

**Fremont Conservation Commission
11-01-11 Meeting Minutes**



**Fremont Conservation Commission
Minutes of November 1, 2011
Approved December 5, 2011**

Present: Chairman Janice O'Brien, Co-Chairman Bill Knee, Member Pat deBeer, and Alt/Recording Secretary Meredith Bolduc.

Chrm. O'Brien opened the meeting at 7:10 pm.

MINUTES

Mbr. de Beer made the motion to accept the minutes of the October 3, 2011 meeting as written. Motion seconded by Mbr. Knee with unanimous vote.

SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

Note: The Seacoast United Soccer Club (SUSC) property straddles the Epping/Fremont Town lines. This property is subject to a Conservation Restriction Deed recorded at the Rockingham County Registry of Deeds on December 10, 2004 at Book 4408, Page 1234.

Chrm. O'Brien reported that there has been tree cutting activity in the Prime Wetlands at the Seacoast United Soccer Club (SUSC) property on Shirkin Road. (this is Prime Wetland #10) She added that on Friday October 14, 2011 Greta St. Germain, who is an abutter to the subject property and also a Selectman, visited the property with 2 DRA officials who were concerned because; 1) it appeared there was cutting without a signed Intent-to-Cut filed; and 2) it appears there is cutting within the entire Prime Wetland. Chrm. O'Brien said that on Tuesday October 18, 2011 she and Mrs. St. Germain visited the site. They talked with someone at the property who said he was logging off the land because the owner wants the fields to get more sun to dry out for use in the winter months. The logger has voluntarily stopped cutting at this time.

Chrm. O'Brien noted that mature trees have been cut and the damage has been done. The topography of the property has been altered by virtue of the heavy equipment used for tree cutting. As a result potential pollution of surface or subsurface waters, and soil erosion has occurred on the property and this activity constitutes a violation or breach of use limitations 1.1 and 1.4 under the Conservation Restriction Deed. In addition, signs indentifying the land as protected for open space as per condition 2.2 have not posted.

Fremont Conservation Commission 11-01-11 Meeting Minutes

- Condition 1.1 - *“Forestry or recreational activities as may be consistent with the Conservation Purposes and which will not cause material pollution of surface or subsurface waters or soil erosion”.*
- Condition 1.4 - *No changes in topography, surface or sub-surface water systems, wetlands, or natural habitats shall be allowed that would harm state of federally recognized rear or endangered species, except as necessary to the accomplishment of and consistent with the Conservation Purposes.*
- Condition 2.2 - *The grantor shall post appropriate signs identifying the land as protected for open space conservation.*

Mrs. Bolduc reported that she received an October 13, 2012 correspondence from Fred Lindahl, of 77 Brown Brook Circle reporting that he observed potential pollution of the Piscassic River (Brown Brook) in the Fremont / Epping area and requesting that his concerns be forwarded to the proper personnel at NH DES. Issues Mr. Lindahl reported were:

- Runoff from the artificial turf that is immediately adjacent to the stream. The very small (rubber/synthetic) beads infused within the fabric turf, are washed out during heavy rains. They are visible around the perimeter of the fields after a rain.
- Not aware of any methods in place to effectively mitigate this run-off
- Ongoing action to clear cut the remaining trees between the fields and the stream.

Mr. Lindahl’s message, as well as the SUSC contact person (Paul Willis) information, was forwarded to Eben Lewis, NH DES Wetlands Compliance Specialist, Pease Field Office. Mr. Lewis responded that he will contact Mr. Willis to coordinate an inspection of the area(s) of concern.

Chrm. O’Brien said she contacted Town Counsel John Ryan because the tree cutting has violated the Conservation Restriction Deed. She and Mrs. St. Germain met with the Planning Board and it was decided that Chrm. O’Brien would be the contact person moving forward with any questions to Attorney John Ryan.

It was noted that there seem to be three main concerns with this property.

1. Wetlands and Prime Wetlands encroachment and/or pollution. Brown Brook area is a Prime Wetland.
2. Conservation Restriction Deed violations.
3. Site Plan Review compliance.

Mrs. Bolduc said that a condition of the Site Plan Review (February 11, 2004) was there would be a buffer planting of hardwood and softwood trees, which has not been done. This is a Planning Board issue.

