dam, which is ideal. He said he could adjust the pond level by raising or lowering the pipe. In the spring they would go in and remove the old pipe as it was no longer needed but was still visible.

Wood Cutting at Clark Pond Trail Head

Mr. Allen said last month they talked about the possibility of storing and cutting firewood at the trail head of the Clark Pond trail. This was a request from an organization that cuts and delivers firewood to those who cannot afford it and are in need of assistance. After some thinking he wanted to suggest that the wood not be cut in that area when there is snow on the ground. It was noted that that was probably the time that wood would need to be cut. Ms. White suggested an area at the trail head that could work. Mr. Allen was concerned that he would need to go into the area with a vehicle and the snowmobile trailer to be able to maintain the cross-country ski trails. If the wood was in there, he wouldn't have enough room to get in and out easily. Chair Brown said he didn't feel like this was an urgent matter for this year as the organization doing the cutting has already found a place to be for this year, but perhaps this would come up again next year.

Power Line Trail

Mr. Vernon said he wanted to create a proposal for the power line trail. He handed out a copy of a draft proposal to the Conservation Commission members. Mr. Allen asked if the Recreation Department was on board to work with the Conservation Commission on this. Mr. Vernon said Mr. Blewitt (Recreation Director) was on board but hadn't yet seen the draft proposal. Mr. Allen said the Recreation Department maintains the ski trails on the Kidder-Cleveland-Clough trails in the winter. Chair Brown said it would make sense for this to be a Conservation Commission trail for ease of maintaining it.

Mr. Vernon said the route under the power line was suitable for multi-use. He thought they could have a wide trail that would be different from their other trails.

Mr. Vernon thought this could be a community project involving multiple partners. He would like to distribute his proposal to the Recreation Department, PSNH and the hospital. Chair Brown said he and Chad Denning (former Recreation Director) had gone and flagged the trail years ago. There was one place that drops about six feet where steps would probably need to go in. There were some wet areas but those could be bypassed. There were Public Service and Town Sewer easements on the property so they would need to be careful with what they put in there. He understood that Mr. Vernon was working with PSNH so they would work together on this and trusted that they would come up with a suitable design.

Mr. Allen asked about parking provisions. Mr. Vernon said he thought about expanding the parking area at the Lyon Brook/Parkside junction. Parking was something that should be considered.

Chair Brown referenced a high number of the cost of construction that Mr. Vernon had suggested. While no number was given at the meeting, Chair Brown felt the number was out of reach. It was noted by some members of the Conservation Commission that the hospital would probably be financially supportive of this, as well as a newly donated amount of money provided by the Mary Haddad Fund. It was thought that there could be donors and ways of funding this project. It could become a community project and could really be an attainable project.

Mr. Vernon said the next step would be to send the proposal to Richard Lee (Public Works Director), Scott Blewitt (Recreation Director), the hospital and PSNH. Chair Brown suggested a copy of the proposal also be sent to Kim Hallquist (Town Administrator) and to the Board of Selectmen for review.

IT WAS MOVED (Dan Allen) AND SECONDED (Ruth White) for Mark Vernon to send the proposal to those mentioned. THE MOTION WAS APPROVED UNANIMOUSLY.

3-Year Trail Project Plan

Mr. Vernon handed out a proposal for trail projects to be done over the next three years. The list included some sample things that could be done and he asked that the members of the Conservation Commission think about projects they would like to add. He asked them to think of things large and small.

Chair Brown agreed that more boardwalks should be built but thought they also needed to consider having a better set-up at the Kidder-Cleveland-Clough trail for keeping what is there in place. It is so often wet that they are unable to go in and make repairs. He has talked with the Recreation Commission and the Library about the Story Walk project that had been a part of the trail, but had been vandalized and no longer functional. It was determined that the story walk would not be fixed and so the 4x4 posts that had been used to display the pages of the book would be removed and used for something else having to do with trail maintenance. It was unfortunate that the Story Walk had been vandalized and would not be a feature of the trail any longer.

Mr. Vernon asked the members to send him their ideas before the next meeting and he would compile a list to share with them in January.

Mr. Vernon said he sent a clarification about using some of the trails for biking, not mountain-bike riding. The Davis Path and Clark Pond Trail were two trails he suggested. He noted that this kind of biking is less technical than that of the skilled mountain-bikers that are more aggressive riders. Ms. White said they can't police what kind of riding bikers do on the trails and once they open up trails to bikes, she worried that the trails would be harmed. Mr. Allen said bikers are only allowed where they are permitted and if it is found to be harmful to the trails, they can take away the permission. Ms. White said they can't police or enforce the use of bikes on the trails. She commented that people even bike on the Bog trail which she felt was ridiculous.

Chair Brown suggested trying it with one trail, maybe the Davis Path, to see how it goes. It was noted that some boardwalks needed to be put in there and some wet areas possibly filled with crushed glass. Mr. Gelcius suggested if the Public Works Department could even just leave some materials near the trail, he would see to it that the work was done by some of his Elkins Fish & Game Club members in the spring. Once these trail issues are repaired, bikers could be invited to ride. He was fearful that if people went off the path, they could unknowingly effect the breeding time of some of the wildlife in that area. As long as they stay on the path, it would be OK. If it becomes a problem, they could take away the permission to ride bikes.

Mr. Vernon asked if Chair Brown could make some signs, as he had a list of signs he would like. Chair Brown said to send him an email and he would see what he could do. Mr. Dancy said he had a router that had been purchased by three other past members of the Conservation Commission (including himself) but the Conservation Commission was welcomed to use it. Mr. Allen said he had a router he found at the stump dump that could also be donated to the Conservation Commission. Mr. Gelcius said he would be willing to help with signs.

Tools for the Conservation Commission

The Conservation Commission members made a list of the tools they already have. A list of other items they could use would be compiled and presented by Mr. Vernon at the next meeting.

Budget

Chair Brown handed out last year's budget, which was \$15,000. Last year they didn't complete the land acquisition projects they hoped would happen. Therefore, only about 50% of their budget was spent. He said the funding had been level over the years. Town Meeting in May will pass the 2015-2016 budgets. The Conservation Commission reviewed the budget from last year to discuss any changes they felt necessary for the 2015/2016 budget. It was determined that the budget would remain level.

**IT WAS MOVED (Dan Allen) AND SECONDED (Ruth White) to approve the budget.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The next meeting would be January 21, 2015.

**IT WAS MOVED (Dan Allen) AND SECONDED (Ruth White) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 11:05am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London