

CONSERVATION COMMISSION

DRAFT MINUTES

5/ 25/ 2010

Cathy Allyn called the meeting to order at 7:10 PM.

Roll Call: Cathy Allyn (Chair), Charlie Berube (Vice-Chair), Bob Craycraft (Alternate), Bill Malay. Excused: Terry Jarvis (Selectmen's Representative), Paddy McHale.

David Harvey: Commission members reviewed correspondence from NHDES to David Harvey, regarding his Standard Dredge and Fill permit application. The correspondence expressed concerns by DES that mirrored the concerns expressed by the Conservation Commission when it reviewed the application, and shared with DES. Mr. Harvey had also submitted proposed revisions that addressed many of the Commission's concerns. Commission members felt encouraged to continue sharing their concerns regarding proposals to DES.

Charlie Berube warned that over time he had seen many proposals that looked good on paper but were actually constructed in a manner different from the plan, and in conflict with the CSPA. He said there needs to be a failsafe method for comparing the finished project with the approved plan to ensure conformance with the plans. Commission members discussed this concern at length. They decided on a couple of action steps:

1. Clarify if the Town Code Enforcement Officer has authority to enforce state wetlands laws and regulations, and if so, how much authority and under what conditions;
2. Explore ways that the recently announced DES Innovative Permitting Initiative could help the Town address these concerns; and
3. Explore amendments to the Town Shore Front Protection Ordinance that would address the most commonly evaded state regulations and give the town authority to enforce them; and
4. Explore amendments that would make contractors as well as landowners liable for violations of the Shorefront Protection Ordinance;
5. Find out if the state cedes all enforcement to the Town if town ordinances are as restrictive, or more restrictive, than state law and regulation;

6. Possible means of using the Town website more effectively in support of citizen monitoring;

Town Highway Department Culvert Replacement Permit Applications: Commission members extensively reviewed proposals for 7 culvert replacements designed by CMA Engineers at the request of Road Agent Mark Fuller. They agreed by consensus that the sites proposed for improvement were all in need of upgrades, and that the proposed new culverts would improve stormwater management, reduce flooding, and would not threaten wildlife or vegetation.

2010 Conservation Commission Annual Goals: The Commission reviewed progress and discussed next steps on each of the Annual Goals:

Town Forest: The Board of Selectmen has indicated that they want to hold on to the responsibility for managing the Shirley Town Forest and are not considering a formal role for the Conservation Commission in that process.

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