

MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
April 13, 2005

A meeting of the Conway Conservation Commission convened at 6:32 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Chair, Paul Pinkham; Carol Lyman, David Weathers, Chuck Broomhall, Rob Adair, Dan Lucy, and Alternate, Connie Briggs. Mr. Haynes arrived at 6:55 p.m. Also in attendance was Don Johnson. Linda Kearney joined the meeting in response to an ad in the paper seeking candidates to serve on the Commission.

The Chair appointed Mr. Briggs as a full voting member.

Approval of Minutes: Mr. Weathers offered the following amendments to the Minutes of the March 16th meeting: Pg. 1, last para., 2nd sentence should read “The actual area to be *disturbed* is 17,000 sf.” Pg. 3, 2nd full para.. “*or cropped*” should be added to the first sentence; 3rd full paragraph, next to last sentence should read “Mr. Weathers stated machinery using any petroleum products is not supposed to *come in contact with water*”... **Motion was made by Mr. Weathers, seconded by Mr. Lucy, to approve the March 16th Minutes as amended. Carried by unanimous vote.**

Public Comment: None.

Reports:

Forester's Report - Mr. Johnson has put together a proposal for forestry work for the upcoming season based on adopted policies and procedures and has begun in Shedd Woods, knocking down new growth in the hardwoods that were released last year. He reported they cut everything down to the bottom of the bank on the vista, except the beautiful elderberry bush which he would like to see saved, and cleared to the bottom so it can go for a couple of years without having to be brushed again. He noted that next on the agenda is getting the new trail in Whitaker Woods stabilized.

Mr. Johnson has talked with the Town Manager about the State's proceedings on the bypass (there was someone who was going to cut all the trees on their land, which they would not be able to do if the State is proceeding to purchase the land). The Town Planner has explained that the minute the State starts proceedings to purchase land, an owner cannot do anything (cannot even cut a tree), and he does not want to see us lose income from potential timber sales. Mr. Weathers pointed out it will take two years to finish Phase 5B, and another year to reevaluate the whole process, plus approximately four years to do the construction on the southern terminus of the bypass - they will not wait until the southern end is done before starting to acquire land at the northern end. He will bring it up at the next CDRC meeting. Mr. Briggs said he has spoken to Don Lyford who agreed to give us plenty of notice.

Conservation Easements – Mr. Johnson suggested the CCC may want to take on as a task conservation easements on town forest lands, explaining that even though there may be restricted deed covenants, they are at some risk depending on who may be in control at the time. There are groups who are in place to hold onto and monitor conservation easements, and he felt it worth looking into to see what we would have to do to have conservation easements put on those areas that seem at most risk, and may require the attention of an attorney to make sure they are well protected. Mr. Johnson said it will require a lot of work and he would be glad to take in on as a task in the future, possibly in next year's budget.

Mr. Lucy questioned whether there are any easements that could be put on land that would affect things like bypasses, his concern being protection of land from future mistakes. Mr. Johnson said he could not say, but that it is a “good tool to have in your arsenal,” adding that restrictive covenants on deeds are only as good as those who have the money to enforce them.

Mr. Pinkham said we have the responsibility of doing an inventory and creating a priority process. The alternative would be to look at the conservation acquisition fund to see if that can be distributed, identifying what we want to protect, then requiring the resources of the legal people to put it in place. We first need to inventory that which we think is the most important to go after, understand the cost to protect it, and then go ahead and fund it. Mr. Johnson suggested there may be some grant program (for instance, through the Land Conservation Heritage Incentive Program) to help with something like this. Mr. Pinkham noted another project to be considered is Whitaker Woods trail rebuilding. He will research conservation easement files.

Mr. Johnson said after the snow goes he will go to Hurricane Mt. and get the NH Fish & Game grant projects done there – about 12 acres; also there is some weeding and thinning release work to be done up there (about 7 acres).

