

Barrington Conservation Commission Agenda

December 5, 2013 7:00 PM

Barrington Elementary School Annex, Professional Development Center
570 Calef Highway

MEETING MINUTES

PRESENT: John Wallace, Chair
Ken Grossman
Anne Melvin
Marika Wilde, Alternate
Alison Desmarais, Alternate
Julia Guimond, Alternate

ABSENT: Pam Failing
Fred Bussiere, Selectmen representative
Peter Sandin, Alternate
Glenn Gould, Alternate

CALL TO ORDER

Barrington Conservation Commission (BCC) Chair John Wallace called the meeting of December 5, 2013 to order at 7:00.

DELEGATION OF VOTING MEMBERS Wallace appointed Wilde and Guimond as voting members for this meeting.

1) Guests:

a) Cilia Bannenberg, Russ Brackett, and Jim Conley., Barrington Waterways Protection Committee

(BWPC). Ms. Bannenberg shared copies of the proposed rights based ordinance. John Wallace stated the purpose of the meeting is to see if the BCC wants to recommend to the Selectmen that they adopt the proposed ordinance as a warrant article. If it is not accepted as a sponsored warrant article it can be placed on the ballot as a petitioned warrant article. Ms. Bannenberg briefly reviewed the history of this proposal. There was discussion of what it means to be a rights based ordinance. Ken questioned if it's necessary to have a rights based ordinance as opposed to changing or adding to the existing zoning ordinances. He also brought up that he feels that business should not be scared away. A response was that by having the

rights based ordinance as proposed, it would insure property owners the value of their property. The BWPC group stated that a rights based ordinance, as supported and voted on by a town, may prohibit activities that otherwise might be allowed by state permit. It was pointed out that the state has jurisdiction of water withdrawal and the state can overrule town ordinances as they are currently written. Anne expressed concern with not allowing new sand and gravel pits in town as sand and gravel is a valuable town commodity. She also expressed a concern with hurting small business in town. The BWPC group reiterated that the intent of the ordinance is to empower the citizens of the town to be able to determine what should be allowed. John Wallace expressed that, while he is in favor of the ordinance, he does have a concern that the ordinance is retroactive and would call for the shut down of the previously approved gravel pit on Greenhill Road. He also pointed out that town attorneys typically say rights based ordinances are not legal.

After all members voiced their thoughts, Ken stated that it appears that the members of the BCC have mixed feelings about the article, and if a motion is made to recommend the article to the Selectmen for adoption, both the group and individuals should feel strongly about it. On such an important issue he would like, if not a consensus, than something close to it.

Ken Grossman made a motion to make no recommendation, pro or con, to the Selectmen in regards to the proposed ordinance. Anne Melvin seconded the motion, which passed unanimously with a vote of five (5) to zero (0) in favor. John Wallace will compose a memo to the Selectmen stating that the BCC has no recommendation to make regarding the ordinance.

2) Approval of minutes Nov 7, Nov 21

Julia Guimond made a motion to accept the minutes of November 7, as amended. Anne Melvin seconded the motion, which passed unanimously with a vote of five (5) to zero (0) in favor.

Marika Wilde made a motion to accept the minutes of November 21, as amended. Anne Melvin seconded the motion, which passed unanimously with a vote of five (5) to zero (0) in favor.

2) Complaints: Marie Harris had sent an email to John Wallace wondering about the water level and drainage in Drew Pond on Route 9. John responded to Marie by explaining that DOT is in charge of monitoring the water level in the pond, and in past years the water level has fluctuated.

3) Old business:

a) Calef Isinglass property: ~300 acres along Isinglass. John shared that \$20,000 in funding from the State Conservation Commission (Moose Plate Program) has

been awarded toward the Calef property. John is hopeful that there might be money available from the Fish and Game Fisheries Habitat Protection program. John stated that Fish and Game would undoubtedly request public access for anglers and probably will insist that a small parking area be put in at the entrance off Town Farm Road. He does not anticipate this would be a problem. Julia offered to look into Trout Unlimited as a possible contributor.

- b) Wilde/Johnson easement: ~10 acres near Mallego Brook Marika expressed disappointment that she will be unable to continue with the easement process on her property.
 - c) Treasurer's report - status of Stewardship fund (Pam) This will be covered at a future meeting.
 - d) BCC by laws (rules of procedure) - (Ken) There was discussion about voting members and the role of alternates and ex-officio members. This can be clarified in the proposed by laws. The group returned to this item at the end of the meeting. Time was spent discussing and revising the language that defines the duties of the CC. Ken will incorporate the suggestions and get back to the commission with the next iteration. Julia offered to set up a Facebook page for the BCC.
 - e) Conservation Plan The BCC will get back to this at a later date.
- 4) New Business:
- a) Planning Board
 - i) Proposed conservation subdivision, Ramsdell Dr: (nothing new)
 - ii) Tropic Star (gas station): nothing new
 - iii) Gerrior revision: [268-1& Additional Lots -GR-13-SUB \(Gerrior Lane Trust\)](#). \$2000 is still owed to stewardship fund. Gerrior is continued to January.
 - iv) Thunder Road subdivision: not yet before PB.
 - b) Conservation of Brookwood Park Shores property (Karen Gould)- Karen Gould, property co-owner, would like a letter stating that the land has conservation value. John Wallace recused himself as an abutter. Alison Demarais voted in Wallace's place during his recusal. Anne Melvin served as Chair during discussion and vote of this motion. Mentioned were some conservation features of this property: that it abuts an existing conservation easement, has frontage on Mendums Pond, and is part of a wildlife corridor.
Ken Grossman made a motion to have a letter composed for Karen Gould stating that the land has conservation value. Julia Guimond seconded the motion, which passed unanimously with a vote of five (5) to zero (0) in favor. John Wallace then returned to serving as Chair.
 - c) Received \$100 for clearing around Goodwill sign - relocate? The \$100 is now in the Conservation Fund. John has looked into possible relocations of the sign as it is not conveniently accessible at its current site. The BCC will look into a possible relocation of the present kiosk, keeping in mind that it is best if the sign

is visible from the road (Route 9). Possibly there could be a variance from the Zoning Board to allow the sign moved closer to the road.

d) Town Report due soon The annual BCC report is due, and John will work on this.

e) Goals for 2014

f) Pam Failing and Peter Sandin need to be reappointed to the BCC.

Ken Grossman made a motion to have a letter written to the Selectmen requesting the reappointment of Pam Failing and Peter Sandin to the BCC.

Anne Melvin seconded the motion, which passed unanimously with a vote of five (5) to zero (0) in favor.

g) Intents to cut: None

Announcements/correspondence:

a. DES:

h) Easements:

a. Easement monitoring: Hambel/Dolmat? Pam Failing will be doing this.

b. John will look into the issue of Falls on the Isinglass and Coachman Estates having no owners as the homeowners associations no longer exist. It is also not clear who the owner of the Olsen easement is. John would like assurance that the homeowners association will exist for Village Place or, in its absence, the land possibly be turned over to the town.

i) Committee reports:

j) Next scheduled meeting: Dec 19, 2013.

Ken Grossman made a motion to adjourn the meeting at 9:55. Marika Wilde seconded the motion, which passed unanimously with a vote of five (5) to zero (0) in favor.

Respectfully submitted,
Pat Lenzi

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE AT THE LAND USE DEPARTMENT.