



**Conservation Commission
October 9, 2007**

Members Present: Bill Weiler, Chair; Katheryn Holmes, Vice-Chair; Bill Annable; Suzanne Levine; Frank Perrotta; Eric Unger

Mr. Weiler called the meeting to order at 7:30 p.m. and the Commission members reviewed the minutes of September 11, 2007 and September 17, 2007.

Mr. Perrotta made a motion to accept the minutes of September 11, 2007 as written. Ms. Holmes seconded the motion. All in favor.

Ms. Holmes made a motion to accept the minutes of September 17, 2007 as written. Mr. Unger seconded the motion. All in favor.

NEW BUSINESS

Joy Nowell presented to the Commission documentation and testimony of her success in meeting the requirements for placing her land in a conservation easement. She explained that she and her husband, Tom Nowell, own a home in Newbury on Fortune Road with approximately 183 acres of land extending into Bradford and Goshen. They have put 157 acres of that land, which is mostly in Newbury, into a conservation easement through the Forest Society and are seeking financial support from the Conservation Commission as allowed in the by-laws.

***15. Use of the Conservation Fund:** The conservation fund may be used to acquire any interest in real property or right, or to support protection of land for conservation purposes as provided for in RSA 36-A:4. In addition the fund may be used to support the duties and functions relative to the purpose as enumerated in paragraph (4.) not otherwise funded by annual appropriations voted at town meeting. The Commission encourages the donation of both land for conservation purposes and conservation easements on land, and generally will provide some measure of financial support toward the cost of donating land or an easement to the town of Newbury, or to a recognized conservation organization. The support will be to pay all or part of the costs of the town taking ownership of the land or easement (e.g. legal and/or survey costs) or the portion of the costs of a landowner donating land or an easement to a recognized conservation organization that the town would have incurred to obtain such land or easement.*

Mrs. Nowell informed the Commission that Brian Hotz of the Forest Society has given her a preliminary project cost for the conservation easement of \$4,163.81 and \$3,000 - \$10,000 for the easement stewardship fund. She explained to the Commission that there are many expenses incurred in placing the land in a conservation easement including appraisals of the property, bank expenses, legal expenses, surveys, etc. and is seeking the Commissions support under paragraph 15 of the by-laws. This particular piece of land is very valuable to the program because it abuts the Pillsbury State Park and will further enhance and complement the protection of that land. All of the land, which supports an abundance of wildlife, will be open for use.

Ms. Holmes asked Mr. Weiler if there is a limit to the amount of financial support the Commission may give.

Mr. Weiler explained that the language in the by-laws talks about helping with easement expenses. Therefore, there is no limit since there is virtually no limit to the amount of expenses. The Commission may vote to reimburse the property owner for whatever and however much of the expenses it feels is appropriate.

Mr. Weiler reviewed his proposal submitted to the Conservation Commission in 1995. At that time the Commission did vote to grant reimbursement to Mr. Weiler, property owner of land placed in conservation easement, as allowed in the Conservation Commission by-laws.

Mr. Perrotta asked Mrs. Nowell how much of the 157 acres going into conservation easement is in Newbury.

Mrs. Nowell was not certain on the exact acreage or the exact location of the boundaries of the easement but was certain that nearly all of the land in question is in Newbury.

Mr. Perrotta stated that the Commission should receive definitive description and map showing boundary lines of where the land is and how many acres are in Newbury in order to justify the reimbursement. As required by law, a public hearing will have to be held before the funds may be released, and the Commission should be prepared to answer questions and substantiate the reimbursement to the public.

Mr. Weiler advised Mrs. Nowell to compose a proposal for reimbursement including copies of receipts to the Conservation Commission after the project is complete and all of the expenses are paid. If the proposal is submitted before the Commission's regularly scheduled meeting in November, the Commission will consider the proposal and make a decision in November and have the required public hearing in December.

INTENTS TO CUT

Mr. Unger reported that there were no intents to cut received but there was an application to cut in the buffer zone submitted that he will look at tomorrow. As a follow-up from last month's discussion, the Selectmen's Office *is* forwarding the intents to cut to Mr. Unger. There just have not been many to forward lately.

WETLANDS

Mr. Weiler reported the following Wetlands Board activity:

1. Bruce Hall – 111 Bay Point Road, Tax Map Lot No. 07-135-411 filed a Minimum Impact Expedited Application on September 10, 2007 to replace the wood crib structures of two cribs supporting a U-shaped dock and add a personal watercraft lift on 76' shoreline frontage on Lake Sunapee. On September 20, 2007, the Wetlands Board sent Mr. Hall a Notice of Administrative Completeness Minimum Impact Expedited Application acknowledging the application as administratively complete. On September 25, 2007, the Wetlands Board sent Mr. Hall a Request for More Information. After reviewing the content of the application, the Wetlands Board found that the floating dock is not a grandfathered structure and directed Mr. Hall to

- either submit supporting documentation of the permitted status of the floating dock or submit plans showing the removal of the floating dock from the plans. Mr. Hall subsequently submitted plans without the floating dock structure/.
2. Courtney Galluzzo – Docket No. 07-14 Wtc – Land off Chalk Pond Road, Newbury Tax Map 28-369-268. On September 26, 2007 the DES Wetland Council sent a notice of a pre-hearing conference scheduled for Monday, October 15, 2007 at 10:30 a.m. at the offices of DES at 29 Hazen Drive, Concord, NH.
 3. George Gordon – Land at Lakewood Manor Road, Newbury Tax Map 19-565-416, Wetlands Bureau Complaint File #2007-02279. On September 27, 2007, DES sent Mr. Gordon a letter notifying him that there will be an inspection of his property as a result of a complaint of a possible violation of the Comprehensive Shoreland Protection Act, clear cutting in the buffer zone.
 4. Town of Newbury – Wetlands and Non-site Specific Permit No. 2007-01727 was issued by DES with Conditions to replace four failed undersized culverts along intermittent streams at town roads, Mountainside Road and Winding Brook Road, approval date 9/13/2007, expiration date 9/13/2012.

OLD BUSINESS

Town Forest

Mr. Weiler informed the Commission that Mr. Wright did not address the logging plan for Fishersfield Park at the last Selectmen's meeting because Mr. Powell was not present. It will be presented at the next meeting of a full Board of Selectmen.

Conservation Plan

Mr. Weiler set a tentative schedule to get the Conservation Plan moving. On November 6, 2007, Mr. Weiler has requested to be on the Planning Board agenda to present the plan. Anne Poole has promised to have the final draft ready by October 16, 2007, which will be emailed out to the Commission members. If the Commission members are happy with the document, then the Commission will not have to have a meeting to edit another draft.

Ms. Holmes commented that she had emailed Ms. Poole some of her comments. One of the suggestions she made to Ms. Poole was that more attention needs to be given to invasive species in and around the Lake. Another suggestion was that the Town ought to consider developing a Water Plan, which will support and give strength to the Masterplan and the Zoning Regulations.

The Commission agreed to meet to review the October 16, 2007 draft of the Conservation Plan on October 22, 2007 @ 3:30 p.m. **or** October 23, 2007 @ 3:30 p.m. A definite date will be decided upon after input is received from Mr. Geddes.

Conservation Fund

Mr. Unger asked Mr. Weiler approximately how much money is in the Conservation Fund.

Mr. Weiler stated there is somewhere around \$75,000.

Ms. Holmes made a motion to adjourn. Mr. Perrotta seconded the motion. All in favor.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Linda Plunkett