

**Fremont Conservation Commission  
11-05-12 Meeting Minutes**



**Fremont Conservation Commission  
Minutes of November 5, 2012  
Approved December 3, 2012**

Present: Chairman Bill Knee, Member Pat deBeer, Alt. Leanne Miner, Alt/Recording Secretary Meredith Bolduc and Dennis Howland.

Chrm. Knee opened the meeting at 7:00 pm.

**MINUTES**

Mbr. deBeer made the motion to accept the minutes of the October 1, 2012 meeting as written. Chrm. Knee seconded the motion with unanimous favorable vote except for Alt. Minor who abstained as she was not present at that meeting.

**GRANT**

Mrs. Bolduc reported that the Town has received a \$25,000 check from LCHIP which represents the Round 10 LCHIP grant for the Smith Land acquisition. A thank you letter has been sent.

**TOWN FOREST**

There was a brief discussion relative to adding the recently purchased Smith properties to the Town Forests.

It was noted that Mbr. deBeer made the motion to recommend to the Selectmen to put before the voters at the 2013 Town Meeting an Article that would add the former Smith property located at Map 2 Lots 86, 88 & 89, now owned by the Town of Fremont, to the already existing Town Forest.

Motion seconded by Chrm. Knee with unanimous favorable vote.

**Easement**

Mbr. deBeer asked Mike Speltz, via e-mail, for clarification of the following section of the Town Forest Easement.

*The Property shall not be posted against, and the Grantor shall keep open public access to and use of the upland portions of the Property for such non-motorized, non-wheeled, pedestrian, non-commercial, outdoor recreational and outdoor educational purposes as will have minimal impact on the Property, such as but not limited to hiking, wildlife*

## **Fremont Conservation Commission 11-05-12 Meeting Minutes**

*observation, cross-country skiing, fishing, but not for camping.*

In her request Mbr. deBeer noted that the intent of the Conservation Commission was to ban motorized vehicles with the exception of snow mobiles. Allowing snowmobiles on designated trails is a condition of the grant we got from the Recreational Trails Bureau for Glen Oakes. Things like bicycles and wheelbarrows we want to be able to use in Glen Oakes.

Mr. Speltz answered the following:

*Section 2 J of the easement is a “minimum” provision. It says the town must permit public access to the uplands for pedestrian use AT A MINIMUM. It says nothing about bikes and ATVs and wheelbarrows, i.e., it is “silent” about these. You COULD prohibit them if you want to, but you do not HAVE TO allow them, if you don’t want to. ATVs are a case in point: you do not have to permit them and you have decided that you will not do so. You can go either way on bikes: you may permit them if you wish, but the easement does not force you to do so.*

*It’s not that non-wheeled, non-motorized recreation is “permitted”, rather it means you MUST permit it. You have the choice on all other forms of recreation.*

This e-mail string prompted a conversation relative to the Town Forest Easement and the Town Forest Ordinance.

### **SMITH/SPNHF**

The Commission received an October 18, 2012 invoice for the Smith Land Acquisition project from SPNHF in the amount of \$6,456.51. This included itemized charges for hours, postage, travel, photos, legal services, recording fees, staff overhead and GIS overhead.

After a brief conversation about the GIS mapping charge, Chrm. Knee made the motion to authorize payment of \$6,456.51 to SPNHF for services rendered for the Smith Property land acquisition and that the funds for said payment come from the Current Use Account.

Motion seconded by Alt. Minor with unanimous favorable vote.

Mbr. deBeer had a concern that if the easement is written so there can be no structures it would violate the terms of handicap access required by the Land & Water Conservation Fund. It was agreed to table this subject and revisit it at another time when more information can be gathered.

There was a conversation relative to whether there would be enough money in the Residual Fund to pay for an easement for the newly acquired Smith property.

### **JOHN GALLOWAY**

Map 5 Lot 035

Shirkin Road

The Commission received and reviewed a comment sheet and corresponding plan from the Planning Board relative to an amendment to the existing Excavation Permit for the Galloway

## **Fremont Conservation Commission 11-05-12 Meeting Minutes**

gravel pit on Shirkin Road. The intent of the amendment is to provide the Town with an updated plan showing existing conditions, and existing asphalt pad and proposed grades. The asphalt pad is not located within the 100' wetland buffer.

After some conversation and with the authorization of the Members, Chrm. Knee submitted the comment sheet with the following comment:

*The Conservation Commission has no comment at this time regarding the amendment to the site plan as long as the area of crushed asphalt remains outside the wetland buffer of 100' from the Prime Wetland.*

### **SEACOAST FARMS**

Map 5 Lot 035

Shirkin Road

The Commission received and reviewed a comment sheet and corresponding plan from the Planning Board relative to an amendment to the existing Site Plan for Seacoast Farms Compost Products, Inc. on Shirkin Road. The intent of the amendment is to provide the Town with an updated plan showing existing conditions and proposed grades.

After some conversation and with the authorization of the Members, Chrm. Knee submitted the comment sheet with the following comment: *The plan shows that Mr. Kelly's composting operation is operating illegally within the wetland buffer. The Conservation Commission strongly recommends the limit of active work area remain outside the wetland buffer and that appropriate erosion and sediment controls be places around the "area of composting materials" and "active tailings piles".*

### **FALL FOLIAGE HIKE and SMITH PROPERTY DEDICATION**

The Members discussed the recent Fall Foliage Hike and the Smith property dedication. Mr. Howland said he has received positive comments from several people that attended the function. The Commission offered a Special thanks to Mike Speltz and Dijit Taylor for their attendance and participation.

### **OPEN SPACE COMMITTEE**

The formation of the Open Space Committee was discussed. It was noted that the formation of an open space committee was the brainchild of Mike Speltz who proposed the idea to the Conservation Commission. The Conservation Commission brought the idea of the open space committee to the Board of Selectmen where the idea was discussed at length and considered to be a good idea to create an advisory committee to the Conservation Commission. So the Open Space Committee was not meant to be a sub-committee of the Conservation Commission, but as an advisory committee. Chrm. Knee said that he remembers when the Open Space Committee was formed Selectman Gene Cordes suggested that it be formed to act as an advisory group to the Conservation Commission. This was in 2003 and the purpose was that the Open Space Committee was to evaluate properties for open space.

## **Fremont Conservation Commission 11-05-12 Meeting Minutes**

Mbr. de Beer had done some research and distributed copies of a portion of the December 4, 2003 Selectmen's minutes that says:

*-Discussion about the Open Space Committee, which has been formed and is getting underway to look into potential land purchase/easements for preservation of open space for the Town. Janice O'Brien, who is one of the co-chairs of the committee, was at the Town Hal this week looking for information and guidance on how the committee should operate. Carlson advised her that the Committee should operate under the provisions of the Right to Know Law, n that all meetings needed to be posted and open to the public, and minutes needed to be kept in proper fashion.*

*Selectmen stated their feelings that the Open Space Committee should be an advisory study committee to the Fremont Conservation Commission. They would undertake research and public information campaigns once they had some information to share regarding open space projects for the Town to consider.*

Chrm. Knee said the Selectmen have the authority to formally recognize the existence of an Open Space committee that will act in an advisory capacity to make recommendations to the Conservation Commission.

The Open Space account was discussed and it was noted that the account was created for a place to deposit money into that people had given in good faith for the acquisition of Glen Oakes.

Updating the Open Space Committee mission was discussed. Mr. Howland said he understands that the OSC is not an official Town Committee, but an advisory group to the Conservation Commission and he will review the mission statement for possible update.

### **HB 1669/FELICIA AUGEVICH**

LCHIP: Mrs. Bolduc reported that Mrs. Augevich contacted her to report on the \$25 LCHIP fee.

There is a bill, HB 1669 that went to interim study in February 2012 then referred to Finance in June 2012. It is currently still in Finance until Nov 2. This bill requires the deposit of dedicated fund revenues into the general fund for the 2014 and 2015 fiscal years and requiring non-constitutionally established dedicated funds to be eliminated on June 30, 2015 unless reinstated by the legislature. This means the \$25 fee will not only not fund LCHIP, but will likely go away altogether after June 30, 2015.

### **SEACOAST UNITED SOCCER CLUB**

Map 6 Lot 020-001

The Commission received and reviewed a copy of an October 4, 2012 DES Restoration Plan Approval for Seacoast United Soccer Club.

## **Fremont Conservation Commission 11-05-12 Meeting Minutes**

### **2013 CC BUDGET**

The Members received and reviewed the draft of the Conservation Commission Budget which was last updated on October 19, 2012 to include the Department requests and the Selectmen's and Budget Committee recommendations.

Chrm. Knee reported that he and Mrs. Bolduc met with the Selectmen relative to their reducing the ERLAC line from \$150 to \$1 for the 2013 budget year. When they explained that there have been invoicing misunderstandings with ERLAC for the past the Selectmen agreed to bring that line back to \$150 to cover the dues. This current Budget update reflected this change.

### **NHACC**

The Commission received an invoice for the NHACC dues in the amount of \$265.00. With the Commissions understanding that the dues line of the current budget contains only \$250, Mbr. Knee motioned to authorize payment of \$265.00 to the NHACC from the Dues line of the current budget; and to issue a request for the Selectmen to authorize a line item transfer in the amount of \$15.00 from 4610100 (Postage) line to 4610200 (Membership Dues) line to cover the overage. Motion seconded by Mbr. deBeer with unanimous favorable vote.

### **CORRESPONDENCE**

- The Commission received a copy of an August 10, 2012 "Wetlands Minimum Impact Forestry Notification" and "Waiver request" from Carsten Springer to NH DES for work to be performed on his property at Map 1 Lot 62.
- The Commission received notice from PREP of the 2013 State of the Estuaries Conference to be held on December 7, 2012 at the Portsmouth Harbor Events Center in Portsmouth, NH.

At 9:40 pm Mbr. deBeer made the motion to adjourn.

Motion seconded by Chrm. Knee with unanimous favorable vote.

The next scheduled meeting is December 3, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary