

Enfield Conservation Meeting

September 2, 2010

Attending: Members - Joan Fishman, Gary Gaudette, Shirley Green, Sue Hagerman, Dwight Marchetti, Alan Strickland, and Jeff Wells. Also attending : Phil Neilly, Town of Enfield Code Enforcement Officer, Michael McCrory from the Upper Valley Lake Sunapee Regional Planning Commission, and Glyn Green.

Alan called the meeting to order at 7 :00 pm.

August minutes: A motion was made by Sue seconded by Joan to accept the minutes as amended, passed. Amendments made: spelling correction to change Corr's to Corrs and add Glyn Green to people attending.

Old Business and Updates:

Bicknell Park: The work day on Friday, August 6 accomplished its mission. The muddy portion of the trail was covered with road fabric and wood chips. Jeff brought his tractor to facilitate chip spreading and Alan worked with the Hypertherm volunteers. Alan wrote a thank you letter. Several of the volunteers expressed interest in doing more work for the Commission like replacing/constructing the two bridges on the Suki Marsh trail. Jeff will figure out what materials are needed. The time commitment might be 4 hours for 2 people.

Permit by Notification: The Commission needs to vote to approve or disapprove a permit from the Shaker Landing Condominium Association requesting approval to replenish sand on their beach, which is 39 x 29 feet; the sand will not exceed 10 cubic yards. If approved the permit will need to be signed by Alan. A question was raised - was the beach previously permitted per page 25 #3? A motion was made by Dwight to table this until we get more information and can make a site visit. The motion was seconded by Shirley, passed. The site visit will be Thursday, Sept 9th at 5pm. Alan will get permission and we will meet at the La Salette parking lot.

Watershed Ordinances: Michael McCrory was asked if he wanted to say anything to the Commission about watershed ordinances but he came because he's interested in hearing what we're doing. Shirley began the discussion about establishing ordinances - we have a preliminary draft and Phil Neilly will play a big role in getting this passed. The "experts" have seen the draft. It was sent to UNH, DES, and NH Lakes Association and they all provided input. Dwight suggested going through each section. Alan asked a question about the section A – Authority and Statement of Intent – why now, what's wrong, what is it replacing, and why are we doing this? Should the reason be put in this section or is this part of promoting this to the voters to get this passed? Michael commented – the ordinances can include a purpose statement (the intent). Recommended action - create a purpose statement. The ordinance doesn't list Spectacle Pond but it should be included since there are camps on this pond. Glyn Green recommended that we don't list specific bodies of water, but just say all waters. Michael passed out a Town of Enfield and surrounding area topo map showing all lakes and rivers. Recommended actions – remove the list of lakes and add general wording like all bodies of water or all surface water in the Town. Michael recommended adding a map to the ordinances as reference. NH Lakes Association recommended using the wording, all public bodies of water. The wording could also say all waters including subsurface waters or surface waters and then define surface waters. Jeff's suggestion was to use bodies of water to include lakes, ponds, rivers, streams, and wetlands. Recommended actions -

remove the list of lakes and use Jeff's suggestion and have the Town's attorney review this wording and the entire final draft. Michael offered to help us with notifying the public. Recommended action - add comments from DES, UNH, & NH Lakes Association. This will become the second draft.

Section B - Applicability – how does analysis of soils define the boundaries, how were the watershed boundaries established, do we need a boundary or is it the entire town of Enfield, what does do no harm mean? Dwight – Section E4e Agriculture – spreading of animal manure – some farmers spread sludge from the sewage treatment plant, this is not animal manure so this needs to be addressed. We also need to add horticultural and under section E7 General, address domestic or landscaping. Phil Neilly commented that the definitions in Section D need to be very clear so they leave no room for interpretation and they need to be consistent. Can we find out what issues other towns had with their ordinances? The State is not enforcing the Shoreline Protection Act and it is not helping towns interpret the act. Phil asked the Commission to look at what enforcing these ordinances will add to the time required to enforce Town ordinances. How much will it cost for the additional enforcement? If the additional funding isn't there then we have unenforceable ordinances. If the ordinances include the entire town then more enforcement will be needed. Sue – the use of fertilizers on lake front lawns is not specifically addressed.

