

Fremont Conservation Commission
Fremont Town Hall
Fremont, NH

Attendees: Chair Leanne Miner, Vice Chair Bill Knee, Rich Cooper, Pat DeBeer, and Cindy Crane

Agenda: review of wetlands permit for Shirkin Road, plus request for harvesting timber on another property and budget discussion

Meeting came to order at 7:09 pm.

DES WETLANDS PERMIT APPLICATION - SHIRKIN ROAD

Leanne: Reached out to Eben Lewis about mitigation requirements and obtained feedback. Wants to prepare comments tonight on the mitigation, fish and wildlife, and general message from Conservation Commission about the application in general. Drafted a preamble. Wants to package everything.

Rich: Looked at the property twice, and it's a significant amount of work they wish to do. Read Dennis's report and Pat's critique of the report. She has some compelling arguments to his point of view. I think that at least we go slowly on this and not get steamrolled on it. In terms of qualifications of what's a wetland vs prime wetland, but all you have to do down there is walk off the road and you're in the water fairly quickly. From a layman's point of view, there is certainly reason for caution here. In terms of wildlife habitat – does not know a lot but knows the general area has the Blandings turtle. His viewpoint is that as a businessman, and that's the value he's trying to bring to the board. In favor of having businesses here, but they need to be the right business and the town needs to take these issues seriously. This project seems to deserve a hard look. Looked at Leanne's comments and thought they were good, and thinks that Pat's comments should also be included.

Bill: I contacted Kim Tuttle at NH Fish and Game looking for a solution to allow for safer movement of wildlife from one large wetland to the other large wetland across the road. In an email for the application, she seemed to imply more could be done to safeguard wildlife. When pressed further, she took a second look and her conclusions, summarized, is that the road between the wetlands is so extensive that installing a 3-4 ft elliptical passageway under road would not be effective. The turtles, including Blandings, wood, and spotted turtles, their movements would not necessarily be funneled through that type of a culvert. She felt from a biological standpoint that the turtles will not seek a 3-ft elliptical passageway but will instead cross the road where they please. The best she could offer is that the road speed limit be posted to 20 mph and turtle crossing signs be posted.

Cindy: What if we requested the culverts be spaced closer together.

Bill: Does not know if that change would help.

Leanne: Would like to re-visit the road-crossing issue.

Pat: One of the errors at the top of the application is that prime wetlands box was not checked. When you consider the prime wetlands and the impacts to the 100 ft buffer to both prime wetlands, his square footage is less than it should be. His square footage considers only direct impacts to wetlands, not buffer.

Rich: asks if Pat calculated the affected buffer area.

Pat: She did not do that calculation. She believes that the permit requester needs to provide that information.

Bill: And the consultant also said the square footage is an estimate. Believes there are a lot of errors in the application. The permit request is asking for something he's not actually putting forth. Believes we should consider having the application be returned and corrected with a more thorough and accurate job before the application is re-submitted. The permit requestor mis-represented two items in particular, and USACE response might have been different if the items had not been mis-represented. As he said, he was impressed that we were trying to do our due diligence. Dennis was not upset in any way shape or form.

Cindy: I think that upgrading the road will facilitate future development in an area of prime wetlands and groundwater protection that is not in the town's best interest.

Leanne: This project sets precedence not just here in Fremont but elsewhere in the state.

Pat: we do have a deadline.

Leanne: And now we need to develop the comments.

Cindy: Thinks that we should submit Pat's comments as specific comments along with our general comments that we develop collaboratively.

Leanne: The permit requestors need to provide a mitigation plan.

Bill: And they need to submit a complete, accurate application.

Pat: The selectman minutes note the town identified Shirkin Road as being accessible for emergency management, but the same meeting noted that it's difficult to police the road. Wonders if there is a relationship between current use of Shirkin Road and the planned project.

Leanne: An upgrade to the road will attract more public nuisance (more drinking, shooting, etc).

Pat: Points out the road will be Class VI, as confirmed by Heidi, and the town really won't be maintaining it. So who will maintain it and confirm that the wetlands are not being further disturbed?

Bill: The permit has no information on how the upgraded road will be maintained.

Pat: the project description did not describe how the road will be upgraded to carry the planned trucks, and it's impossible to approve every load of concrete that is accepted by the facility.

General discussion – the waste characteristics of the concrete are beyond the scope of the wetland permit.

Pat: increase in truck traffic is within our scope.

Leanne: Class VI road – are there any other restrictions? It's just the town does not maintain it. Best we can do is suggest a lower speed limit.

Bill: The speed limit and posting need to be there. Creating public awareness. Creating a mechanism for future enforcement.

Rich: in terms of future monitoring, whose responsibility is it?

General discussion about monitoring of wetland mitigation and how a created wetland is monitored. Also discussion about how the stormwater management ponds included in the Galloway site plan do not provide the same functional value as the wetlands along the road.

Leanne: Came up with an introduction for our comment letter, then will assemble the specific comments provided by Bill and Pat. Reads the introduction. Paraphrased: Conservation Commission recommends strongly against approving the permit application given that the permit application lacks the correct identification of prime wetland. Fremont does not want to set precedence for taking prime wetland and affecting habitat. Commission acknowledges the regulatory permit process, and wishes to be kept informed of the permit process for this project. Wants a public hearing if the applicant elects to move forward with the mitigation plan. Should the wetlands bureau and other agencies approve the mitigation plan, it is our hope that they require mitigation in kind and not replacement with stormwater retention. There needs to be replacing the lost wetlands with the same functional value. It is critical that construction measures be adequate to protect prime wetland and wildlife. And if they submit a mitigation plan, the town be allowed to hire a consultant to review the mitigation plan at Galloway's expense. Want to make clear that any mitigation and long-term maintenance and monitoring be at Galloway's expense. Would further point out that the road is a Class VI road and the town is not obligated to maintain it. Also notes that the road traverses prime wetland that is critical to aquifer protection, and it is not in the town's best interest from a water resource management perspective to allow commercial development in this area. Further, it attracts more commercial development and increased public disturbance, including ATV use.

Leanne: mentions Heidi's letter today describing the status of Shirkin Road in detail.

Pat: If a private landowner is permitted to upgrade a road, with the town's permission, but there needs to be a formal document submitted to the register of deeds clarifying that the town is not going to maintain the road.

Leanne and Pat: with regard to the figure showing the road impact on the wetland. The map is incorrect because it shows impact only to prime wetland and excludes impact to the 100 ft prime wetland buffer. The latter must be accounted for. This error underestimates the square footage of wetland/buffer that the project will affect.

Bill: hopes this comment is passed on – that Mr. Galloway’s property could be used for mitigation – there is a place on Galloway’s property where high functioning wetland creation could occur (as opposed to stormwater retention ponds). It appears that mitigation could occur without using another person’s property or payment into a mitigation fund.

Pat: the town might not see any benefit from payment into the mitigation fund.

Leanne: reviews the package printed by Casey and showing the emails on this issue for the last week or so. Will include Pat’s specific comments on the permit application.

Bill: suggests that the comment letter be started with noting that the permit has inaccurate and inadequate information.

Pat: Her comments omit the box stating USACE review required that the permit applicant did not check. That needs to be looked at.

Bill: the applicant did not represent the sensitive species to the USACE. In our opinion, prime wetlands are special wetlands but the applicant checked no on that box. On the USACE checklist, #2.2 and #3.2 are not accurate.

Comment deadline is July 27.

Leanne: Can we submit for review via email? The letter itself will be in the public record. She will pull together the letter and send out for internal review before submission to DES. The formal letter will be part of the public record.

KASHER CORPORATION APPLICATION

Leanne: There are new site plans for the planned multiplexes on Copp Drive.

Commission reviewed the site plans and observed that there is minimal activity within the 100 ft wetland buffer. There are trenches for water lines. Best management practices for E&S control are shown on the site plans. Commission has no comments.

LOGGING WETLAND REQUEST

Application to review logging within the prime wetland buffer. Need time to review and digest. Leanne will ask Casey to send us a pdf of the application. Leanne will ask the DES if we can intervene and provide time for Commission to review at the August meeting.

BUDGET

Leanne: goes over proposed clerical budget.

Bill: Need budget for the maps for the new kiosk.

Pat: might want to check with Dennis. Cost depends on paper and ink quality.

Leanne: asks how many kiosks the commission maintains.

Bill/Rich/Pat: 6 kiosks

Leanne: \$50 per kiosk for map printing and another \$100 for technical references, RSAs, and other documents pertaining to commission activities. Training and seminars – had \$350 in budget, spent \$180, and kept rest aside to pay for the trail maintenance budgets.

Pat: suggests that we document somewhere that we used part of the training budget to pay for trail maintenance.

Leanne: Membership dues – does not see any change there. Does not think we've paid any.

Bill: the dues are usually October/November.

Pat: what about forest and wildlife management plan for Oak Ridge.

Apparently there is no management plan for Oak Ridge. No budget to contemplate a management plan for the current year.

Leanne: two other line items – conservation improvement and conservation budget. To me, conservation improvement includes appraisal fees, attorney fees, for conserving land, but keeping in mind we have the LUCT fund available.

Bill: there were two gifts/acquisition this year – the Bolduc property and the school property. We need get these properties surveyed.

Leanne will get quote for surveying the properties to include as a line item in the budget. Once surveyed, an easement is needed on both properties. Suggest putting cost for surveying and blazing the boundaries in the budget this year and easement the next.

There are two town properties on Shirkin road that, commission agrees, we should start the process of implementing a conservation easement on.

Leanne: two more line items – an additional \$500 for clerical services to update town website. Current website is not in good shape.

Bill: confirms that Leanne included the trail maintenance money requested by Dennis in the budget.

Leanne: thoughts on requesting money for a bio-blitz?

Decision to wait a year on the bio-blitz.

Leanne: under conservation improvement, put a placeholder of \$4000 for the survey of the two new properties, and \$1000 for Dennis's trail maintenance. Requested \$1000 for clerical services to match the money that will be spent this year, then \$500 for the website update.

Motion to adjourn at 9:22 pm.

Respectfully Submitted,

Cindy Crane
Conservation Commission Member