Mr. Johnson reported he had received a letter from a graduate student of the University of Vermont working on a study of community forests in New England, who wants to make information available to the people who are running the town and managing town forests for interaction to see how everybody is doing things. She is seeking Mr. Johnson's permission to put his name on the list. CCC is already on the list. There are about 1830 acres in total. CCC is responsible for managing these properties, including Whitaker Woods, which she says is one of the “most priceless town forests anywhere in NH.” There were no objections raised to Mr. Johnson agreeing to have his name used.

Mr. Weathers questioned whether Mr. Johnson is eliminating the boundary line reestablishment because of the budget cut. Mr. Pinkham said he got a price of \$3,000 to survey and mark, our intent was to put a work order together for all the work we had budgeted for, and then determine how much money we expend and whatever work remains, and create a priority list. We want to get as much done as we can and stay within the budget. Mr. Weathers wants to make sure the public is made more aware of our budget process, what we are doing with our money, and what we are charged to do.

Ms. Lyman questioned whether we would run into any problem with putting easements on by the town. Mr. Pinkham said we would have to convince the Selectmen after we get a handle on what it will cost, and have town counsel check to see whether we can use some of the land acquisition money to do this.

Mr. Pinkham said Peter Benson (who could not be present) reported he was to prepare a 2005 work agreement and will not bill us for 2004 since they did not do an adequate job of keeping track of their work hours.

Treasurer's Report: Mr. Pinkham announced that since Paul Mullen is no longer a resident of Conway we need a volunteer for treasurer. That person would meet with the Finance Director quarterly. For purposes of putting budgets together, we need to know where we stand. Ms. Lyman offered to research this with Ms. Philbrick to see if it is a position she would be interested in filling. There will be election of officers next month.

Mr. Pinkham asked also that anyone who is not going to be able to attend a meeting to be sure to let the town office know since on occasion we have come close to not having a quorum.

Selectmen's Report:

Mr. Weathers has reviewed information on land on Pequawket Drive (Lot 212 on Map 276) which the owner is proposing to turn over to the town. He reported it is on the pond side of Pequawket Drive and the town has accepted the abutting lot (211). The town would lose \$100 per year in tax revenue. It is not a buildable lot, cannot be filled in or drained, some cutting could be done. Mr. Weathers recommends we accept it, particularly since it abuts the lot the town already accepted. **Motion was made by Mr. Briggs, seconded by Ms. Lyman, to recommend that the town accept the offer of Lot 212, Map 276, to become town property. Motion carried by unanimous vote.**

Mr. Weathers reported Steven Allen submitted a dredge and fill application to repair a streambed site in Conway. The State has viewed the site with the applicant. Recommendation had been made not to use riprap, it can be handled with vegetation. We were not notified of this recommendation and visit. Mr. Weathers noted part of the problem was foot traffic, which is going to be redirected. They have to notify us, as well as DES, within five days prior to the start of construction so we can look at it.

Mr. Weathers has received information on the First River Bridge with more detailed information for cleaning out the debris and stabilizing the bridge abutment and upstream of the bridge. He said, however, he is confused as to why they had two years to complete the project.

Mr. Pinkham questioned status of Crown Ridge. Mr. Weathers stated the snow is just now gone. Mr. Pinkham will contact him next week.

Kearsarge Brook Sewer Crossing and Bridge Plan: Mr. Weathers said Cranmore now wants to be part of the ski touring. They have put in a temporary bridge to get through the winter (which Mr. Briggs feels the rain has removed). Mr. Broomhall expressed his hope that if it has been washed out it be taken care of. Mr. Weathers said if they are going to do anything there it has to be a dredge and fill project. There is nothing in the budget if it becomes a sizeable project, that will come under the operating budget – it should be a permanent crossing in order to stay up and out of the water. The permit application has to go in under the landowner's name. It was noted there are three different owners. Mr. Pinkham felt it is important that whatever takes place there be "by the numbers." He stated there needs to be some intelligent communication so it is clear what will take place and when, if anything, noting that Cort Hansen is under the impression that the town is going forward with the construction project there this year.

Whitaker Trail Plan: It was felt we need a target for getting together, pricing it out and going ahead with the budget process. We have only a little money available at the moment.