The violation on Graham Road is an excellent example of why we need these ordinances – the violation is described in the August 5th minutes. Aug 26th DES new procedures for addressing violations - obtain a report of the potential violation, investigate, present at a meeting and decides on an action plan. Outcome of the meeting regarding Graham Road – the road must be narrowed to 6 feet, the vegetation must be replaced, and the sand is going to be allowed as this received a letter of discrepancy even though no permits were obtained. A motion was made by Dwight to send a letter to DES (Sue will write the letter) and to the Commissioner indicating the Commission's dissatisfaction of the DES handling of the complaint against the Plazzo property at 8 Graham Road, seconded by Jeff, passed.

Would adopting the NH Shoreline Protection Act by the Town be easier to adopt? This act has had lots of bad publicity and is controversial and misconstrued. Phil commented that even if this is so it still exists. Our ordinances give the Town the right to enforce the act since DEC isn't enforcing it. Shorelines do have the most issues so we could start with ordinances that deal specially with just that. The Town can enforce the state act – is it possible for the Town to adopt this act instead of creating separate ordinances? What towns have adopted the act? Glyn will make some telephone calls to find out.

Thank you to the Greens for all the work putting together the first draft.

Hardy Wetland Riverside Landing: Update from Dwight – everything is in good shape; there is no indication of any activity and the level of the river is way down.

Legalities of Trail Policy: Dwight – the Commission has the authority to post regulations, article 14, article 21, RSA 36A and powers to protect, control, and properly utilize public spaces. The Commission can therefore decide on trailhead signage, website verbiage, and where to post.

New Business:

New alternate member: Dwight made a suggestion and Dwight will ask her first. Jeff mentioned two of the volunteers that helped with the Bicknell Brook Trail seemed interested. If she is not interest, we will ask one of the volunteers.

United Way contacted Gary to see if the Commission had any projects we needed people to work on as they have a work day coming up and people to do the work. If we meet next Thursday we will discuss, if not by e-mail we can make suggestions as to what the volunteers could do.

Dwight – there has been another complaint regarding the Larry property - filling in wetlands, putting in a bridge, all of which require a permit.

Request to have correspondence received available at 6:30 for members to review before the meeting so members can make informed decisions.

Gary will be vise chair for the November meeting – Alan will be away.

It was suggested that we add a meeting to address the rest of the agenda after the 5pm site visit next Thursday. It was decided that there will be a site visit if the beach was not previously permitted and a short meeting at the site to just approve/disapprove the permit. If the beach was previously permitted there will be no site visit or meeting. Alan will find out if the beach was previously permitted and then contact everyone by e-mail regarding the site visit.

Due to time constraints, these items were not reviewed and tabled until the next meeting:

Correspondence: DES has received Minimum Impact Expedited application for Ann Corr/////DES in regard of NH Dept. of Transportation in regard of NH 4-A and Main St. widening and drainage/////DES acknowledges receipt in regard of Wetland Bureau Complaint on Graham Road/////DES in regard to Wayne and Carol Smith Shoreland Application, Map#49, Lot#2/////DES issues Shoreland Impact Permit to Allison and Mark Duato, Map#49, Lot#6/////DES issues Shoreland Impact Permit to NH Dept of Transportation, Route 4-A and Main St./////DES acknowledges receipt of application in regard to Shoreland Application, Route 4-A and Main St./////

Intent to Cut: Van Ells, Map#41, Lot#7/////Cottle, Map#7, Lot#4/////Maurel, Map#17, Lot#15

ADJOURN at 8:55: A motion to adjourn was made by Gary, second by Dwight, and passed.

Respectfully submitted,

Susan K. Wells, secretary