

**CONWAY CONSERVATION COMMISSION  
MEETING MINUTES  
Wednesday, December 12, 2018**

The December 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; Dan Lucy, Peter Minnich, Alternate; Selectmen Representative Dave Weathers; Theresa Gallagher, Recording Secretary

Absent: Pat Ferland, Nat Lucy

Also Attending: Forester Don Johnson, Steve LaFrance, Horizons Engineering, Inc.; Jeff & Tom Burke, Gordon T. Burke & Sons, Inc.

1. **Approval of the Minutes for November 14, 2018: Chairman Rob Adair asked for a motion to accept the November 14, 2018 meeting minutes; Linda Kearney pointed out one spelling error on page 2; Linda Kearney made the motion to approve the minutes as corrected; seconded by Peter Minnich. Motion passes 4-0. Vice Chairperson Larry Huemmler abstained because he was not present.**
2. Public Comment: None
3. Reports and Other Business:
  - a. Rob Adair reported that an application for Alteration of Terrain for Excavation for a Proposed Ledge Pit was submitted by Horizons Engineering. Steve LaFrance presented the drawn out plans to the CCC members. The site is off East Conway Road, and is 60 acres. Steve pointed out the access to the site, which is set back far off of East Conway Road. The access would be through the abutting property that already has existing roads. Dave Weather asked about any restrictions; Steve said the Town requires them to stay 4 feet above seasonal high water table. Dave asked about the depth; Steve said it would be about 10 feet deep. They don't know where the ground water table is. Three things could happen: 1) It will be a pond when the excavation is completed. 2) It will be a graveled lot. 3) It will be developed for a building, which is not very likely. Dave Weathers asked about a restoration plan required by the State. Steve said the State treats Gravel Operations and Quarries differently; since there is no discharge off the site, they will not have to do drainage compensation. Steve explained that the operation will be crushing stone used for construction. There are two wells nearby, which will be tested periodically as drinking water. The stone will not be washed at the site. Dave Weathers asked if there will be any surface water coming into the site; Steve pointed out where it could possible come in, and he explained how they will redirect it away from the site. Steve explained that the access road to the site is a snowmobile trail during the winter, but it is also drivable by car. They have Phase I and Phase II plans for the road. Dave Weathers asked about the time line. Steve LaFrance said they plan to work the site for 15 years. It's all based on the marketing demands. The parcel to be worked for the ledge pit is about 20 acres. Dave Weathers asked if it was going to be fenced in or labeled. Steve LaFrance said it will be gated. Rob Adair announced that the Conway Conservation Commission needs to write a letter to the Planning Board stating whether or not they have any environmental concerns or issues with the application. Rob Adair said he needs a motion to

have the CCC write the letter. Steve LaFrance stated that the only outstanding issue he has on the drafts is the memo that Tom Irving provided, stating the he needed comments and issues reviewed by the Conservation Commission. Dave Weathers asked about filling the location before they get overflow. Steve LaFrance said that's why they are digging pretty deep. Steve said if they do get water accumulating in the bottom they can leave a bunch of stone on the bottom to walk on. But he said if it got so bad, like there was a hurricane, they could get an industrial discharge permit through the EPA. Linda Kearney asked how much the blasting will affect the nearby homes. Steve LaFrance stated that it is not a concern because 1) it is 1,500 feet from the nearest building, and 2) the location is up higher than the housing. The possibility of having cracked foundations is 0. You will be able to hear the blasting, but it will happen once only every couple of months. Rob Adair reviewed the two waivers: 1) Not being 4 feet above the seasonal high water table, 2) Leaving 4 inches of top soil at the quarry site, which cannot be done at a quarry. **Dave Weathers made a motion that the Conway Conservation Commission send a letter to the Conway Planning Board/Board of Selectmen to let them know that the Conway Conservation Commission has no objections to the proposed excavation application as presented at this time, and with additional review in the future, they reserve the right for further comment; seconded by Linda Kearney. Rob Adair asked for a vote; all in favor. Passed unanimously, 5-0.**

- b. Forester Don Johnson gave an update on the work he did. He said the work will be done by the end of December. He had a difficult Fall, due to the weather conditions. He also mentioned that they still have 8 months to complete all the work in the Spring. The last thing they were trying to finish up on the budget was to do some forest stand improvement work. It was scheduled to be done in Pudding Pond, but they did the work in Whitaker Woods. They wanted to remove the hardwood because the seedlings were starting to come in. There also is a lot of advanced softwood regeneration in there. The wet snow at the end of November made it very difficult to get the work done. The trees were bent over and covered in snow, and then they froze. A lot of the softwood will be lost. Don Johnson said he went over to the East Conway Common Lands to see how bad it was over there. It got hit, but not as hard. Most of the trees are standing, but some got bent over. Don Johnson says he blames this problem on climate change. They will continue to get the hardwood out of Whitaker Woods; they did about 6.5 acres. He reported that the budget is under by about \$1,000. Peter asked if the bent over branches will straighten out again. Don said that they are not broken, but their conductive tissue is messed up. Don reported that this has not happened before, and he believes it will recover.
- c. Rob Adair reported that the MWV Adult Care submitted an application for the installation of one single culvert, with 200 feet of disturbance on it and expedited minimal impact wetlands application. **Rob Adair asked for a motion to approve the expedited wetlands application to install a culvert at the MWV Adult Care. Vice Chairperson Larry Huemmler made the motion; seconded by Linda Kearney. All in favor. Passed 5-0.**
- d. Land Acquisition Discussion: Rob Adair said he received a call from Sut Marshall to say he got a call from Julie and Justin Hussey, who have 60 acres of land north of the Marshall Conservation Area. Sut has been asking them for a few years if they had any interest in selling the land. Justin and his Uncle Brian own the property. It was heavily logged a few years ago. They wanted to know if the CCC was interested in purchasing it. Rob spoke with a licensed real estate appraiser, and he said the cost would probably be the same as the Marshall Conservation Area, which is about \$1,500 per acre. The low rating would be about \$1,000 per

acre. There is no road frontage, and no timber on the land. Dan Lucy asked if it is wet. Rob Adair said there is a brook in the northeast corner of the land, so there may be some wet areas. The cost of the land would be from \$60,000 up to \$90,000. Rob Adair reported that there is \$115,000 in the Conservation Land Account, \$137,600 in the Conservation Current Use Account, which can be used for land acquisition, and \$20,000 in the Conservation Account. The total is roughly \$260,000. Some of the accounts roll over every year. Dave Weathers commented that he disagrees with the land being worth \$1,500 acre, with inaccessibility. It has been timbered, so it won't have timber sales within our life time. Peter Minnich added that the Commission should be careful about what the money is spent on. He said it may be of value to the CCC because it abuts the Marshall Conservation Area, but the condition of the land is not good, Dan Lucy said the condition of the land probably won't affect the CCC's decision, and it's not a wise place to spend money, but if the CCC doesn't buy it, what will happen to it. Peter Minnich said that's also his concern. Dave Weathers stated that if the CCC does buy the property, it would have to have a right of way on Justin Hussey's existing property. Rob Adair asked the Conway Conservation Commission if they 1) want to pursue this any further 2) if they do, the first thing to do is to hire an appraiser. Dave Weathers reminded everyone that you can take the cost for an appraiser out of the acquisition account. Peter asked if it would be worth hiring an appraiser. Rob Adair asked Julie and Justin Hussey what they think the property is worth, and they said they have no idea. Rob Adair reported that the Marshall Conservation Area has 400 acres, and it cost \$2,400 for the appraiser in 2013. Dave Weathers commented that the appraiser would have to confirm where the boundary lines are. Dave Weathers suggested to Rob Adair, that if he talks with them again, he should tell them that the CCC needs to have a rough idea of what they are looking at for the cost, and also, if it is purchased by the CCC, they need to have a right of way granted for forestry and recreation management. If they don't agree to that, we should be more careful. Dan Lucy pointed out the 400 acres of the Marshall Conservation Area is protected, but how much money does the CCC invest to do that? So to protect the 60 acres would be more costly, and he thinks the price is way too high. Dave Weathers commented that, as a Board of Selectman, he doesn't like taking too much money off the tax roll. Dan Lucy said he cannot make a decision until he sees what the land is like. Rob Adair summed up the discussion, saying that he will talk with the Husseys, and let them know the CCC needs to know the value of the land, and what are they expecting to get per acre; he also will mention Dave Weather's request for a deeded access for recreation maintenance and timber management. He will also ask if they have a boundary line survey. He will ask them if they have any objection to the CCC taking a walk on the property. Rob Adair will report to the CCC the responses at the January meeting.

- e. Rob Adair reported that MWV Rec Path has a late request; There are 10,000+ square feet of wetlands being impacted, mostly between Cranmore and Thompson Road. The DES prefers that the Rec Path do wetlands mitigation or land protection in lieu of paying a fee. The Upper Saco Valley Land Trust could partner with the MWV Rec Path, and protect the wetlands and restore stream bank restoration, and that could be a credit toward the 10,000 feet of wetlands that are being impacted. Dave Weathers asked what land they will work on, Upper Saco Valley Land Trust? Rob Adair said, yes, it doesn't have to be immediately adjacent to the Rec Path. Dave Weathers asked if the applicant is going to put money into their land to do some habitat management? Rob Adair said he doesn't know. Rob Adair said the CCC doesn't have to make a decision tonight, he just put it out there for thought. Dave Weathers said he never heard of an applicant taking resources and putting them into someone else's land.

- f. Rob Adair reported that for the last three years he groomed the trails in the Marshall Conservation Area; he would like to continue, if no one has any objections. He uses a “Snowdog” for single track grooming. Rob reported that there are some people interested in grooming some trails on the east side out of Hemlock Lane. They talked about buying a machine. Rob Adair asked if the CCC would have any objections to Rob supporting some grooming in the DOT mitigation lands existing trails; one of Rob’s friends will do it with his machine. David Weathers asked about the liability. Rob Adair Said he will talk with Tom Holmes, Town Manager, about that. **Vice Chairperson Larry Huemmler made a motion to allow Rob Adair to groom the trails in the Marshall Conservation Area, and also some trails on the East Side of Hemlock Lane; Dave Weathers seconded. All in favor. Passed 5-0.**

Rob Adair asked for a motion to adjourn the meeting at 8:00 P.M. Dave Weathers made the motion; seconded by Linda Kearney. Passed unanimously.

Respectfully Submitted,

*Theresa Ann Gallagher*

Recording Secretary