



**Conservation Commission
June 12, 2007**

**Present: William Weiler, Chair; Bill Annable; Deane Geddes; Katheryn Holmes;
Frank Perrotta; Ann Poole, Conservation Plan Consultant**

Mr. Weiler called the meeting to order at 7:30 p.m.

Minutes

Minutes of May 8, 2007

Mr. Perrotta made a motion to accept the minutes of May 8, 2007. Mr. Annable seconded the motion.

The Board clarified that the Chuck Crickman was the author of the addendum to the May 8, 2007 minutes regarding Fishersfield Park.

VOTE: All in favor.

Minutes of May 14, 2007

Mr. Geddes made a motion to accept the minutes of May 14, 2007. Ms. Holmes seconded the motion. All in favor.

Intents to Cut

Mr. Unger was not present to discuss pending and/or approved intents to cut.

Wetlands Board Applications

1. Pickman and Sons – Notice of Administrative Completeness for a Standard Dredge and Fill Application dated June 5, 2007. Wetlands File #2007-011060, Newbury Tax Map/Lot #52-607-064.

Mr. Weiler explained that the Newbury Conservation Commission declined to hold a conservation easement on the open space of this development, which was necessary for them to meet the mitigation requirements for 400,000 sq. ft. of impacted area. The New

Hampshire Forest Society also declined stewardship for this easement. Richard Wentzell of the Mountain View Animal Shelter from Newport, NH accepted the stewardship.

2. James and Jacqueline Hecker – Wetlands Bureau Complaint letter dated May 23, 2007. Wetlands Board File # 2007-01039, Newbury Tax Map/Lot #29A-070-514 for property located at 303 Chalk Pond Road.

The complaint alleges that trees and saplings have been cut within the protected shoreland area.

3. James and Jacqueline Hecker – Incomplete Seasonal Dock Notification dated June 5, 2007. Wetland Board File # 2007-01205, Newbury Tax Map/Lot #29A-070-514 for property located at 303 Chalk Pond Road.

The Wetlands Board has notified the Heckers that their application for a season dock cannot be approved until the applicant fully complies with the Shoreland Protection Act.

4. Michael and Lisa Hickey – Wetlands Bureau Complaint letter dated May 22, 2007. Wetlands Bureau File #2007-01084, Newbury Tax Map/Lot #29A-077-004 for property located at 291 Chalk Pond Road.

The complaint alleges that trees and saplings have been cut within the protected shoreland area.

5. Matthew Clark – Wetlands and Non-site Specific Permit dated May 23, 2007. Wetlands Bureau File #2006-02400, Newbury Tax Map/Lot #7-171-390 for property located at 98 Bay Point Road.

Permission is granted to repair an existing boathouse and increase the size of the inside two slips and the roof height within with no increase to the outside dimensions on Lake Sunapee.

Ms. Holmes asked what the protocol is when DES finds a violation such as these.

Mr. Geddes explained that several things can happen. The violator may be given the opportunity to file an after-the-fact application as a means of getting the property owner on the path to correctness; the violator may be given the opportunity to repair the disturbed area; or the violator may be issued a fine.

Ms. Holmes asked if the violator also needs to answer to the Town if Town regulations are violated as well. Perhaps the Town could issue a cease and desist until the violation is rectified.

Mr. Weiler commented that enforcement is very weak. The Conservation Commission has not enforcement abilities. The Board of Selectmen has the authority to enforce the

regulations on a Town level, and they also receive copies of the violation notices issued from DES.

Mr. Geddes commented that he will attempt to make a site review of the property in question, and Mr. Perrotta volunteered to go with Mr. Geddes.

Mr. Weiler explained that as long as there is an application on file, the Conservation Commission members are allowed to visit the site. The Conservation Commission members do not have legal authority to walk a site for enforcement purposes. Mr. Weiler agreed to email Ms. Holmes the RSA that outlines the Conservation Commission's authority.

Ms. Poole asked the Board if the Town has a Code Enforcement Officer.

Mr. Weiler explained that at an annual Town Meeting, the Town's people agreed to hire a part-time Code Enforcement Officer but the Board of Selectmen will not pay him for code enforcement. They want his salary to be totally paid for by fees. Therefore, he is only allowed to inspect new construction projects since those activities generate fees.

Mr. Geddes cautioned Ms. Holmes not to get too caught up in the enforcement side of the violations. When the Conservation Commission finds something happening, they are supposed to notify DES. The Conservation Commission is the eyes and ears for DES. DES then enforces.

Communications

Patricia Stott, whose ancestors are the Twiss family, toured the Twiss Family Cemetery off Old Post Road with Chuck Crickman, Cemetery Commissioner. In her letter to the Conservation Commission, she has expressed her shock at the near-by logging operation and is concerned for the preservation of the Twiss Family Cemetery and the historic cellar holes that are also near-by.

