

**Fremont Conservation Commission  
02-13-12 Meeting Minutes**



**Fremont Conservation Commission  
Minutes of February 13, 2012  
Approved March 5, 2012**

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

Also present: Open Space Chairman Dennis Howland and Planning Board Member Jack Karcz.

Chrm. O'Brien opened the meeting at 6:50 pm.

**MINUTES**

Mbr. Knee made the motion to accept the minutes of the January 9, 2012 meeting as written. Motion seconded by Mbr. deBeer with unanimous favorable vote.

Mrs. Bolduc said that there is no record of the Commission having approved the August 16, 2010 non-public minutes. These were among the non-public minutes the Commission unsealed on October 3, 2011. After a review of those minutes, Mbr. Knee made the motion to accept the minutes of the August 16, 2010 non-public meeting as written. Motion seconded by Mbr. deBeer with unanimous favorable vote.

**ERLAC**

The Commission received an invoice from ERLAC for the 2011 dues in the amount of \$150.00 from Theresa Walker dated November 1, 2011. Mrs. Bolduc researched this and found that in a correspondence to Town Administrator Heidi Carlson, Theresa Walker related that she e-mailed the invoice to Mbr. deBeer on November 2, 2011. The email had two attachments, the invoice for dues and the 2011 annual report for the Town Report, but it was not received by Mbr. deBeer. She said that some of the ERLAC representatives did not receive the message and she verified that this is the case here.

Chrm. O'Brien said it is too late to pay the 2011 dues from the 2011 budget, but it could be paid from the residual fund.

Mbr. Knee made the motion to pay the 2011 ERLAC dues in the amount of \$150 from the residual fund. Motion seconded by Mbr. deBeer with unanimous favorable vote.

The Commission has not received an invoice for the 2012 ERLAC dues.

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SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

Present: Chris Albert, Jones & Beach Project Manager, abutters Fred Lindahl and Greta St. Germain.

Mrs. St. Germain was asked if she was attending tonight as a Selectman or as an abutter and she answered that she was attending as an abutter.

Further to (this is Prime Wetland #10):

At 7:00 pm Mr. Albert met with the Commission to discuss the NH DES required actions as a result of tree cutting activity in the Prime Wetlands, or wetlands buffer, at the Seacoast United Soccer Club (SUSC) property on Shirkin Road.

The Commission received and reviewed the following:

- Copy of a February 2, 2012 Letter of Deficiency from NH DES to Paul Willis, Seacoast United Soccer Club.
- Copy of a February 7, 2012 e-mail correspondence from Chris Albert relative to the February 2, 2012 DES Letter of Deficiency requiring slash and felled trees to be removed within 7 days.
- Copy of a February 8, 2012 e-mail correspondence to Chris Albert from Compliance Supervisor DES Wetlands Bureau Linda Magoon advising that DES has agreed to extend the timeline for removal of the logs to March 1, 2012. Ms. Magoon advised that the wood and slash should be moved out during frozen conditions to minimize ground disturbance so it is unlikely that DES will extend this deadline any further.

The February 2, 2012 Letter of Deficiency from NH DES lists requests to the following actions:

1. Within 7 days of the date of this Letter of Deficiency (“LOD”), remove all slash and felled trees from jurisdictional wetlands;
2. Within 7 days of the date of this LOD, retain as Certified Wetland Scientist (“CWS”) to delineate the Prime Wetland boundary. Notify DES, in writing, of the name and contact information of the CWS;
3. Within 7 days of the date of this LOD, retain a licensed forester. Notify DES, in writing, of the name and contact information of the forester;
4. Within 60 days of the date of the LOD, submit to DES a wetland restoration plan prepared by a CWS and in accordance with Env-Wt 101.112;
5. Within 60 days of the date of this LOD, submit to DES a plan documenting the trees that were cut in the Prime Wetland and Prime Wetland buffer, and a Forest Management Plan for the Prime Wetland, including plantings.

Mr. Albert said he is looking for direction from the Town relative to the removal of the slash and felled trees as per condition #1 of the DES Letter of Deficiency. In answer to questions by the Commission Mr. Albert said the trees and slash need to be removed because they are right on the Epping/Fremont town line where the Conservation placards should be placed.

There was some discussion and Mbr. Knee felt that the trees should be removed as soon as possible while the ground is fairly frozen. It was noted that the Conservation Commission did not formally ban

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the removal of the felled trees and would defer to the direction of DES. Chrm. O'Brien suggested that Mr. Albert would probably want to contact the Selectmen because they had previously agreed to not allow the logs to be removed from the site due to the additional damage to the land which could occur due to further work. Mr. Albert said he would contact the Selectmen.

Mrs. St. Germain said that DES should also be aware of other concerns relative to the tree cutting on the property.

1. Runoff into the wetland and surrounding area from the artificial turf.

Mr. Lindahl and Mrs. St. Germain both said they have observed runoff around the perimeter of the fields of granules from the artificial turf. Mrs. St. Germain showed some pictures of the fields with granules of the rubberized beading which she will send to Meredith to be forwarded to the Members. Mr. Lindahl said he believes the granules are of "Cryogenic Rubber" and he previously submitted a copy of a file from the FieldTurf web site which he believes to be the turf used at the Seacoast United Soccer Club.

Description: In the FieldTurf document submitted field turf has three components; fiber = synthetic blades of grass; infill and backing = a layered infill mix of silica sand and cryogenis rubber. "Cryogenic Rubber" is described as recycled rubber tires that are cryogenically frozen and shattered into smooth, clean-cut granules. The document also included synthetic turf maintenance guidelines including brushing, aerating, raking and sweeping as well as some other necessary maintenance procedures.

The Members agreed that the turf should be maintained according to standards so as to not seep into the wetland and surrounding environment.

2. Noise and visual concerns due to the missing trees.

3. Logging without a permit. Mrs. St. Germain said when she spoke with the logger in the field he said Mr. Willis had told him to cut everything. She added that the logger did not apply for an intent-to-cut permit with the State DRA prior to cutting the trees.

As for the NH DES's other requirements, Mr. Albert reported that Seacoast United has retained the services of Dan Cyr of Bay State Forestry as the licensed forester and Chris Albert, CWS, of Jones & Beach Engineering as the certified wetland scientist.

After some further discussion Mr. Albert said he would contact the Selectmen relative to removing the felled trees and slash. He reiterated that that tasks he will complete are:

- Prepare a property line survey and an Easement survey that will tie into the original Beals plan.
- Put up the Conservation placards to comply with the Conservation Commission easement.
- Submit a plan for plantings to the Conservation Commission, Planning Board and NH DES.

At 7:25 pm Mr. Albert thanked the Commission for their time and left the meeting.

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There was a little more conversation relative to the violations that have recently occurred on the property. At 7:30 Mr. Lindahl and Mrs. St. Germain left the meeting.

TOWN FOREST  
GLEN OAKES FOREST AND WILDLIFE MANAGEMENT PLAN  
Present: Forester Charlie Moreno

At 7:30 pm Mr. Moreno met with the Commission relative to the Glen Oakes Forest and Wildlife Management Plan and the recommended 2010 forest cutting which has not occurred. Mr. Moreno agreed that it is time for a forestry operation and he said that the 2-year delay in cutting meant that all the other management factors would also be delayed. He said that the best way to keep track of management of a forest is for some kind of activity (logging or chipping) to occur every 5 years or so. The idea is to thin and cut the poorest trees so the best, hardiest ones can mature.

In answer to questions by the Commission Mr. Moreno said that there are several ways forestry can occur and that it can be done either by traditional logging where a skidder and log truck would be involved or a chipping operation where a chipper would be used, or both. He said that, although he would work with the logger and oversee the operation, the logger would decide where the best places for the skid trails would be with Mr. Moreno's input relative to avoiding vernal pools, etc.

There was a lengthy conversation relative to forest condition and area of logging operation as well as procedure and logging methods. Mr. Moreno said the access would be through Andreski Drive, off Copp Drive.

Alt. Leanne Miner joined the meeting at 7:50 pm.

Each of the following steps of procedure was discussed.

- Mr. Moreno will draft and submit a work proposal.
- The work would be put out to local loggers for bid either by Mr. Moreno or the Commission. There may be some advertising in a newspaper and/or newsletter.
- The Conservation Commission would open the bids at a regularly scheduled meeting and choose a logger.
- Logger and logging operation would be supervised by Mr. Moreno.
- Mr. Moreno would do the accounting – compile invoices, etc.

Method of payment for Mr. Moreno as the Forester was discussed.

1. Hourly.
2. Percentage of the proceeds.
3. Set fee for preparing project and then a percentage of proceeds for overseeing the project.

Mr. Knee said he felt that #3 was probably the best way to go for payment to the Forester. Mr. Moreno that would work for him and he agreed to begin the process by drafting a work proposal to put out to

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bid. He will send the draft to Mrs. Bolduc for distribution to the Commission Members.

Relative to a Forest and Wildlife Management Plan for the Smith property Mr. Moreno said the cost would probably be between \$2,500 and \$6,000. (The latter for the same level of detail as Glen Oakes)

At 8:25 pm the Commission thanked Mr. Moreno and he left the meeting.

### **BROWNFIELDS PROJECTS**

Theresa Walker of RPC and Hydrogeologist Richard Vandenberg with Credere Associates

At 8:25 pm Mrs. Walker and Mr. Vandenberg met with the Commission to update them on the L & P Hammond Auto and Rowes Gas Station Brownfields projects.

**L & P Hammond Auto** located at 431 Sandown Road, Map 1 Lot 039.

Mr. Vandenberg submitted the December 14, 2011 Credere Site Update and Groundwater Monitoring Report for L & P Hammond Auto. The Report included site recommendations, groundwater gauging and sampling, laboratory analytical results, MTBE concentration trends (with chart), quality assurance/control as well as conclusions and recommendations.

Mr. Vandenberg used the Report to explain the following:

Based on the results of Credere's previous Environmental Site Assessment they recommended that additional groundwater sampling be conducted to track the identified MTBE plume. They also recommended that an analysis of Brownfields Cleanup Alternatives/Remedial Action Plan should be developed to select appropriate remediation to address MTBE and dissolve phase arsenic concentrations in groundwater, polycyclic aromatic hydrocarbon (PAH)-impacted surficial soil noted in the car storage area, and PAH-impacted sediments in the Exeter River.

Based on the results of the June 9, 2011 groundwater sampling results MTBE is present in groundwater in monitoring well MW-8 at a concentration which exceeds the AGOS and is increasing over time. Credere recommendations:

- Long term monitoring of the site on a biannual basis.
- The site be considered for Gasoline Remediation Elimination of Ethers (GREE) fund eligibility to provide for future monitoring of MTBE.
- Site Specific Quality Assurance Project Plan (SSQAPP) be prepared for a supplemental background study to determine if concentrations of arsenic previously identified at the site represent a background condition or are a result of site activities.

Mr. Vandenberg said that ongoing monitoring will be done by the State and the owner.

**Rowes Gas Station** located at 225 Main Street, Map 3 Lot150.

Mr. Vandenberg reported that Phase I & Phase 2 environmental site assessments have been completed for the Rowes Gas Station and the single walled gas tanks were removed with State funding. As a result the site is now cleaned & ready for redevelopment.

At 9:25 the Commission thanked Mrs. Walker and Mr. Vandenberg and they left the meeting.

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### **SMITH LAND ACQUISITION**

Map 4 Lots 086, 088 and 089

The Commission received a copy of a January 25, 2012 correspondence from Town Administrator Heidi Carlson to Mr. Smith relative to the progress of the upcoming land acquisition. Chrm. O'Brien said that the closing should take place within the next six months.

Mbr. de Beer voiced concern relative to the Cricket Foundation Grant. The grant letter stated that it was to be used in the calendar year of receipt of the grant (2011) and the report was due in June. She felt the earlier the closing occurred, the greater chance that we will get to keep the grant.

### **SNOW SHOE HIKE**

Mr. Howland reported that nine "brave souls" and four dogs took part in the "snow-less" snowshoe hike on Saturday February 11, 2012 in the Glen Oakes Town Forest. The group made it out to the furthest point on the Island, and took a little detour through the western part of the Smith land. He said that included were two folks from Brentwood, one of which was Ken Smith who claimed to have roamed these woods quite a bit and saw the B52 go down.

### **BUDGET BALANCE SHEET**

The Members received and reviewed the Conservation Commission budget balance sheet of January 1 – December 31, 2011.

### **OAK RIDGE**

Mr. Howland inquired whether the Commission will reply to Mr. Cordes about his request relative to the trail crossing his property. The Members decided that any Town Forest trails will not encroach on private property and a letter will be send to Mr. Cordes advising him of the decision and thanking him for his offer to have a trail cross his property.

Mr. Karcz asked if the Commission is considering starting the process for a conservation easement for Oak Ridge. There was some discussion and no decisions were made.

### **LAND ETHIC**

Mbr. Knee asked the members if they had a chance to Google and watch Green Fire which is a documentary relative to Aldo Leopold's life and legacy of a land ethic. He said that this can be purchased and shown to the public for promoting public awareness of conserving land for public use and "what is a land ethic".

Mbr. deBeer and Mr. Howland said they had seen the documentary. The other Members said they have not had a chance to view it, but will before the next meeting when it will again be discussed.

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### HOUSE BILLS

#### HB 1512

Mrs. Bolduc reported that HB 1512 has been withdrawn by the sponsor. This bill would have prohibited conservation commissions from acquiring property and eliminated a municipality's option to create a conservation fund using land use change tax revenues.

She reported that the following bills are among those still introduced for the 2012 Legislative Session. There are other bills relative to conservation that have also been proposed.

#### HB 1515-FN-LOCAL

This bill:

- Changes the tax collection procedures for the current use land use change tax.
- Adds failure to pay property taxes and failure to notify of a qualifying use change to the actions which trigger the land use change tax.
- Requires all municipal land use change tax revenues to be recognized as general fund revenue.

#### HB 1540

This bill:

- Prohibits the State or any of its subdivisions from granting a conservation easement on public land to a nonprofit organization.

#### HB 1545

This bill:

- Specifies that conservation commissions do not have the power to convey interests in real property that they receive or acquire.
- Limits conservation commission contracts to manage interests in real property to a term of 5 years.

#### HB 1586

This Bill provides:

- That the selectmen shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale
- Upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting.

### CORRESPONDENCE:

There was no incoming correspondence.

At 9:55 pm Mbr. Knee made the motion to adjourn.

Motion seconded by Alt. deBeer with unanimous favorable vote.

The next regular meeting is March 5, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary