

**CONWAY CONSERVATION COMMISSION
MEETING MINUTES
Wednesday, October 10, 2018**

The October monthly meeting of the Conway Conservation Commission took place at 6:30 PM in the Whitaker Home Site Meeting House in North Conway.

Present: Chairman Rob Adair, Vice Chairman Larry Huemmler, Linda Kearney, Treasurer; Nat Lucy, Peter Minnich, Alternate; Selectmen Representative Dave Weathers, Theresa Gallagher, Recording Secretary

Absent: Dan Lucy, Pat Ferland

Also attending: Doug Burnell, President USVLT; Jesse Lyman, Resident; Forester Don Johnson

1. **Approval of the Minutes for September 12, 2018: Chairman Rob Adair asked for a motion to accept the September 12, 2018 meeting minutes; No corrections. Chairman Rob Adair asked for approval of the September 12, 2018 meeting minutes as written; Linda Kearney made the motion; seconded by Dave Weathers. Motion passed unanimously.**
2. Public Comment: Jesse Lyman came before the Commission to thank them for giving consideration to his suggestion of relocating the bridge for the Rec Path. He asked about the red flagging. Chairman Rob Adair explained that the red flags will be the center line and test borings will begin this week, with 200 foot spacing for soil probes and a 1,000 foot spaing for soil borings. Jesse asked about the two crossings; the one that leaves the bridge and heads toward Pudding Pond Trail takes about 50 feet of the trail; he suggested minimizing it and take that 50 feet to the east. There's a clearing in that area and it would allow minimum impact on the Pudding Pond Trail. Rob Adair said the Rec Path Design Committee walked the trail two weeks ago and decided to adjust the crossing and turn it 90 degrees to the north. Rob Adair said he will check on that again. Jesse said the trails are great and people enjoy them, so it's good to have a buffer between them.
3. Reports and Other Business:
 - a. Griffin Hill, of Boy Scout Troop 150, presented his Eagle Award project to the Conway Conservation Commission. Griffin is planning to replace the wooden bridges near the Pudding Pond Trail, which are in bad shape, having exposed broken nails. His goal is to complete the project before the winter sets in. Hancock Lumber donated \$500 worth of materials, and Griffin will donate his labor for the project. The Boys Scouts of Troop 150 will also be involved as part of their community service. Griffin Hill explained the details of his project with pictures of the new bridges, and he described the type of wood he will use for the project. There are 9 bridges in total. Griffin talked about disposing of the old bridges; he said he can remove them. Chairman Rob Adair said it would be ok to let the bridges rot naturally in the woods. Nat Lucy commented that he agrees, but the nails should be removed from the wood. Nat Lucy asked about the wood being used for the new bridges; Griffin said it is smooth wood. Nat suggested making it rough for better traction. Peter Minnich asked about the bridges floating when the beavers build their dams; Griffin said he will put trenches under the bridges and keep them at least 6 inches off the ground. Griffin Hill presented his written proposal to the Conway Conservation Commission and asked for their approval. **Chairman**

Rob Adair asked for a motion to approve Griffin Hill's Eagle Award project. Linda Kearney made a motion to approve Griffin Hill's Eagle Award Project as presented; seconded by Nat Lucy. All in favor. Passed Unanimously. Chairman Rob Adair signed the proposal presented by Griffin Hill. .

- b. Pudding Pond: Forester Don Johnson brought up for discussion the work done near the North Face Condominiums property line, near Pudding Pond, and the issue of the condominium being built past the property boundary line. Doug Burnell presented a map of the area and gave a little history about the two tracts. Years ago Jim Simon purchased the two tracts and deeded them on one deed. A right of way was on the land. The land was sold and a tennis court was built, extending three feet over the boundary line, on the Town's land. The Town decided to give the owners an easement. The land owners purchased more land and deeded another lot. The first condominium building was put up in 1985, and soon after, the land owners started building over the boundary line. In the 1990's they went even further over the boundary line. In 1994 HEB Engineers received a call from the Condo Association asking for help in finding their boundary lines. HEB Engineers gave them a proposal and never heard from them again. There are 44 units in the Condominium on a small piece of land.

Doug Burnell offered three suggestions for addressing the boundary line issue: 1) Adjusting the boundary line; there is a lot of fill on the property. Dave Weathers asked if the Condo Association has the authority to sign for the whole group if there is a boundary line adjustment. Doug explained that their by-laws state that any action costing over \$3,000 has to be voted on by the members. 2) Give another easement, which would be easier. It would avoid going to the Planning Board with a lot of paperwork and expenses. 3) The Town could order the condominium to get off the Town's Common Land, which could be a long process and expensive with lawyers being involved. It is believed that the Condo Association is aware of the situation. Nat Lucy suggested doing the boundary line adjustment and let them pay a fair price for the land. Doug Burnell agreed that would be the more permanent solution. The Town Assessor will determine the value of the land. Dave Weathers suggested the Conservation Commission take a vote on a recommendation, and then present it to the Board of Selectmen. The Selectmen would be the ones to make the decision. Peter Minnich asked if it would affect the Rec Path. Doug explained that it would bring the property closer to it, but not too close. Doug Burnell said he will find out whom to contact at the Condo Association. Nat Lucy asked if it would be up to the Board of Selectmen to send them a letter regarding the situation. Dave Weathers said the Conway Conservation Commission has to come up with an agreement to present to Tom Holmes and the Board of Selectmen, and then the letter will be sent to the Association. Nat Lucy questioned the building that was constructed, at that time was it set back according to regulations? Doug said it is about 20 feet from the boundary line. Dave Weathers commented that it still is a concern. Rob Adair asked if the Commission is ready to come to a consensus; the land is common land, and the Conway Conservation Commission is responsible for it. Dave Weathers suggested coming up with a vote first, to be presented to Tom Holmes at a meeting, and possibly with the Town Attorney present. Dave Weathers said he would Chair the meeting. **Nat Lucy made a motion to have the Conway Conservation Commission recommend to the Town's Board of Selectmen that, in light of the situation with the Condo Association boundary line encroachment, the best resolution would be to have a Boundary Line Adjustment that accommodates the infraction, and have the owners of the property that created the infraction pay for the Boundary Line Adjustment work and also the fair value for the land. Linda Kearney**