Mr. Weiler stated that the Conservation Commission had discussed that property before. Since the current owner has no intention to preserve that area, the Town may be able to get something done at the time of sale when the property changes ownership.

Old Business

Town Forest

Mr. Perrotta asked when the Conservation Commission is going to visit the Town Forest site.

Mr. Weiler stated that Selectman Wright will let the Conservation Commission know when it is a good time.

Pillsbury-Sunapee Conservation Project

The 845-acre easement purchased from Northwoodlands passed hands on the 18th of May. Brian Hotz is preparing a package with all of the work he had to do before hand.

Mr. Geddes commented that there was a nice “Thank You” in the Kearsarge Shopper to all of those people whose donations made the purchase possible.

Mr. Perrotta suggested that the Conservation Commission formally thank SPNHF for helping the Newbury Conservation Commission make this happen.

Ms. Holmes made a motion that the Newbury Conservation Commission send a thank you to SPNHF for their assistance with the purchase of the 845-acre easement. Mr. Perrotta seconded the motion. All in favor.

Mr. Perrotta agreed to draft the thank-you letter on behalf of the Conservation Commission.

Mr. Perrotta commented that it would be very informative to have someone from SPNHF come to Newbury Old Home Day and be able to talk about this project and explain with some level of expertise what easements are all about and how people can give easements on their own land.

Mr. Weiler agreed with Mr. Perrotta and suggested that the Conservation Commission should also take this opportunity to have some recruitment forms on the table for potential alternate members.

Newbury Conservation Plan

Ann Poole was present to review and discuss the progress of the Newbury Conservation Plan. She circulated a draft of the Natural Resources Inventory Addendum. She explained that she is waiting to hear back from certain individuals before she can continue with some of the statistical information to be contained within.

Ms. Poole commented that feels the section on the Wildlife Resources could use more work. She asked the Commission for direction regarding how to approach this chapter. She explained that she has five ecological studies from different properties in Town and asked if the Commission wants work in addition to what was in the original NRI to create something detailed and scientific or does the Commission want something simple.

Ms. Holmes asked Ms. Poole how that chapter will affect the Conservation Plan.

Ms. Poole stated that the detail of the Wildlife Resources Chapter will probably not impact the Conservation Plan at all except that the Wildlife Resources Chapter could be used as a reference instead of re-writing all of the information into the Conservation Plan.

Ms. Poole explained that the reason she is asking for direction from the Conservation Commission is that there was only one paragraph in the Request For Proposal, and it did not give a lot of guidance on this subject. The current document is very standard, and she suggested that it may be a wiser use of her time to create an attachment of references for anyone who finds the need for detailed research.

Mr. Weiler suggested a descriptive paragraph could summarize the bulk of the information on wildlife corridors for the interest and needs of the average person.

Ms. Poole explained that the commonality of all wildlife and the wildlife corridors are that they generally run along watercourses and where those watercourses cross roadways. Moose like skid trails because they are wide and easy to travel.

Mr. Perrotta suggested that the Fish and Game Department website should be referenced in the plan. It is a good source of information and also references the Wildlife Action Plan. It will remain up-to-date year-to-year and may be a way to update the plan without having to re-write too much. He commented that the Wildlife Action Plan makes a point of the importance of increasing certain species.

Mr. Weiler commented that there will be a collision if both the human population and wildlife increases at the same time. There is not room for both continue to grow at uncontrolled rates. He advised Ms. Poole that she not spend a lot of time on this Wildlife Resources Chapter since the Commission did not budget a lot for this area. He suggested that she prepare a map to be included in the plan.

Ms. Poole stated that she was interested in obtaining a copy of the bio-inventory that was prepared by Erica Blom. She reviewed the scenic road designations in Newbury.

Mr. Weiler advised Ms. Poole to call Cal Prussman, Road Agent, for the number of miles of road designated as scenic.

Ms. Poole asked about the status of the Town cornerstones.

Mr. Geddes stated that there were none nominated for the National Historic Register.

Mr. Weiler commented that the Center Meeting House was already on the Register but was not sure if the Fells is on it also.

Ms. Poole commented that she could not find any references to a Town Forest.

Mr. Perrotta informed Ms. Poole that the Town just passed the Town Forest designation at the 2007 Annual Town Meeting in March within the Fishersfield Park.

Ms. Poole clarified that some of the 11 Conservation Properties in the Natural Resources Inventory are not conservation properties but just town-owned land.

Mr. Weiler explained that the reason for those lands being included in the conservation properties is because those parcels cannot be sold by the Board of Selectmen without first going to Town Meeting for permission from the Towns' people.

The deadline for comment to Ms. Poole on the Addendum to the Natural Resource Inventory 2007 Update is June 18. A PDF version will be emailed to the Conservation Commission members unless otherwise requested.

New Business

None

Mr. Geddes made a motion to adjourn. Mr. Perrotta seconded the motion. All in favor. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary