

December Conservation Commission Meeting  
Dec. 10, 2012  
(meeting held in Historical Society's office due to Selectmen using the Meeting House)

**Present:** Voting members: Kelly Short (chair), Fred Ficken (treasurer), Tom Osmer, Bob Fife,  
Alternate members: Ken Stern, Linda Fife, Steve Seron, Faith Berry, Teresa Wyman  
**Absent:** Jennifer Taylor (vice chair), Galen Beale (secretary)

Guest: Aaron Wechsler, Aspen Environmental Services

**1. Expedited wetlands permit application for driveway off Shaker Road (Tax Map 204/Lot 7)**

On behalf of his clients, Aaron Wechsler of Aspen Environmental Services reviewed with the Commission an application he has submitted for Expedited Wetlands Permit for a new driveway. The driveway will follow an existing woods road, which will need to be upgraded to serve as a driveway. There are several wetland areas on the property. Mr. Wechsler had done a partial wetlands delineation. The proposed driveway crosses 2 wetland areas with a channel between them. Mr. Wechsler believes the channel is man-made. There is water in the channel and it does connect 2 jurisdictional wetlands. He explained plans to install silt fence and a 24-inch culvert, which he has specified should be sunk 6 inches below grade. He did not spec a retaining wall, but said it would be optimal to maintain the 1:1 slope. The culvert will be covered with 6 inches of material. Kelly asked commissioners if they had any questions. Ken Stern asked if the channel is an intermittent stream and Mr. Wechsler said no. Kelly asked if there would be less wetland impact if the driveway were relocated further from the edge of the wetland. Mr. Wechsler said he prefers to use the already disturbed area where there is already a woods road.

Kelly and Bob Fife will do a site visit as soon as possible.

**2. Kelly presented the following summary of recent permit activity:**

1. Shoreland Impact Permit 2012-02866 issued with conditions. Expires 11/14/2017
  - Frederick Kramer for 32 Canterbury Shore Drive
  - Impact 3,039 sq. ft to construct a 2 bedroom house with driveway and septic system
2. Complete Forestry Notification (Wetlands Minimum Impact), Map 238/Lot 9. Exp. 11/16/2014
  - Notice sufficient provided compliance with requirements specified.
3. Application for Expedited Review, Wetlands Minimum Impact.
  - Owner is AW Town Realty Trust, represented by Aspen Environmental Consultants
  - Submitted to Town 12/3/2012

**3. 2013 Budget**

The commission reviewed the draft 2013 budget that was submitted to the Board of Selectmen on Dec. 9. Expenses in the 2013 budget are the same as in the 2012 budget.

Ken Stern moved to approve the budget; Bob Fife seconded. No further discussion, all voted in favor.

#### **4. 2013 Conservation Capital Reserve request**

Commissioners discussed that the CCC has not had an allocation to the Conservation Capital Reserve fund in several years and would like the Board of Selectmen to fund it in 2013. Fred Ficken said that the Town tucks money away every year for capital expenses for the fire and police departments and should do the same for Conservation. Others agreed that it makes sense to fund the reserve incrementally so that there is money available to reduce the size of any bond to complete a conservation project. An annual allocation of \$20,000 was suggested. Given the overall condition of the economy and that the Selectmen are working hard to keep the Town budget from increasing substantially, lower amounts were discussed. Faith Berry made a motion to request \$12,000 be allocated to the Conservation Capital Reserve fund; Ken Stern seconded. No further discussion. All voted in favor.

#### **5. Discussion of conservation easement for Robert S. Fife Conservation Area**

Kelly explained that the Board of Selectmen had expressed concern at the costs associated with completing a conservation easement on the Robert S. Fife Conservation Area on Kimball Pond Road. The Forest Society has estimated the costs at \$1,500 for services (staff time preparing the easement) and a \$5,000 contribution to the Society's easement monitoring endowment. The standard contribution to the easement fund is usually \$10,000, but it is lower in this case because the Society has recommended that the Fife Conservation Area be added to the existing easement for the adjacent Buton property, which the Forest Society also holds and monitors.

Ken Stern noted that the 5 Rivers Conservation Trust usually asks for a \$7,500 contribution for its easement fund, and noted that the estimated staff costs are very reasonable. Commissioners discussed the difference in protection for the property if it is only Town owned and does not have a conservation easement. An easement would prevent residential or commercial building on the property even if a future Board of Selectmen were to decide to sell the property. The conservation easement would be binding on all future owners, forever. Commissioners discussed whether anything less than an easement would suffice and felt that the CCC had "sold" voters on permanent conservation of the field when it asked for a bond to fund half the purchase of the property. (Half the cost of the purchase came from dedicated conservation funds.) Commissioners felt that other options, such as having the Board of Selectmen transfer control and management of the property to the CCC were less desirable than a legally binding conservation easement.

The chair asked for a sense of the meeting to confirm—in light of the expense estimates—the Commission's previous vote to place a conservation easement on the property. All indicated support for the decision to go ahead with a conservation easement.

#### **6. ATV trail on Riverland property**

Galen Beale had brought to the CCC's attention (by email) that someone had placed pallets in wet areas along the River Walk nature trail and there were signs that the trail was being used by ATVs. ATV use is not permitted on the Riverland property, and there are signs that say so. The ATV also violates DES wetland rules, in that a permit is required for development of wetland areas. (The CCC got wetland permits before creating the nature walk through the wetland area.)

Tom Osmer also noted that ATV use, fires and camping are treated differently by NH law than other land uses. Generally, unless land is properly posted, the public has the right to access private land for recreational

purposes. However, NH law requires written permission from the landowner before using ATVs, building fires or camping. The chair will bring the issue to the Selectmen.

#### **7. Update on Ned Therrien's easement project**

Ken Stern reported the great news that Ned Therrien and 5 Rivers Conservation Trust were awarded a \$106,000 grant by the Department of Environmental Services (DES) toward the permanent conservation of Ned's property. Ned has been managing the property (approximately 110 acres off Ames Road (off Rte. 106) for wildlife habitat, water protection and timber for decades. The Commission has committed to contribute \$2,500 toward the costs of the easement on this property, a fact that contributed to DES' favorable review of the grant application.

#### **8. Potential conservation properties**

The Commission discussed properties of conservation interest.

#### **9. Revised Strategic Plan**

Review and vote postponed until January meeting

#### **10. November minutes**

The Commission reviewed the draft November minutes. Ken Stern motioned acceptance; Bob Fife seconded. Commissioners shared corrections. Tom Osmer suggested that the minutes of the Stewardship Committee, which formed the basis for a substantial part of the discussion at the November CCC meeting, be attached to the CCC meeting minutes. All voted in favor of accepting the minutes as amended.

Respectfully submitted,  
Kelly Short, chair