

CONSERVATION COMMISSION
January 9, 2013 at 5:00 PM
TOWN HALL, 41 SOUTH MAIN STREET

In attendance:

Members: Ruth Bleyler, Ed Chamberlain (Chair), Michael Mayor (Planning Board Liaison) (Scribe), Doug McIlroy

Alternates: Jim Kennedy

Staff: Vicki Smith

Others: Barry Schuster (See Attendance Sheet)

1. CURRENT BUSINESS

- **Palmer's proposed leach field placement:**

The Conservation Commission visited the Palmer property at 107 Blueberry Hill Road on January 7, 2013 and discussed the project at their meeting on January 9, 2013.

The Commission reviewed the site and the proposed septic system layout. They noted that the proposed leach field is further from the wetland than the existing leach field and that there were no feasible alternatives to the proposed location that were further from the wetland.

A construction sequence was submitted to the Commission following the site visit. The Commission supports the proposal and recommends that the construction sequence be considered part of the proposal to be considered by the Zoning Board.

Comments for ZBA: the proposal was reviewed and discussed. The appended construction sequence noted. Motion to approve made by McIlroy, seconded by Chamberlain. Vote for approval made unanimously.

- **Amendment of Manegold Conservation Easement**

The Commission is aware that improvements inconsistent with the Mt. Tug Conservation Easement, most of the house, a portion of the driveway and all of the studio including a screening wall, are in the Conservation Easement area. These improvements were made before the current owners purchased the property. Some years ago, the Commission tried to identify the easement boundary, the 1650 contour, using handheld GPS units, but their accuracy did not allow a conclusive determination about the location of the improvements relative to the easement boundary. The Commission was prompted to have a surveyor physically locate the easement boundary, the 1650 foot contour, when the new owners, Rob and Carol Manegold, inquired

about expansion possibilities for the house. The easement allows for amendments to the easement. The Commission and Manegolds are working together to come to a mutually agreeable proposal for amending the easement to remove the residential improvements from the easement area while honoring the intent of the easement, to keep the summit of Mount Tug free from structures. The Commission has determined that the lawn and apple trees are consistent with the easement as providing a variety of habitat to benefit wildlife.

The Manegolds have submitted to the Commission a proposal showing an area to be removed from the easement area, Parcel A, and an area to be added to the easement area, Parcel B. Barry Schuster, representing the Manegolds, owners of the property, came to the table to review the situation with the Commission. The Open Space Committee and Commission have suggested limiting the height of structures in Parcel A to a height no higher than the existing height of the roof, not including parapets or chimneys and to allow chimneys to rise above the existing roof height. Thus the Commission recommends that Parcel B be added to enlarge the easement area and in Parcel A any structures could be constructed as long as they did not exceed the height of the roof of the existing building. The Commission has paid for a natural resource inventory of the easement area and surrounding lands in order to determine if any area of the property is more ecologically significant. The natural resource consultant did not identify any outstanding features on the Manegold property that were any more significant than any other areas of their property. More significant natural resources areas were identified on the Block property, a portion of which is also restricted by the Mt. Tug Conservation Easement.

Schuster pointed to the Manegolds' need for clarity regarding what is restricted by the easement that pertains to the parcel. The Manegolds would like any new structure to be limited only by the existing zoning height limitation. Both the Manegolds and the Commission agree with the areas of Parcel A and B. The Commission noted that the zoning ordinance method of measuring height from the average finished grade does not limit the absolute height of structures, only the relative height based on the finished grade at the building front. Since the area in Parcel A slopes up to the west, structures developed further west than the existing house, though still zoning compliant, would be higher than the existing house and in the Commission's determination more inconsistent with the purpose of the easement.

Discussion ensued regarding how these measurements should be made. The Chair noted the Commission's resistance to seeing a "tall house" emerge as a result of the construction. Schuster acknowledges the history of the existing building and the plans for the new structure. The Manegold house is visible from some portions of Hanover Center and from the South Peak of Moose Mountain where the Appalachian Trail passes.

The Manegolds have no plan to move the house "up the hill." The Commission noted that using the current footprint for the house and allowing an expansion to current zoning limits for height might be a position they could support. The owners are readily acquiescent to zoning constraints for themselves or future owners.

Vicki will review the minutes pertinent to the execution of the easement, seeking guidance on the intent of the easement. The deed does not speak specifically to the viewshed or height constraints. Thus (per McIlroy) the commission's purposes may be served best by a balloon test.

Staff suggests that the details may require more than a single iteration to reach a recommendation. The intent of the easement is suggested but not confirmed by the use of the 1650 foot contour as a boundary.

The Commission hoped that Schuster would review with the Manegolds the Commission's position relative to height of structures in Parcel A. Schuster pointed to several constraints to the location of the building including the existing driveway, septic system and ledge. Kennedy suggested that Parcel A be decreased in size so that the western boundary be moved to a line beginning at PNT 16 and extending to the end of the wall, including the studio and possibly extending to Point X. The heights in this reduced Parcel A would be limited.

Chair suggests Schuster take these points to the Manegolds, and return with their responses.

2. RESOURCE STEWARDSHIP

- **Parking at Goodwin Town Forest (V. Smith)** Smith is close to submitting details, in conjunction with Peter Kulbacki. The intermittent stream will be respected with a 10 foot separation. Application is expected to be complete by Monday next week. Parking for eight spaces is contemplated, to accommodate the mountain bike group etc. Funding is uncertain, but likely not to be a problem.
- **Update on Dana-Pasture NRI (V. Smith)** Presentation scheduled for 28th Jan. Comments are in hand for the applicants to develop a final proposal, a draft of which will be made available to the CC. Appraisal has been finalized in the property's current condition, including the pond's status. Copies will be accessible on the web site. Abutters have been noticed, save for a relative resident in Australia.

3. ADMINISTRATIVE BUSINESS

- **Doug McIlroy is the February Minutes taker**
- **Alan Saucier is the March Minutes taker**
- **John Trummel is the April Minutes taker**

Some discussion ensued regarding John Trummel's availability. Shelley Gilbert has stepped down. Alan Saucier will be contacted by the chair to ascertain his availability.

4. COMMITTEE REPORTS

- **Open Space Committee (E. Chamberlain)** Met last Thursday, a discussion of the Hayes/Trescott Ridge management plan is being developed. Kennedy's map is now available to delineate and name management areas of the property. Possible names will devolve to the Open Space Committee. Also dealt with was access to the school, but the path along Girl Brook is constrained by easements that apply. A solution of that issue is deemed desirable.
- **Trails Committee (D. McIlroy)** December minutes show that a discussion of funding of the mapping project was deferred, but the CC is ready to fund the project using Conservation Funds as long as the proceeds return to the

Conservation Fund. Yesterday's Trail Committee meeting revealed a number of downed trees on trails most of which have been removed. A major work party will be needed to complete the process, including some H.S. students who may work on the River Trail. A hazard tree on Balch Hill Town property was removed by Chippers who were paid by the Hanover Conservancy with a discount from Chipper's. The Commission will reimburse the Conservancy if it appears funds are available from the operating budget this year. Highway 38 needs to be re-evaluated regarding obstructions.

- **Biodiversity Committee (A. Saucier)** No current activity. Meeting scheduled next week

5. **APPROVAL of MINUTES:** The minutes of the site visit and the Dec. 12 meeting were approved as amended. Moved by Chair, seconded by Mayor, approval unanimous with two abstentions.
6. **OTHER BUSINESS** Smith notes the association of natural resource scientist meeting with recommendations to attend. Chair reports Joanna Whitcomb's presentation regarding Dartmouth's trail plans, and he suggests she be invited to the next Trail Committee meeting for the same purpose.
7. **ADJOURNMENT:** The meeting adjourned at 6:15 PM.

Respectfully Submitted,

Michael B. Mayor, Planning Board Liason, Scribe