

Lee Conservation Commission Minutes of Meeting of February 4, 2019

Present Members: Catherine Fisher, Bill Humm (Chair), Dave Shay, Anne Tappan

Alternate Members: Dawn Genes

Ex Officio: Scott Bugbee (Select Board Representative)

Visitors: Steve Bullek, Marilyn Frazier, Steve Frazier, Camilla Jernigan, Chris Jernigan, David Jernigan, Caren Rossi, Fred Schultz

Approval of Previous Minutes: Minutes of January 8, 2019 approved as written.

Updates and Announcements:

LCC Bank Balance: The balance in the Commission's account as reported by Amanda Gourgue to B. Humm is \$15,627.02 and is composed of

LCC Funds	\$12,802.33
Dave Allan Fund	\$ 2,824.69

Reports:

Education and Outreach: C. Fisher reported a good turnout for the Lee's Trees Contest Awards Ceremony on January 18. Despite a bitterly cold evening, the Grange was filled. The contest was divided into a children's division and an adult division, with awards given for three categories (biggest tree, most unique tree, and best tree art) within each division. She noted that it was gratifying to see how passionate folks were about their trees. The Sustainability Committee has another tree contest in the works for next year.

Deliberative Session: S. Bugbee expressed disappointment that so few questions were asked regarding funding the proposed new Town Center. Information regarding the town center is available on the NeighborLEE website and Facebook. Voter guides will be sent out with an enclosure with information on the Town Center Project.

Future LCC location: S. Bugbee reported that, should voters support warrant article 3 to construct a new Town Center, it has been proposed that Town commissions and committees be located in the Annex.

Conservation Lands Management:

Town Forest Survey Maps: B. Humm brought forward the idea of creating a consolidated map of the Town Forest Complex. Currently, more recent additions to the complex appear only on their own separate surveys; the 4 acre parcel on which the "Mast Way" vernal pool is situated will be yet another addition. At his request, Carin Rossi put out an inquiry to area surveyors, including those who have previously worked on the property.

OLD BUSINESS:

Variance for Development of Two Commercial Lots on Rte. 125: A. Tappan reported that the LCC held a special meeting on January 18 to discuss the Garvey development. Also discussed was the draft of a letter addressing the Commission's concerns regarding the variance request. Afterwards, those attending the meeting emailed suggestions and edits to the letter, and B. Humm presented the final copy to the ZBA at their January 23 meeting. A. Tappan reported that the ZBA denied the variance. The applicant has 30 days to appeal and

must have new information illustrating why the ZBA's decision was unjust. The applicant's other recourse is to go before the Planning Board with a new proposal. On January 24, A. Tappan contacted the Oyster River Watershed Association's Local Advisory Committee to inform them about the Garvey development as well as the proposed expansion of Lee's commercial zone along Rte. 4.

Barry Conservation 4-H Camp: Laura Gund received information from the camp administrator regarding submitting payment for Gibson Griffith. The amount due for the campership is \$510.00 rather than \$550.00.

NEW BUSINESS:

Planned sand/gravel excavation off Clay Lane: S. Bullek, Highway Supervisor, reported that because the Town's sand reserves (taken from the Old Mill gravel pit approximately ten years ago) are nearly depleted, with only enough material remaining to supply the Town's needs for another year and a half, he would like to begin mining and hauling sand from the Town-owned parcel abutting Clay Lane. The Town earmarked this 7.8 acre property as a future sand and gravel source to be tapped once those stockpiled from Old Mill were exhausted. Test pits were dug on the parcel in 1988 to determine the location of the best material. S. Bullek reported that the parcel has deposits that will supply the Town with sand and gravel for the next 20-25 years. The side of the site which abuts the houses on Clay Lane is classified as fill; it will not be excavated and the trees standing there will remain as a buffer. He proposes excavating and hauling only a year's worth of material at a time. Federal mining regulations will be followed, and fencing and signage will surround the excavation area. Excavated materials will be stored at the Highway Department. C. Jernigan, a resident of Clay Lane, stated that she and her husband had purchased their property with the understanding that the proposed excavation area was conserved land. C. Rossi, Planning and Zoning Administrator, apologized for the misunderstanding and explained that, in 2012, a map of the area on the Town's website described the parcel in question as Town-owned land; subsequent Town maps continued to describe the parcel as Town-owned until March, 2016, when the land was erroneously marked as a conservation easement. S. Frazier stated that there are many fine old trees that are slated to be taken down and that a woodland trail used by area residents will be also be destroyed. C. Jernigan also objected to the potential dangers the excavation site posed for children living on Clay Lane and noted that the excavation will likely take place during the summer and be disruptive. She also objected to having this forested area, enjoyed by many who live nearby, become a barren place. D. Jernigan expressed concern about the excavation's effect on property values. S. Bullek stated that he would work with the residents to excavate at a time least disruptive to them, and that he anticipates he'll be able to get each year's removal done within the course of a week and a half. He reiterated that fencing and signage would surround the excavation site. C. Rossi stated that once the deposits have run out, reclamation of the area will follow State regulations to rehabilitate the site. In response to C. Jernigan's question as to why this parcel hadn't been considered for protection by the Commission, B. Humm explained that properties considered for protection were lands where the conservation values were highly ranked and that the property in question did not meet those values. In response to S. Frazier's inquiry as to how long the buffer of trees would remain between Clay Lane and the excavation area, S. Bullek stated that the buffer would not be removed.

A site visit is planned early spring when the property is no longer snow-covered.

Tuttle Rd. and Packer's Falls Rd. culvert replacements: S. Bullek reported that the galvanized pipe at the Tuttle Rd. culvert, put in place in 1979, is badly deteriorating. He has taken on the FEMA grant proposal, initiated by Randy Stevens, for replacing the culvert. As opposed to the 2 feet requested in the original grant proposal, he has requested that the road be raised by 4 feet. He proposes having a wooden bridge over the culvert, similar to one used on Rte. 1 in Rye. This structure would be much more attractive than the alternative concrete box culvert and would also be less environmentally disruptive. Costs of replacing the culvert would be divided between the Federal government (75%) and the Town (25%). S. Bullek reported that the culvert at Chesley Brook on Packers Falls Rd. is also due to be replaced. A concrete box replacement would cost \$314,000, however the CIP has only \$125,000 available. A further concern would be the adverse environmental effect of installing a concrete box - particularly as the State-listed endangered American brook lamprey is found in Chesley Brook. A less expensive and disruptive alternative would be to slip line the existing culvert, which is still in good shape, and then grout the exterior. The cost, \$135,000, is close to the available CIP, and the slip lined culvert would remain viable for about 75 years. He reported that wetlands rules are about to change, but should a permit be granted it would be in effect for five years.

Request for wetland setback variance near Rte. 125 and Rte. 152 intersection: F. Schultz outlined plans to enlarge an existing structure on his property on 67 Demeritt Ave. so as to create a Plumer General Store. The proposed addition would bring the structure within 25' of the wetlands area behind the store. He plans to go before the ZBA for a variance. He will have the wetlands flagged after which the LCC will hold a site visit before Mr. Schultz goes before the ZBA.

Authorize payment of dues to NH Timberland Owners Association and the American Chestnut Foundation: Anne Tappan moved that payments in the amounts \$30.00 to the NH Timberland Owners Association and \$40.00 to the American Chestnut Foundation be authorized. C. Fisher seconded, and the motion passed unanimously.

Next Meeting: Monday, March 4, 2019

Submitted by: _____
Catherine Fisher