seconded the motion. There was no further discussion. Rob Adair asked for a vote to approve the motion. All in favor. (6-0)

Doug Burnell provided a copy of the report he presented at this meeting.

Doug Burnell spoke about the Upper Saco Valley Land Trust being offered free land, which involves the Town and the Affordable Housing Committee. The land is 100 acres near the Red Stone Quarry. He presented a map that showed three pieces of the land. The land is vacant and the owner offered to donate it to the USVLT. It has a lot of encroachments and poorly defined boundaries. It is next to two lots that the Town owns, and it is near a right of way. He pointed out where the quarries are located. Doug Burnell would like to see the Red Stone Quarry land put back together with some historic recognition for its importance in the past. Nat Lucy asked why would the USVLT say no to the donation. Doug explained that the Land Trust will probably not say no, but they will be inheriting some encroachments, and boundaries that have not been surveyed. A map of the property was drawn on paper in 1962, and that's all they have. There are some ATV trails on the land. Doug Burnell wanted to make the Conservation Commission aware of this offer, in case at some point they would have to be involved. Nat asked what they would do with the land once they acquired it. Doug Burnell explained that it would be one huge piece, as is. The Land Trust would have to do surveys. Dave Weathers suggested they accept the land, except for the section to the west where the encroachments are. Nat Lucy asked if there are any access points that would be vital to the Town. Doug Burnell pointed out one area that has not been maintained. It has an old Town Road on it, class six, which has not been officially discontinued. Doug said that he presented this offer to the Conservation Commission because he was just brainstorming for ideas, and he would like to see the old Red Stone Quarry have a special attraction. Nat Lucy commented that he would like to see USVLT take the land and let the Conway Conservation Commission manage it.

- c. Forest Land Improvement: Forester Don Johnson reported that they have completed mowing the landings on Hurricane Downhill Trail. The upper landing is easy to maintain. They worked on the Abenaki site, and cleared some encroaching hardwood. Now it looks good; he mentioned that the site has a lot of poison ivy on it. Don reported that he still has some forest land improvement work to do at Pudding Pond and Whittaker Woods. There are several thousands of dollars left in the budget. He reported that the budget includes timber sale from Whittaker Woods; they sold the wood last Fall and it was very successful. Don Johnson mentioned that the gate came apart; the pipe broke off. Nat Lucy said he got a call about that two weeks ago. Paul Degliangeli said he can fix it with a cable. Linda Kearney said you don't always see the cables when riding.

Don Johnson asked Rob Adair for the contact person for NEMBA; there is some erosion at the landing on the Red Tail, and he would like to see it addressed. Rob agreed that the priority is to take care of all the drainage on the landings, and he told Chris from NEMBA about it, but Chris was injured before the work was completed. Don Johnson asked if anyone had questions about his report. Nat Lucy asked Don Johnson to call him if he is going to do any work in Whitaker Woods, because they would like to get the trails ready for the winter.

- d. NEMBA – Cranmore Connector Trail: Rob Adair reported that he contacted Public Works Director Paul Degliangeli about the Cranmore Connector Parallel Trail, and he agreed it

would be a good thing; Rob said he has not yet heard back from Town Manager Tom Holmes. It will be a project for next year.

- e. Selectmen's Report: Dave Weathers reported that Cranmore Shores is closed this week. They are replacing the culvert and the job is half way complete. No dredge and fill permits have been submitted. The work on Seavey Street was held up by the water precinct. Nat Lucy asked about the land behind Stan's garage in Conway Village. Dave Weathers reported that the Town did maintenance on the bridge a few times, but there is no record as to who owns the bridge. It's privately owned, and there is a right of way on the property.
- f. Member Round Table: Peter Minnich asked about the signage on the Marshall Conservation Area property; some people wanted to use the trails and they were wondering a) which trails were good for hiking and b) if there would be any hunters on the trails during the hunting season. Dave Weathers stated that the only restriction for the hunters is that they cannot be within 300 feet close to a home. Peter said he thought there would be a kiosk at the entrance to describe the easy trails and the more challenging trails. Rob Adair said he made some signs and needs to make more to post on the trails.

Rob Adair asked for a motion to adjourn the meeting at 7:46 P.M. Linda Kearney made the motion; seconded by Rob Adair.. Passed unanimously.

Respectfully Submitted,

Theresa Ann Gallagher

Recording Secretary