

Town of Frankestown Conservation Commission

PROPOSED MINUTES

July 6, 2009

A regular meeting of the Conservation Commission was held in the Town Offices on Monday, July 6, 2009 and called to order at 7:33 p.m.

Conservation Commission members in attendance: Carbee, Freese, Hardwick, Lindgren. Secretary Lindgren took the minutes.

Old Business

1. Jack Munn, Chief Planner with the NH Southern Region Planning Commission, gave a presentation to the Board regarding its request for the town to participate as a “Conservation Partner” in the planning process to develop a Piscataquog River Watershed Land Conservation Plan. He asked if the Conservation Commission would sign a letter of commitment, which would help them secure the remaining funds they need on this project for outreach activities. Outreach funds would enable them to commit the South West Region Planning Commission to work with its regional towns (such as Frankestown) on developing the plan. There already are 604-B (Water Quality) funds available through DES to develop the maps and data set integration on the project. The various consolidated mapping projects in the proposed plan would help to identify local conservation opportunities and needs, sensitive wildlife habitats, wildlife connectivity, stream order ranking and other riparian resources. Another outcome of the plan would be to develop model ordinances that the Piscataquog River Watershed towns could consider bringing to Town Meeting for inclusion in their zoning ordinances. He stressed that by signing a letter of commitment, it in no way implied any obligation to accept either the final plan or any suggested model ordinances – it just would ensure that the town would be invited to be a member in the planning process, and that commitment would help SRPC secure funds.

Freese made a motion for the Conservation Commission to sign a Letter of Commitment to participate as a “Conservation Partner” in the planning process to develop the Piscataquog River Watershed Land Conservation Plan. Carbee seconded the motion. All in favor.

2. John Springer and Russ Putnam, representing SBA Properties, and Audra Klumb of A&D Klumb Environmental LLC, presented SBA’s plans for extending the access road to their Cell Tower site on Crotched Mountain. SBA has applied to the ZBA for a Special Exception for a Wetlands Crossing, and a Variance for a Steep Slope District Road Crossing, in support of their plan to increase the height of the tower to accommodate additional telecom suppliers, including AT&T as part of its regional PDS service cell tower roll-out (which includes a proposed new tower on the Pettee property near the town’s New Boston border by Route 136, currently being proposed to the Planning Board, and may include another new proposed cell tower serving the village district).

At its most recent June 4, 2009 hearing, the ZBA requested that the Conservation Commission consider this application and report back to the ZBA at its July 8, 2009 hearing, if possible, with an opinion. In support of this request, the Conservation Commission held a site-walk on-site on Monday June 29, 2009 at 6:00 p.m.

Mr. Springer presented the proposed site plan, which would extend the access road over town property to the SBA site. A small wetland crossing on town land would be necessary just before the access road extension reaches the SBA property. Springer maintained that SBA has a right to construct a road along their right-of-way; however, it was acknowledged that the proposed access road extension did not necessarily travel precisely over that right-of-way, but was being proposed as the best environmental solution. Springer noted that a 5-page objection had been received by the ZBA from Abigail Arnold, and he refuted some of those points of objection, including the suggestion that the town has a right-of-way over the SBA lot. Hardwick noted that the town does have legal access across the SBA property, as shown on the deed granting the old state fire tower lot to the town (HCRD 6223-475). Hardwick also concurred with the Arnold objection that the easement granting SBA the right to construct a road along SBA's right-of-way on the town property was not approved by the town, only by the selectmen, and no public hearings on the proposed easement were ever held, and so that easement would seem invalid.

Springer and Klumb presented a new proposal for the wetland crossing to avoid any wetlands impact. Whereas the plan indicates a proposed 20" culvert for a permanent road wetland crossing, a temporary bridging structure could be placed on top of the wetland. An example of this type of temporary bridging structure may be seen at the web site CarolinaMat.com. Hardwick noted that this is the type of temporary bridge that was used in the recent town forest timber harvests. Springer also offered to either remove the temporary bridge at the end of the road construction, or leave it in place to continue to provide a wetland crossing for vehicles in the future. It would be roughly 10-feet long. Klumb also noted that while a 20" culvert was originally specified, they have done engineering drainage calculations, which show that only a 15" culvert would be necessary, and that there would be a maximum of 183 square feet of overall wetland impact. With a temporary bridge, there would be no wetlands impact.

Springer said that SBA would remove the wooden stairs currently providing access to the tower site on the SBA property, and extend the access road over that ledge and up to the tower site. He noted that the stairs constitute a hazard and SBA would like to remove them for liability purposes. The ledge is a 60-67% slope and would be blasted away and graded to a final slope of 27% as detailed on the plans. Freese suggested that the resulting blasting and regading of the top of the mountain would cause a ruination of the mountain and seriously degrade the conservation value of the surrounding property, which is the Crotched Mountain Town Forest, and would be ecologically very disruptive. Lindgren voiced concerns that the final slope of the road would still be quite steep and result in a lot of erosion, doubtless back into the wetland areas, and that the plan shows that the proposed grading of the road over the steep slopes area would generate a new, unstabilized slope of 60%+ on the northeast side of the proposed road cut, and would likely result in substantial erosion in that direction. Klumb said that that would be dispersed through sheet flow into the woods as it went off the SBA property and into the Town Forest. Hardwick voiced concerns that the road would be used by the public, using 4WD's and ATV's and dirt bikes, which would greatly increase the erosion and result in a danger to the public. Springer said that SBA would offer to put in a gate, which could prevent unauthorized access, and a box lock key could be provided to the town public safety departments.

Lindgren said that he could not support this proposal as the town ordinance quite explicitly prohibits the construction of roads, driveways or other structures on slopes that are greater than 25%, and that this proposed road across a steep slope of up to 67% is simply way too steep and would ultimately result in greatly increased erosion and be very difficult to stabilize. Springer suggested that he believes the steep slope ordinance involves uses, not access, and that the town

could not prevent SBA from doing a cut. Lindgren made a motion to recommend that the ZBA deny the proposed variance from Section 2-A.3.3. of the Zoning Ordinance because it is contrary to the letter and spirit of the Zoning Ordinance to erect a road in a >25% steep slopes district; it is ecologically disruptive and would degrade the conservation value of the surrounding property; and is not necessary to the use of the property. Carbee seconded the motion. All in favor.

Freese made a motion that if a wetland crossing should be granted, the Conservation Commission would prefer the use of a temporary bridging structure instead of a culvert, and that it be left in place after any construction and remain there as long as needed. Carbee seconded the motion. Hardwick noted that this does not imply that the Commission supports new road work through this area of town property. All in favor.

3. The Commission examined and discussed the elements of a sedimentation and erosion control plan as shown on the plans for the Palmer subdivision, as requested by the Planning Board. The Commission would recommend that the Planning Board inquire as to how the size of the proposed 18" culvert at the driveway's wetlands crossing was sized. The Commission questioned whether a larger culvert was needed, or if a box culvert might be warranted.
4. The status of various easement projects and protection opportunities was discussed

New Business

5. The Board discussed whether it might accept an executory interest in the Lord Farm easement, as the Harris Center currently holds it secondarily to the FLT, and would like to transfer that interest. The Board agreed that it would be willing to accept an executory interest, upon public hearing and approval of the Board of Selectmen.
6. Kiosk maps in the Town Forest have been updated. Because of the ice storm, a number of trail markers and signs have been lost. The Board agreed to temporarily close the upper and lower link trail due to the ice storm damage, until proper signage and trail clearing can be accomplished.
7. Harry Murray passed away on Sunday. His obituary suggested that contributions may be made to the Conservation Commission. He has also donated his surveying equipment for use by conservation organizations in the area. The Board thanks Harry for all the support for conservation he has given over the years. He will be greatly missed.
8. The Fat Tire 100km Race is scheduled for August 16th, 2009. It will start and end at Oak Park
9. A trail clean-up day will be held at the Cross Trail at Old Mountain Road at the end of July. Schedule TBA.
10. Freese moved to adjourn at 10:35 p.m. Lindgren seconded the motion. All in favor.

Respectfully Submitted,
Bob Lindgren, Secretary