

**MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
January 11, 2006**

A meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Chair, Paul Pinkham; Rob Adair, Phil Haynes, Dan Lucy, Carol Lyman, and Alternates Connie Briggs and Linda Kearney.

The Chair appointed Mr. Briggs and Ms. Kearney as full voting members.

Approval of Minutes (12/14/05): Ms. Kearney noted the following correction to Pg. 2, 1st full sentence, which should indicate that “*recommendation was made*” to lower the elevation of the road,... **Motion was made by Mr. Haynes, seconded by Mr. Adair, that the Minutes of the December 14th meeting be accepted as amended. Carried by unanimous vote.**

Public Comment: None.

Reports:

Mr. Johnson could not be present, but has advised that we were not chosen as the Tree Farmer of the Year for the State. The honor went to Philips Exeter Academy last year and this year was awarded to an individual.

Mr. Pinkham said it is his understanding from a conversation with town officials that the State was to have made an offer on the Schiavi property yesterday.

Mr. Pinkham reported a bill for \$500 has been received from the school for 50 signs; however, the signs have not yet been delivered.

The Nature Conservancy: Jeff Lougee stated he is in vigorous pursuit of Earl Sires to get an agreement together between TNC and the town as they would like to move ahead on this. The town is to draft the agreement and TNC will sign it.

Mr. Lougee reported that TNC received approximately seven bids on the Bear Paw property only two of which warranted due consideration. After much debate they have decided on someone, but nothing is set in stone as yet. They wanted someone who had experience with easements, and these people are going in the right direction. They should have something out about that within about a week.

Treasurer's Report: Ms. Lyman provided update of accounts as of year end as follows:
Hubbard-Davis Public Forest - \$14,693.78, income earned for 2005 - \$407.98;
Conservation Land account - \$115,966.46, income earned for 2005 - \$3,220.60;

Conservation PDIP - \$7,850.74, income earned for 2005 - \$272.26; Conservation (Current Use penalties) - \$318,597.97, income earned for 2005 - \$7,039.58.

Mr. Pinkham noted CCC had requested to encumber \$1300 from the 2005 budget to use for trail stabilization, work that was planned but that we did not get to. He noted also CCC needs to align itself with the Upper Saco Valley Land Trust and develop criteria to identify or propose the acquisition of conservation lands. He suggested with \$300,000 available to be spent, we maybe should be considering using some for the Schiavi property or conservation easements. Mr. Haynes questioned why we would need conservation money for the Schiavi property as it was his understanding it was to have been in exchange for Whitaker Woods property. Mr. Pinkham said we have to have a willing seller, and if the offer made by the State is not generous enough maybe we could add to that to make Mr. Schiavi a more willing seller. It was noted the original trade off was to accommodate 22 acres being taken from Whitaker Woods, and Mr. Briggs pointed out that some of it is specific to wetlands conservation, not all Whitaker Woods. Ms. Lyman questioned whether we should be finding out what we can do with our funds and whether time is going to be a factor with the Schiavi property. Mr. Pinkham said no, Mr. Sires is sorting that out.

Mr. Haynes questioned whether another date has been set to meet with the Budget Committee and was told the Town Manager will follow up with the Budget Committee to schedule us.

Whitaker Trail Plan: Mr. Adair said there is no action now; the town has finished the railroad crossings so we can cross that off.

Town Conservation Funds: Mr. Lougee said if we are trying to develop a criteria, he could offer for our use the criteria created for the Saco River, that CCC could look at that to develop a sense of how some of these things on the river in Conway “shake out.”

Proposal for Development Off Thompson Road [See attached email page 4 & 5]:

Mr. Haynes noted the map from Doug Burnell shows conservation easement. Mr. Pinkham said it shows a parking lot and right-of-way on the driveway to condominium units, Artist Falls Trail, and where it heads toward Pudding Pond. Mr. Adair commented that it will be connected to precinct sewer and water. Mr. Pinkham noted detention ponds are there, but could be altered - they are not yet made out of concrete. Mr. Briggs pointed out that this is not automatically going to happen – they have to do a lot of compromising with the Planning Board before this will happen at all.

Douglas Burnell of H.E. Bergeron Engineers joined the meeting to explain plans for the piece of land off Thompson Road being proposed for a PUD (a smattering of individual houses with land to be owned in common – not clustered housing). He noted the only legal access to the town’s Artist Falls piece is through this property, negotiated as an exchange of deeds in 1971. W.G. Duprey got an easement from Artist Falls Corp. of a 50’ right-of-way, and Artist Falls Corp. got a right-of-way through a pipeline through what is now town property. Mr. Burnell noted the land is somewhat a gift to the town,

but is to be preserved in its natural state. Mr. Briggs explained what would be allowed there would be “good forest ~~practice-forestry~~ **management practices**”

Mr. Burnell stated a new road would be built into the property, to town standards, and would require a change of the right-of-way to the road system that is being proposed. They would be looking to the Selectmen for something official, but want to make sure it did not conflict with any input that CCC would have. Mr. Pinkham said it is safe to say there are some advantages that we would realize, but we do not take any official position on any attributes tonight.

Mr. Haynes questioned precinct water from Northface condos all the way up Thompson Road and was told the developer would have to pay for that and has to extend the sewer system. Mr. Haynes expressed concern that they not obstruct the water from its natural course. Mr. Haynes said he appreciates the ideas, but would not want to say we would be willing to trade off on anything.

Mr. Adair said he would like to see the trails built to some recognized trail standards (making them sustainable) so they do not become a maintenance nightmare down the road.

Mr. Burnell said after they “go through all the other hoops” it will require something more official from the CCC. He agreed it is not a done deal by any means, the developer has not as yet purchased the land.

Other Business: Ms. Lyman noted that Lucas Tree has been doing some trimming under the power lines.

Next Meeting Date: The next meeting will be held on February 8, 2006.

Motion was made by Mr. Haynes, seconded by Mr. Adair and carried, that the meeting be adjourned at 7:35 p.m.

Respectfully submitted,

Gail Currier, Recording Secretary

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From: "Doug Burnell" <dburnell@hebcivil.com>
To: <pafour@ttlc.net>
Subject: Peaked Mtn. PUD
Date: Monday, January 09, 2006 3:06 PM

Jan. 9, 2006

Conway Conservation Commission
Attn: Paul Pinkham, chair
Re: Peaked Mountain PUD

Dear Paul & commission members,

Looking forward to my scheduled meeting with you on January 11, I am sending along herewith a plan and the following description of what we are proposing on behalf of our client, Jay DiGiandomenico.

Currently under planning-board review is a 30-unit residential development of the 40-acre Franchi family property on the west flank of Peaked Mountain, between the Town's Artist Falls and Pudding Pond Tracts and also abutting the Green Hills Preserve. This is a still-vacant parcel with a long history of never-completed developments, once partially cleared and graded for a downhill ski area, and later virtually clear-cut for condos. Many drainage gullies come down off the Preserve lands into the steep top part of the property, some of them being jurisdictional wetlands, but they all dissipate into porous soils in the more moderately sloped middle section, before reappearing as full-blown wetlands and Artist Brook on the lower reaches. The 1900 linear feet of proposed new road, two stormwater detention ponds, precinct water and sewer lines, underground utilities, driveways, and building sites have all been configured to avoid these wetlands.

With the abandonment of the North Conway Water Precinct reservoir at the private end of Thompson Road and the formation of the Preserve by the Nature Conservancy, the old Peaked Mountain trail was discontinued in favor of a reroute through the Pudding Pond Tract and off Thompson Road west of the power line. Aesthetically impaired for decades by a private home off Thompson Road built right up against it, the historically heavily visited Artist Falls has become even more isolated with the rerouting of the trail. The Town's Artist Falls Tract, which protects the entire south bank of the brook above and below the falls, is legally accessed only via a 50'-wide right-of-way through the subject Franchi land. Although specific-sounding in the deed description, in the end, the actual location of this right-of-way appears to be left to where it gets built by mutual consent. Since there apparently never was a clearly constructed and used roadway on the ground, our proposal is to fix this formal right-of-way along the new proposed town road, then up

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the designed driveway to Units 25 & 26, and continue to the property line. This would seem to provide a physically feasible vehicular route for logging and maintenance activities on the Artist Falls Tract, but formal consent by the Town and specific dedication by our client should be put in place.

Another idea is to grant four acres of conservation easements to the Town so as to continue protection of the south bank of Artist Brook down as far as possible from the Artist Falls Tract and to also preserve the biggest wetland on the property and its outflow onto the Pudding Pond Tract. Our arbitrary shapes and sizes of these two easement areas avoid construction locations of required stormwater detention ponds, but could otherwise be modified as practical. Again, formal agreement to and acceptance of these easements by the Town would need to take place.

My final scheme would be to provide for trailhead parking somewhere on the lower part of the property, perhaps to the northwest of PUD 3, and for construction of new hiking trails both north up Artist Brook, past the falls, and into the old Peaked Mountain Trail, and south onto the Pudding Pond Tract and into the current trail system. Being a longtime frustrated hiker of the Conservancy's new trail reroutes, I think this configuration would provide a nicer loop and get things up out of the way of the Bypass when it arrives to cut off the current trailhead. It would seem that this last idea could either be incorporated into the initial designs or retrofitted later after things are built-out more. The current thinking, pending successful culmination of the permitting process this winter, is to construct the road system and a model unit this coming year.

See you on the 11th, and please let me know of any thoughts or questions in the meantime. Thanks for your consideration.

Sincerely,

H. E. Bergeron Engineers, P.A.
Douglas C. Burnell, LLS
Vice President