Mrs. O’Brien reported that she has signed a letter to Paul Willis, President of the Seacoast United Soccer Club advising him of the violations to the Conservation Restriction Deed. The letter will be

Fremont Conservation Commission

11-01-11 Meeting Minutes

forwarded to the Selectmen in case they wish to add their signatures and it will be sent to Mr. Willis via certified mail. According to Section 4 of the Deed, SUSC has 30 days from the date of receipt of

the notice to undertake restoration actions necessary to cure the breach and to notify us of those proposed actions. They also need to coordinate with the Department of Environmental Services, since prime wetlands are involved. Chrm. O'Brien said now we need to wait & see how Mr. Willis responds and then decide how to proceed and what to do next.

Legal fee responsibility was discussed and Chrm. O'Brien said she understands they will be the responsibility of the Conservation Commission.

NHACC

The Members discussed the NHACC By-Law change and notice of the NHACC annual meeting at which the vote will be taken. The vote must be in person so a Member of the Commission would need to go to the meeting if the Commission wants to vote.

The changes included:

- Change in term limits for members of the board of directors from any number or consecutive terms to three consecutive 3-year terms with a 1-year break.
- Allow non-conservation commission members to serve on the board of directors. This would allow 2 out of 9 board members to be non-conservation commission members.

The Members all agreed that both changes are good changes which they would support.

TOWN FOREST

- The Commission received an October 24, 2011 correspondence from Patricia Baxa of Northeast Utilities System relating that the Environmental Community grant applied for by Dennis Howland for the development of a trail map, kiosk, signage and associated hardware in the Oak Ridge Town Forest for was not selected. She encouraged the Commission to try again in 2012.
- Mrs. Bolduc reported that the Town Forest brochure on the Town website does contain the required language so she has not removed it.
- Mbr. deBeer reported that she, along with Dennis Howland, Jack Karcz, and Mike Speltz from the Society for the Protection of New Hampshire Forests, recently met with an LCHIP staff person for a site walk of the Smith property to give the LCHIP staff an opportunity to evaluate the property for potential LCHIP grant funding.
- Dennis Howland submitted invoices for materials to construct and erect two Town Forest Ordinance signs in the Glen Oakes Town Forest at the two southern trail entrances. Mbr. deBeer made the motion to reimburse Mr. Howland \$13.04 for miscellaneous out-of-pocket expenses from the Residual Account. Motion seconded by Mbr. Knee with unanimous favorable vote.

FALL FOLIAGE HIKE

Chrm. O'Brien reported that the October 22, 2011 the Fall Foliage Hike in the Oak Ridge North area was a success with 18 individuals in attendance. Some of the group even saw a bobcat.

Fremont Conservation Commission 11-01-11 Meeting Minutes

Dogs/pets on Town property at a function organized by the Conservation Commission was discussed and it was suggested to have participants who brings their pets sign a waiver absolving the Town from any pet related liability.

ERLAC

Mbr. deBeer reported that ERLAC has funding to do a new watershed management plan. There has not been one done since the 1990's so it is a big deal. She showed the Members a worksheet that included goals and how to accomplish those goals.

GRANTS

Mbr. deBeer reported that she has received notice that the Woodard & Curran Foundation grant she applied for was not awarded to the Conservation Commission. This is the first year they have done a grant and they urged the Conservation Commission to apply again in the Spring. Chrm. O'Brien thanked Mbr. deBeer for her hard work on several grant applications.

TREASURERS REPORT

The Members received and reviewed the Conservation Commission account balances as of September 30, 2011.

BUDGET EXPENDITURE DRAFT

The Members received and reviewed the Conservation Commission budget expenditure draft as of October 28, 2011.

CORRESPONDENCE

- Notice of a November 18 and December 6, 2011 presentation at the Hugh Gregg Coastal Conservation Center in Greenland, NH by NH DES Shoreland Program Outreach Coordinator Jay Aube relative to the Changes to the Comprehensive Shoreland Protection Act.

At 8:10 pm Mbr. Knee made the motion to adjourn.
Motion seconded by Mbr. deBeer with unanimous favorable vote.

The next scheduled meeting is December 5, 2011.

Respectfully submitted,

Meredith Bolduc,
Land Use AA/Recording Secretary