



**Fremont Conservation Commission  
Minutes of  
October 6, 2014**

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

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

Chrm. Knee re-designated Alternate Leanne Miner to fill the vacancy on the Conservation Commission until such time as the Selectmen have appointed someone to fill that vacancy (allowed by NH RSA 673:12, III). That appointment remains in effect.

**MINUTES**

Mbr. O'Brien made the motion to approve the minutes of the September 8, 2014 meeting as written. Chrm. Knee seconded the motion with unanimous favorable vote except for Mbr. deBeer who abstained as she was not present at that meeting.

**BUDGET**

It was reported that the Selectmen supported the Conservation Commission's 2015 budget request, but the Budget Committee felt did not and they cut it to \$1 with the rationale that the land use change tax or other separately held conservation accounts should be used to handle the Conservation Commission's normal operating expenses. Chrm. Knee said the recourse is for the CC Members to go to the deliberative session of Town Meeting to explain the Commissions purpose and what they do.

**FALL FOLIAGE HIKE**

Mr. Howland noted as a reminder that the Fall Foliage Hike is scheduled for 1:30 pm on Saturday October 18, 2014.

The hike will include two parts.

- Part 1: The new Cooperage Trail connecting the back of the Spaulding Road housing development with Beede Hill Road.
- Part 2: The hikers will relocate to the Glen Oakes Town Forest at the end of Andreski Drive (Arriving there about 2:30)

## TOWN FOREST

### Wildlife and Forest Management Plan:

Forester Charlie Moreno has said he will probably meet with the Commission at their November meeting to go over the Oak Ridge Wildlife and Forest Management Plan.

### Trails:

Dennis Howland has reported that he:

1. Got the metal blazes and aluminum nails.
2. Has started installing the yellow, metal blazes on the Homestead Trail. In some cases, he has installed the metal blaze over the painted blaze. In some cases, he is moving the blaze, and in a few cases (he is not installing a metal blaze everywhere that has a painted blaze).
3. Has been "raking out" a section of the Forest Loop that was in tough shape after the logging.

### Kiosks:

There have been kiosks erected at both the Beede Hill Road entrance and the Spaulding Road entrance of the open space land that the Town recently acquired as a result of the Beede Spaulding subdivision.

## BEEDE SPAULDING

Map 3 Lot 053

Present: Owner Frank Catapano and Chris Smith with Beals

Mr. Smith showed plans that showed all lots, well radius etc. He reported that he met with Mike Cuomo CWS, CSS with Rockingham County Soil Conservation Service and he read Mr. Cuomo's report and conclusion that "the water wells and their ancillary disturbances of the buffer is "essential to the productive use of the land" and it is his opinion that the applicant has shown adequate erosion and sediment control measures to minimize detrimental impacts to wetlands and should be granted a Special Exception."

The Commission received from Mr. Catapano a request for referral to the ZBA as per Article IX Section H of the Fremont Zoning Ordinance for which he is seeking a Special Exception to allow dredging, filling and drainage for the installation of electric, water line, and foundation drain closer than one hundred (100') feet to a wetlands/watershed protection area on each of the parcels located at Map 3 Lots 56-15, 56-16, 56-17, 56-18, 56-19 and 56-20.

After some conversation, Mbr. O'Brien made the motion to authorize Chrm. Knee to issue the requested referral as required by zoning Article IX Section H. Motion seconded by Mbr. deBeer with unanimous favorable vote

The Commission also received from the ZBA a comment sheet for the Beede Spaulding Zoning action.

## GRANT

The Commission has received a September 15, 2014 notification that the Great Bay Resource Protection Partnership (GBRPP) will award the Town of Fremont Conservation Commission \$2,500 for the Spruce Swamp Addition Project. The purpose of the grant is to provide funds for the completion of an appraisal as described in the June 13, 2014 application.

The correspondence explained:

- That the award is made possible through funds provided by The New Hampshire Charitable Foundation The Nature Conservancy as fiscal agent and is subject to documentation requirement as outlined in the grant.
- The GBRPP, in collaboration with the Piscataqua Region Estuaries Partnership (PREP), provides funds through the Land Protection Transaction Grant Program to assist with transaction costs associated with permanent land protection.
- The grant selection committee is comprised of representatives from Great Bay National Estuaries Research Reserve, New Hampshire Coastal Program, New Hampshire Fish and Game Department, USDA Natural Resources Conservation Service and PREP.

## SOUTH EAST LAND TRUST – GARRISON PROPERTY

Map 4 Lot 98

Present: David Viale, Land Protection & Stewardship Specialist with Southeast Land Trust of NH.

At 7:45 pm Mr. Viale met with the Commission to share additional information relative to the land acquisition and conservation easement for the Donna Garrison property located at Map 04, Lot 98, off Calef Rd (Rte. 125).

Mr. Viale reported that there will be a site walk at the Garrison property on October 21, 2014. He will send details when he gets them.

It was noted that the Commission did not go to Legal Counsel. There was a discussion relative to potential legal interest for the Town. Mr. Viale said another option could be that the town would have a reverter interest in the property as they have in Raymond and Epping. Mbr. O'Brien said she thinks the interest here may be potential interest and not actual interest. The potential interest would come if the SELT dissolved and she does not know if that would meet the criteria of a qualified interest.

In answer to questions by the Commission Mr. Viale said:

- In Epping the Forest Society holds the fee and the SELT has the easement.
- In Raymond SELT holds the fee, the Town holds the reverter fee interest and the easement is held by BearPaw.
- The other option would be for the Town to have fee ownership of the land that is in Fremont.
- Mr. Viale did not know if the SELT would be agreeable to joint ownership.
- Cannot extend to an outside entity if there is no interest.
- ARM Grant request = \$15,000

- If no grants come in Fremont would be asked to come up with \$32,000.
- There is no target date to close.

Mbr. O' Brien said the Commission would need to know the actual appraised value number when they go to the Selectmen so they could say this would be the most that would be spent.

Mr. Viale said that tomorrow (October 7, 2014) he will start getting the appraisal underway and will send the Commission a contract for delivery date when he has it. There was a discussion of whether it should be a limited appraisal. Mbr. O'Brien said a limited appraisal lacks the rational. The Members agreed that this should be a full appraisal. Mr. Viale said he thinks the appraisal should be done by the November 3, 2014 Commission meeting.

It was agreed that the Commission is supportive of the project. Chrm. Knee said the Commission will need to find out if it will be legal to have reverter interest in the property, and if not the Town could purchase it.

Mbr. O'Brien asked if there are trails in the Garrison property. It was found that there were some old roads that could be trails. Using a Google map, Mr. Howland showed existing trails in the Town Forest.

Mr. Viale said he will send example reverter deeds, project summary and budget and the appraisal contract. He will also send any other pertinent documents to the Land Use Office for the Members to review and send to legal counsel for opinion.

Mr. Viale left the meeting at 8:20 pm.

There was a discussion relative to project costs. Mbr. O'Brien noted that the Conservation Commission must go to the Selectmen for their approval to use some of money from the Current Use Fund, but there is no need to hold a public hearing. There was further question of whether the reverter qualifies as interest in land. It was noted that the advantage to not owning the land is that there would be no further costs.

The questions for the Town Attorney would be:

1. Does the reverter interest fulfill the requirement of the statute.
2. If not, would a partial fee ownership as opposed to full fee ownership be legal.

The Members agreed to hold a special meeting at 5:00 pm on Monday October 20, 2014 to go over the information submitted by Mr. Viale and formulate the Commissions questions for the Attorney. This meeting will be duly posted.

#### FRASER PROPERTY INVESTMENTS, LLC

Map 2 Lot 010

The Commission received from Mr. Fraser a request for referral to the ZBA as per Article IX Section H of the Fremont Zoning Ordinance for which he is seeking a Special Exception to allow

dredging, filling and drainage for the installation of a well with associated water/power line closer than one hundred (100') feet to a wetlands/watershed protection area.

After some conversation, Mbr. O'Brien made the motion to authorize Chrm. Knee to issue the requested referral. Motion seconded by Mbr. deBeer with unanimous favorable vote.

The Commission also received from the ZBA a comment sheet for the Fraser Zoning action.

#### SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

The Commission has received:

- A copy of a September 25, 2014 final monitoring report from CWS Chris Albert of Jones & Beach Engineers, Inc. to the NHDES with photographs per condition #14 from the June 17, 2013 NHDES approval letter. Mr. Albert reported that there were a total of two trees that died falling with the 75% survivability for the project and the report should close out the Restoration Project for the wetland violation for tree cutting within the prime wetland buffer.
- A copy of a September 30, 2014 "letter of compliance for letter of deficiency" from Compliance Specialist with NHDES to Paul Willis of SUSC advising that as a result of an inspection that day it was determined that the deficiencies described in the Letter of Deficiency have been corrected and DES will close its enforcement file at this time.

#### ZONING ORDINANCE AMENDMENT FOR 2015

Mrs. Bolduc reported that the Planning Board is proposing amendments to the Fremont Zoning Ordinance. A Public Hearing has been scheduled for Wednesday November 5, 2014 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall to address adding a new Article III Section 6, and amendments to Article IX Section H.2 and Article XI Section E-6 of the Fremont Zoning Ordinance. A second Public Hearing will be held on Wednesday November 19, 2014 at 7:30 p.m. if necessary.

Full text:

~~Delete~~

*Add new*

NEW: Article III Section 6

*Camper trailer/ Motor Home/ Trailer coach*

- *Definitions:*

*Camper trailer/ Motor Home/ Trailer coach: Any vehicle used or intended to be used for living and/or sleeping purposes which is or may be equipped with wheel or wheels or similar devices for the purpose of transporting the unit.*

- *The use of a Camper trailer/ Motor Home/ Trailer Coach for continued living purposes is prohibited. However, the Board of Selectmen may issue a temporary permit not to*

*exceed sixty (60) days for use by the owner, his immediate family or guests. However, there is no requirement for a permit up to the first 30 days of use.*

Rationale: This Article will allow for regulation of camper trailers used for long term living purposes:

AMENDMENT: Article IX, H.2

“Dredging, filling, drainage (in compliance with RSA 485:A:17) or otherwise altering the surface configuration of the land; streets, roads and other access ways and utility rights if essential to the productive use of land if so located and constructed as to minimize any detrimental impact of such uses upon the wetland and watershed protection areas.”

*Exception: No Special Exception is required for temporary disturbance such as installing a well with associated water lines.*

Rationale: This amendment would alleviate the need for a special exception for temporary disturbance within the 100’ wetland buffer by adding an exception.

There was a discussion and the Members agreed that “such as” should be replaced with “of” so the exception would read:

*No Special Exception is required for temporary disturbance ~~such as~~ of installing a well with associated water lines.*

AMENDMENT: Article XI Section E-6.

~~Special Exceptions~~ *Conditional Use Permit*

A. The following uses are permitted ~~as Special Exceptions~~ *with a Conditional Use Permit* (in compliance with Town Zoning Ordinance):

1. Industrial and commercial uses not otherwise prohibited in Section E.4. of ~~this A.P.O Article.~~
2. Multi-family residential development. (Minimum lot size to be determined by using Article IV Section 3 and substituting three (3) acres instead of two (2) acres).
3. Sand and gravel excavation and other mining provided that such excavation or mining is not carried out within eight (8) vertical feet of the seasonal high water table and that periodic inspections are made by the Planning Board or its agent to determine compliance.

B. The ~~Board of Adjustment~~ *Planning Board* may grant a ~~special exception~~ *Conditional Use Permit* for those uses listed above only after written findings of fact are made that all of the following are true:

- the proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
- the proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
- the proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined;
- the proposed use complies with all other applicable sections of this Article.

The ~~Board of Adjustment~~ **Planning Board** may require that the applicant provide data or reports prepared by a professional engineer or hydrologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs incurred shall be the responsibility of the applicant.

- Rationale: This amendment would put businesses, multi-family residential development, and sand and gravel excavation that are not prohibited by the ordinance and that would not be likely to impact the Aquifer Protection District under the purview of the Planning Board in conjunction with Site Plan Review process rather than the Zoning Board of Adjustment. The same conditions would apply.

There was a discussion and the Members agreed that in the second paragraph under B “may” should be replaced with “shall” so the sentence begins;

**B.** The ~~Board of Adjustment~~ **Planning Board** ~~may~~ **shall** require that the applicant provide data or reports....

#### CORRESPONDENCE

There was no incoming correspondence.

#### CONSERVATION EASEMENT MONITORING

Google spreadsheets of the Town held Conservation Easements:

The easements include:

<b>3615/702</b>	<b>Conservation Easement Cornerstone Estates/Dakota Realty Trust</b>
	<b>1-35-8, 1-35-9 and p/o 1-35</b>
	<b>D-28735</b>
<b>3972/1691</b>	<b>Conservation Easement Tuck Woods</b>
	<b>6-64-21, 6-64-22 and 6-64-23</b>
	<b>D-30397</b>
<b>4247/1418</b>	<b>Conservation Easement Tuck Woods</b>
	<b>OS, OS2, OS3</b>
	<b>D-31333</b>
<b>4342/1206</b>	<b>Conservation Restriction Deed Not to Further Subdivide Spruce Hill</b>
	<b>Map 6 Lot 50</b>
	<b>D-31622</b>
<b>4408/1234</b>	<b>Conservation Restriction Deed Seacoast United Soccer Club</b>
	<b>p/o 20-1</b>
	<b>D-31731</b>

<b>4435/1986</b>	<b>Conservation Easement Fremont Pizzeria p/o Tax Map 3 Lot 120</b>	<b>D-31624</b>
<b>4890/1139</b>	<b>Conservation Easement Scribner Estates Easement 13</b>	<b>D-31121</b>

## WORKING PLAN

The following is a working plan with some results in *italics*.

- Set up a monitoring scheduled for the Town owned Conservation Easements.  
(As the holder of an easement, the Town is obligated to monitor each easement once per year.)  
Compile a list of land with conservation easements. *This is done.*
  - Get copies of each easement.
  - Generate a checklist for each easement.
- Prospective Oak Ridge Easement: *This is done.*
- Review the obligations for grants already awarded including.
  1. Land & Water Conservation Fund (set up for the acquisition of Oak Ridge)
  2. Moose Plate, Recreational Trails Program, PREP Transaction Grant
  3. Smith property: Davis, Fields Pond, Cricket and Wharton, Moose Plate and LCHIP, PREP.
- Glen Oakes Forest & Wildlife Management Plan - Review for updates.
- Oak Ridge Management Plan - Review for updates.
  
- Natural Resource Inventory – Review for recommendations for updates of information and maps.
- Earth Day event (s) for the current year.
- Biothon – discuss a possible event for the current year.
- Reorganization of the Conservation Commission.
- Budget for the following year.
- Compiled of all of the grants that have been awarded to the Town and create a checklist of the requirements of each grant that can be reviewed annually. Any future grant can be added to the compilation.

## EVENTS

Previous event suggestions included:

- Birds & bats
- Edible plants
- Wildlife cover
- Sustainable agriculture
- A butterfly garden
- School program that would involve growing plants.
- A presentation on sustainable agriculture.
- Community garden

At 7:45 Mbr. O'Brien made the motion to adjourn.  
Motion seconded by Chrm. Knee with unanimous favorable vote.

The next scheduled meeting is November 3, 2014.



Fremont Conservation Commission – 10-06-14 Meeting Minutes  
Approved November 3, 2014

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

CC action item timeline.

January – Review obligations for grants already awarded.

February – Review Forest Management & Wildlife Plans: Oak Ridge & Glen Oakes.

March – Commission reorganization; events to be sponsored through the next year.

April –

May –

June-

July –

August – Budget review and approval for upcoming year

September – October: monitoring Town owned Conservation easements & reporting on same.

November – Review the NRI

December -