

**MINUTES OF MEETING  
CONWAY CONSERVATION COMMISSION  
June 10, 2009**

A meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Paul Pinkham, David Weathers, Rob Adair, Dan Lucy, Linda Kearney, Charles Broomhall and Conrad Briggs. Also present was Town Planner, Tom Irving.

The Chair appointed Ms. Kearney as a full voting member.

**1. Approval of Minutes: 4/8/09 – Motion by Mr. Adair, second by Mr. Lucy, that the Minutes of the April 8<sup>th</sup> meeting be accepted as submitted. Carried by unanimous vote.**

**2. Public Comment: None.**

**Proposed Cell Tower Location:** Town Planner, Tom Irving, presented a scale model of proposed area for location of a new cell tower, describing the process and steps taken to acquire ZBA approval which required a special exception. The applicant must demonstrate that certain conditions have been met; if there is visual impact the community shall be formally notified of regional impact. The town sent notice to surrounding towns.

To meet special exception standards the applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites and the need for the proposed height and any impact on significant roadside viewpoint. The applicant has demonstrated why they need this particular site, and they scaled back to 140' height (this one can be seen above the tree line). The applicant also provided balloon test analysis, taking photos of where it is visible Mr. Adair questioned whether they have looked at alternative locations, and whether Pine Hill area was looked at as an alternative. Mr. Irving said he did not know, and did not know whether space is available there, noting it is not on our list for cell towers. He said the requirement is to evaluate other sites but where space is available, i.e. there was none on the Cranmore tower, Libby Mt. would not cover the same area. He said when asked whether they considered the one in Conway, the applicant replied it didn't provide what they needed. They did look at other possible sites: Cranmore, former radio station, Settlers' Green, proposed Libby Mt. property, plus an extended tower at Settlers' Green. He stated they have demonstrated that this height is necessary to service this area, they have to get above the tree canopy. They have to demonstrate that there is nothing else available, have to prove they can take more than one carrier. The applicant supplied plans – the total height of the facility is 148' above grade. The ZBA found all standards were satisfied and granted a special exception. The ZBA indicated they did not need another balloon test even though some people from the public had asked for it. Mr. Weathers questioned whether the chief complaint regarding cell towers is visual. Mr. Irving said in this area most often cited is electro magnetic fields.

Mr. Irving stated the base elevation in that area is 597', the tower is 148' – total 745' from the elevation above sea level – “no build” law is 800'. The base will be well below the top of Redstone ledge. Mr. Irving said the biggest concern with this one is you may see it from some of the trails.

Mr. Briggs asked Mr. Irving's opinion as to whether it should be built. Mr. Irving said he believes they have satisfied the standards to the ZBA's satisfaction. He stated it will enhance the coverage from Wal-Mart through East Conway to the Town transfer station.

### **3. Reports:**

**a. Don Johnson** – Not present. Mr. Pinkham noted that Mr. Johnson has submitted a check for an additional \$700 for the timber harvest in East Conway, bringing the total to over \$10,000. He is continuing to work on how to deal with the poison ivy at Shedd Woods – the Town does not have a licensed applicator.

**b. Jeff Lougee** – Not present. Mr. Pinkham reported we have received a Memorandum of Understanding with Nature Conservancy, including regular trail maintenance on Green Hills Preserve and Pudding Pond, and excluding Red Tail Trail - about \$1500.

**c. Treasurer's Report** – Ms. Lyman could not be present, no report provided.

**d. Selectmen's Report** – Mr. Weathers has reviewed with Mr. Sires a letter received from Society for Protection of NH Forests on two public lots. Only two deficiencies were reported: condition of the buildings at the Abenaki settlement area (should either be repaired or taken down because of the liability to the Town). The Town Manager has been in contact with the heir who will be in the area on June 11<sup>th</sup> and Mr. Sires will try to commit him to what he intends to do. Mr. Weathers invited members to meet with Mr. Laurent on the 11<sup>th</sup> with Mr. Sires.

The other deficiency is a recreational structure built on the adjoining property – a snowboarding ramp – the worry is that snowboarders can end up on Town land. Mr. Sires is concerned about the liability and is getting in touch with the property owner to either move the ramp or remove it.

**e. Member Roundtable** – Ms. Kearney questioned whether there is an ordinance whereby if a building is a hazard it must be taken down (she cited as an example the barn on property near Red Jacket). Mr. Pinkham said the owner of the property is responsible for the hazard; there is no ordinance saying it must be taken down – health and safety are the only issues, removal cannot be based on aesthetics.

Mr. Weathers said he has looked at some areas of severe erosion on the Saco on land of Lucy and of Marshall, both of which are losing substantial footage every year. He has suggested to the Lucy's that they get in touch with the NRCS office to see if there is any financial assistance, noting assistance with design alone would be a substantial savings. He noted that Todd Marshall has looked in this.

Ms. Kearney questioned why we are addressing these particular properties. Mr. Weathers stated he has a keen interest in agricultural land and was asked to look at them, noting 63 sites within the Town of Conway have been located that are actively eroding.

Mr. Adair reported the pump track has been completed and is getting a huge amount of use.

#### **4. Other Business:**

**a.** Walker Pond – Mr. Pinkham noted we need to discuss at a future meeting what work needs to be done at Walker Pond, including modifying the trail map, brushing and opening up trails, trees need to be cleared. He noted no money has been budgeted to hire people to do it and it may have to be done by volunteers. Mr. Weathers suggested having Don Johnson's crew do whatever is necessary, paying for it out of the regular budget. It was agreed this would be an agenda item for an upcoming meeting.

**b.** Abenaki Park – see Selectmen's Report above.

**c.** Whitaker Trail Plan – Mr. Adair said he has a list of long term goals which the Committee needs to go over.

**d.** Trail Signs/Information Boards/Rules & Regulations – Mr. Pinkham stated we are still trying to get from Mr. Sires revisions to Rules and Regulations. As regards signs, Ms. Kearney reported she has provided corrected signs to Mr. Hanson.

**e.** **Whitaker Video** – Nothing to report.

**f.** **Wetlands Applications** – Mr. Weathers reported on the second phase on the Saco River Bridges: Main channel, overflow, and Lovejoy Brook. He said the principle work is going to be installing concrete jackets around steel pilings on the three bridges on River Road, wash off steel beams, install epoxy fiber. Decking has just been completed. Request has been made that no further work be done over the Fourth of July.

Mr. Weathers reported that Joe Berry received approval on the Bancroft Homesite design; the only other application is for the John Donovan property at 72 Kennett Street in Conway, having to do with shoreline protection on Pequawket Pond – they are requesting more information.

**New Business: Election of Officers – Motion made by Mr. Briggs, seconded by Mr. Broomhall, to elect Rob Adair Chairman for the ensuing year and Linda Kearney as Vice Chair.** Mr. Adair declined, stating he “has too many irons in the fire.” Ms. Kearney also declined.

**Motion was made by Mr. Weathers, seconded by Mr. Briggs, to keep the current slate of officers. Motion carried with six votes in the affirmative and Mr. Adair abstaining.** [Chair – Paul Pinkham, Vice Chair – Rob Adair, Treasurer – Carol Lyman.]

**5. Next Meeting** – Mr. Pinkham noted there are only a couple of things that need to be addressed which could be handled over the phone, it does not require a Commission meeting. It was agreed the Commission would forego the July meeting and the next official meeting would be held on **August 12, 2009**.

**6. Adjourn: Motion was made by Ms. Kearney, seconded by Mr. Weathers and carried, that the meeting be adjourned at 7:30 p.m.**

Respectfully submitted,

Gail T. Currier, Recording Secretary