Redstone Property: Mr. Pinkham reported there had been a meeting with an officer of the Div. of Parks and Recreation, the Federal Highway Admn., DOT and representatives of CCC and the Town Manager. A site view was conducted after a review of topographical maps. An E-mail received indicated the Schiavi property would be a definite asset to the town of Conway and advised thought should be given as to how to deal with Schiavi. There has been no answer yet from the Town Manager on that. Mr. Pinkham contacted Mr. Schiavi and advised him of the meeting and who was there. All bases have been covered, it is the State's next move.

Mr. Weathers questioned what the next procedural step would be, when the assessment would take place? Pinkham said they were not certain what the next step would be or who would participate. Mr. Weathers said he does not want it just left in limbo. Mr. Adair felt it sounded like they were looking for us to negotiate with Schiavi and establish value. Mr. Pinkham said we need a little better handle on what's going to happen with the State before we sit down with Schiavi.

Pine Hill Mitigation Land: Mr. Pinkham noted the mitigation land in Pine Hill that we were to acquire has not been negotiated with Kennett, and they are not inclined to go forward with that. Mr. Weathers stated there are other things being negotiated on that land and that may be why Kennett is not agreeable at this point. Mr. Briggs said it is his understanding that Bayard Kennett is not a willing seller. Mr. Haynes pointed out that land can only be taken for the town good, a parcel cannot just be taken that is not being used without a willing buyer. Mr. Adair said they probably took the road portion by eminent domain and the other piece was cut off so that made them a willing seller. Mr. Pinkham said there has never been any reference to money with Schiavi; he has always been willing to discuss a proposal from the Town or State.

Vacancy on the Commission: Mr. Pinkham noted the departure of Paul Mullen leaves us the opportunity to move an Alternate up to a full time member. Mr. Haynes expressed

an interest in filling that vacancy. **Motion was made by Mr. Briggs, seconded by Mr. Broomhall, to present Phil Haynes name to the Selectmen to fill the vacancy created by Mr. Mullen's departure. Carried by unanimous vote.**

Mr. Briggs agreed to continue as an Alternate for the ensuing year. There is also a vacancy for an Alternate position.

Mr. Pinkham noted terms for Messrs. Adair and Broomhall expire this year. Both gentlemen have agreed to serve another term. **Motion was made by Mr. Weathers, seconded by Mr. Haynes, to appoint Rob Adair and Chuck Broomhall as full members of the Conservation Commission. Carried by unanimous vote.**

Signage: Mr. Broomhall reported White Mt. Milers approached him regarding signs for their weekly fun runs in Whitaker Woods. They would like signs put up for the summer season to run a series of races and would take them down at the end of the season. They are made of wood and will not be offensive. Mr. Weathers cautioned they need to be careful to not leave nails or other fasteners sticking out of the trees. Mr. Pinkham noted Peter Benson is contracting with AMC for signs. Also Cort Hansen had made such a request for the winter season and he suggested that Mr. Hansen meet with Mr. Broomhall and find out what his sign needs are, noting we have ticket-buying people and have to have reasonable signage. He noted we also need to get Larry Garland to include the Lucy Traverse and delete those trails we have abandoned and those that cross the railroad. Mr. Adair agreed to meet with Mr. Garland on this.

ATV Damage: It was reported that Candy Armstrong has knowledge of the person who is ripping up the trails with an ATV at the corner of Swett Street into John Fuller field. Mr. Adair said the forest service does go to the perpetrator's house and has been successful in giving out tickets. There is a \$1,000 fine. Mr. Weathers advised Ms. Armstrong to get in touch with Fish & Game or Conway PD. Mr. Broomhall suggested an article in the paper might be effective.

Woodchips on Trails: Mr. Adair noted at the public hearing on trails they were discussing putting wood chips in the rooty areas. He asked Steve Swensen to identify areas where they should go and questioned whether anyone had any objections to placing the wood chips. There were no objections raised. Mr. Broomhall will discuss it with Bernie on Thursday.

At 7:45 p.m. Motion was made by Mr. Weathers, seconded by Mr. Lucy and carried, that the meeting be adjourned.

Respectfully submitted,

Gail T. Currier, Recording Secretary