

NORTH HAMPTON CONSERVATION COMMISSION

Tuesday, July 12, 2005
Minutes

1) ROLL CALL

Present when the meeting was called to order at 7:15 p.m. was Chris Ganotis and Chuck Gordon, Co-Chairmen, Lee Brooks, and John Peterson.

2) APPROVAL OF MINUTES – June 14, 2005

After a motion, duly seconded, it was voted to approve the revised minutes. Stan abstained from the vote because he did not attend the July meeting.

3) TREASURER'S REPORT

Report was reviewed as presented. A discussion ensued regarding the current interest rate on the William Fowler checking account, with members authorizing Chris to research Certificate of Deposit rates for a possible CD in the Fowler Fund. **After a motion, duly seconded**, it was voted to accept the report as presented.

4) NEW BUSINESS

- a) Proposed Chapel Road telecommunications tower: Presentation by NH Soils of Expedited Wetlands Application to NH DES

Ian Trefry of New Hampshire Soils addressed the Commission in explaining the Expedited Minimum Impact DES Permit application. The Commission reaffirmed its capacity as an advisory membership with oversight as it pertains to wetlands and conservation matters as they reviewed this presentation. The impact consists of 326 square feet wetland disturbance at a swale along Chapel Road. Members questioned installation and size of possible culverts, discussed water flow on and off the property and reviewed photographs provided.

Public comments were received from Monica Cornelia, 18 Pond Path regarding previous roadway flooding. She asked if the proposed twelve-inch culvert would have any affect on added existing surface water flooding situation on Chapel Road. Ian responded that all disturbance associated with this application will occur within the designated site.

Attorney Bill Privis, representing abutter Michael Megna, reviewed the ownership history of the parcel and questioned whether the use should be permitted. He discussed the original lease agreement for a cell tower between Verizon Wireless and the Lamprey Homestead, conveyance of the lease which accompanied title transfer to the Cahill Trust which then conveyed part of the parcel to the Town of North Hampton as a conservation easement. Attorney Privis read from the conservation easement deed and suggested that it was incumbent upon the Conservation Commission to take no action on the Verizon wetlands permit application, opining that it would be contrary to the conservation easement. He did not agree with Verizon's counsel that the original lease agreement predates the conservation easement with respect to rights for a cell tower.

NHCC 7/12/05

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Note – These minutes were approved by a majority vote of the Conservation Commission on August 9, 2005.

Commission members reviewed letters and reiterated that their input pertains solely to whether this tower would impact the conservation land with respect to surface water runoff. Conservation Commission members agreed to take this matter under advisement and to review the application.

b) Site walk report: Boies Conservation Land off Woodland Road

Members who attended the site walk reported no material evidence of abuse to the parcel, and said the area was clean but very, very wet. Discussion ensued and there was general agreement that, primarily because of wetlands, the Conservation land would not be suitable for a cell tower site.

5) CORRESPONDENCE

Notification was received from DES regarding property on Willow Avenue indicating the property is now in compliance with a DES wetlands restoration order.

6) OTHER BUSINESS

A verbal request for funding to purchase a stream flow gauge for use on the Winnicut River was discussed. More information about the gauge and specific cost needed will be requested in written form for a more formal review.

There being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,
Janet Perkins
Secretary