

**CONWAY CONSERVATION COMMISSION
MEETING MINUTES
March 13, 2024**

The March monthly meeting of the Conway Conservation Commission convened at **6:30 PM** at the Whitaker Meeting House in North Conway, NH.

Present: Chairman, Nat Lucy; Vice Chairman, Dan Lucy; Selectmen's Representative, David Weathers; Treasurer, Linda Kearney; Rob Adair via phone; Peter Minnich; Larry Huemmler; Paul Getchell; and Recording Secretary, Jacqueline White.

Absent: Corbett Tulip.

Also Attending: Andrew Smith, Town of Conway; Paul DegliAngeli, Town of Conway; Chris Meier, MWTA; and Tim Nolin, Forest Land Improvements.

1. Approval of the Minutes for December 13, 2023:

Mr. Peter Minnich made a motion to accept the December 13, 2023 minutes as written; seconded by Mr. David Weathers. Motion passed (6-0-1) with one abstaining.

2. Public Comment: None.

3. Reports & Other Business:

A. Oak Street Turnaround for Town Plows: Andrew Smith, Town of Conway

Ms. Jacqueline White handed out a sketch of the proposed plow turnaround at the end of Oak Street. Mr. Andrew Smith explained the Town has had some difficulty with the Property Owner of the driveway that we normally turn the Town plows around in. Mr. Smith said he met Mr. Nat Lucy at the end of Oak Street to discuss the possibility of the turnaround. Mr. Smith said the proposed turnaround would be gravel. Mr. Smith stated they did identify three oak trees that would need to come down. Mr. Smith said he is looking for permission from the Conservation Commission to create this turnaround for the Town's plows.

Mr. Nat Lucy stated that he and Mr. Tim Nolin looked at the area and noticed the oak trees are dead or will be by July. Mr. Lucy said later on in the meeting we will discuss a salvage cut because of all the dead trees. Mr. Lucy stated about 100 feet in from the proposed turnaround was a log landing from a previous salvage cut. Mr. Lucy said if a salvage cut is approved, he would like to re-create that log landing. Mr. Tim Nolin said if we did create this log landing, it would open up another access for trail maintenance. Mr. Nolin stated we would need to control that access and suggested a gate to block it off, or a chain, or cable.

Mr. Larry Huemmler asked if the turnaround would be gravel. Mr. Andrew Smith answered in the affirmative. Mr. Nat Lucy said the idea would be to have it look as innocuous as possible and have it not look like a parking lot. Mr. Peter Minnich asked if people use that as an entrance now. Mr. Lucy answered in the affirmative that walkers and foot traffic use it. Mr. Andrew Smith said the only issue with a gate would be that the turnaround is for Town vehicles, which would include Police and the Fire Department and suggested 'No Parking' signs. Mr. Nat Lucy said all of the trees Mr. Smith marked to take down, are dead.

Mr. Nat Lucy made a motion to approve a gravel turnaround for Town plows at the end of Oak Street on Whitaker Woods land; seconded by Mr. Dan Lucy. Motion passed unanimously (7-0).

B. Rec Path Phase II Update: Paul DegliAngeli, Town of Conway; Chris Meier, MWVTA; and Josh McAllister, HEB Engineers

Mr. Josh McAllister with HEB Engineers presented a power point on the proposed Rec Path Phase II. Ms. Jacqueline White handed out the schematic design plans of the path. Mr. McAllister described the thoughts and design process they have gone through. Mr. McAllister said his presentation will focus primarily on the Whitaker Woods section of the path. He stated the limits of this project are it starts at the existing terminus of the Rec Path Phase 1 at Cranmore Mountain and around the parking lots, heads down Old Bartlett Road, crosses the power line corridor to Kearsarge Road and crosses Kearsarge Road into Whitaker Woods. The path does bump out of Whitaker Woods by the Burke property and then runs down the railroad tracks to Intervale Crossroad and ultimately the goal is to end the path at the Scenic Vista.

Mr. Josh McAllister stated the pathway section going through Whitaker Woods did have some design challenges, there are some wet areas and steep slopes, which is very consistent with what they had to accommodate with the first phase of the Rec Path. Mr. McAllister described a section of the project; working our way from Intervale towards Whitaker Woods, the entrance would be near the existing outlet where there is a crossing of the pathway to Whitaker Woods across the railroad. He said this is due to the requirements of where the Railroad would like to see the location of the crossings. The current crossings on the railroad are not permitted, but this one for the Rec Path would be permitted through the Railroad Bureau. After the Railroad crossing, Mr. McAllister said we will follow the existing trail up until it hits some wetlands, which we trying to avoid. The existing trail does go through the wetlands. Mr. McAllister explained we would like to avoid impacts to the wetlands. Ms. Jen Hall asked if the existing trail is the Power Line trail. Mr. McAllister answered the existing trail is the Perimeter Trail. The Rec Path will weave in and out of the Perimeter Trail avoiding wetlands and steep slopes. Weaving in and out of the Perimeter Trail will create some complexity and fun for the users.

Mr. Josh McAllister discussed the two proposed boardwalks over wetlands and explained the hard 90 degree turn the path makes it is to avoid abutting properties. Mr. McAllister explained the path will continue along the border of the Lynch property and come to another boardwalk to avoid wetland impacts. The proposed path will go around the edge of the Lynch property, again weaving off of the Perimeter Trail which does cross onto the Lynch property. Mr. McAllister pointed out the proposed retaining walls further down the trail and some stone slope construction, the proposed retaining walls will look similar to the retaining walls on the Rec Path Phase 1. Mr. McAllister explained one of the things we are sensitive to in the design process is not cutting wide swaths of trees so the retaining walls become critical in that aspect.

Mr. Josh McAllister said they have been able to maintain ADA compliance throughout this project. Mr. McAllister stated the proposed path will exit at Kearsarge Road in the already existing parking lot and will cross over into the power line easement by the substation. The path meanders through the substation and down to Old Bartlett Road.

Mr. McAllister said on the Intervale end of the pathway they are exploring the feasibility of a tunnel under Route 16 to the Scenic Vista. This option is likely cost prohibited with the funding that is available. Mr. McAllister explained if the tunnel is not feasible, this phase of the path with terminate at the S turn on Intervale Crossroad.

There was a brief discussion on the Intervale end of the pathway regarding the tunnel and parking.

Mr. Tim Nolin asked where the pathway enters off Kearsarge Road is where the Town's access for any and all management for forest or trail construction. Mr. Josh McAllister explained just north of that is wetlands and they are trying to avoid impacts to wetlands. Mr. Paul DegliAngeli said it will be just like the Pudding Pond access where its dual use.

Mr. Weathers asked if NHDES will require you to mitigate the wetland impacts. Mr. Josh McAllister said he is not sure if they will get to the magnitude of wetland mitigation, where the wetland impacts are being restricted primarily to driven piles for the boardwalks.

Ms. Jen Hall asked if the path will affect the Abenaki Land or is it going on the Post Office Side of the railroad tracks. Mr. Paul DegliAngeli answered it will not affect the Abenaki Land.

Mr. Nat Lucy asked if the retaining walls will be all out of site. Mr. Josh McAllister answered yes, they are below the path, but in some locations, we have stone slope on the other side. Mr. Lucy asked what kind of stone. Mr. McAllister replied rip-rap. Mr. Nat Lucy asked if there is a more aesthetically pleasing material that could be used. There was further discussion regarding the stone slopes and a brief discussion on walls and fences. Mr. Rob Adair asked what is the total length of wall that is proposed. Mr. Josh McAllister stated there is 165 foot long retaining wall with fence proposed.

Mr. Nat Lucy stated his concern is the up slope retaining walls and the look of them. Ms. Linda Kearney stated she feels the most important thing is to get this pathway built. Ms. Kearney ~~said she~~ said the first phase looks great and she has noticed that a lot of people are using it.

There was further discussion regarding retaining walls, stone slopes, and planting local vegetation.

Mr. Wryan Feil asked if the proposed path will be paved. Mr. Josh McAllister answered in the affirmative.

There was brief discussion on the Perimeter Trail and the proposed pathway weaving on and off the trail and the popularity of the trail.

Mr. Josh McAllister stated our intent here is to present to the Conservation and the next step is to go before the Board of Selectmen for a Public Hearing.

Mr. Chris Meier stated this has been a long process. The original rec path that was proposed had four public hearings almost 10 years ago. We took a lot of input of where the trail should be located from these public hearings. The public expressed they did not want the rec path on the Whitaker Homesite side of Whitaker Woods because those are the most popular trails. Mr. Meier said this is why the proposed second phase of the recreation path is being put along the perimeter on the other side of Whitaker Woods. Mr. Larry Huemmler asked if there are any deed restrictions for paving in Whitaker Woods. Mr. Chris Meier said there is four separate parcels with different deed restrictions. Mr. Meier stated we touch on two parcels that have two deed restrictions and the overall conditions that land shall be used for public recreation and maintained in a wild natural state. There are specific conditions prohibiting motor vehicles unless if being used for maintenance purposes, no firearms allowed, and to keep signage at a minimum. Mr. Meier explained there is no NH case law on this, but its almost identical to the Baxter State Park Provision; which is if you are serving one of those purposes, then you are okay and we are serving the purpose of public recreation.

There was a brief discussion on funding available for the Rec Path Phase 2 and how long it will take to build.

Mr. Jesse Lyman asked to go on record requesting for the pavement to be the last thing done in construction so there is no damage to the pavement. Mr. Paul DegliAngeli explained the construction process and how many times the contractor had to return to fix the pavement on Phase 1.

There was a brief discussion on the popularity of paved recreation paths and beginner level terrain.

Mr. Tom Eastman asked if the Rec Path will impact the possibility of extending the North South Road to Intervale. Mr. Paul DegliAngeli answered there is no plans to extend the North South Road.

C. Redstone Quarry Bike Trail:

Mr. Nat Lucy said there is an individual that would like to do a mountain bike trail in the Redstone Quarry that would help correct a trail congestion issue, but they could not attend the meeting tonight. Mr. Rob Adair asked what organization would be doing this. Mr. Nat Lucy stated he will find that out.

D. Membership Terms Expiring: Peter Minnich & Larry Huemmler

Mr. Nat Lucy asked Mr. Peter Minnich and Mr. Larry Huemmler if they are interested in serving another 3-year term on the Conservation Commission. Mr. Minnich and Mr. Huemmler both answered in the affirmative.

E. Selectmen's Report:

Mr. David Weathers stated the Town Hall has received a lot of positive feedback from the public on the revised winter trail system in Whitaker Woods for cross country skiing and walking.

F. Member Roundtable:

Mr. Nat Lucy stated the Commission has two special event applications to review for use of Whitaker Woods. Mr. Lucy shared the first is a request by the White Mountain Milers to use Whitaker Woods for their Trail Race Summer Series.

Ms. Linda Kearney made a motion to approve the White Mountain Milers request to use Whitaker Woods for their Trail Race Summer Series; seconded by Mr. Dan Lucy. Motion passed unanimously (7-0).

Mr. Nat Lucy said the next request is by the White Mountain Community Health Center to use Whitaker Woods for their 5K Fundraiser planned for May 18, 2024.

Ms. Linda Kearney made a motion to approve the White Mountain Community Health Centers request to use Whitaker Woods for their 5K Fundraiser planned for May 18, 2024; seconded by Mr. Dan Lucy. Motion passed unanimously (7-0).

Mr. Paul Getchell discussed the Walker Pond Lands and replacing the old signs and has decided to reduce the number of signs from six to three. Mr. Getchell stated he is having a hard time tracking down the old photographs that were used for the original signs. Mr. Getchell has gotten two estimates for these signs around \$2,000 a piece including shipping, but not installation. Mr. Peter Minnich asked if he will present the signs to the Commission before ordering. Mr. Getchell answered in the affirmative. Mr. Getchell said he is writing to two grants; the Goldberg and Pequawket and the Goldberg is due at the end of the month.

Ms. Linda Kearney made a motion to approve submitting grant requests for the Walker Pond Land; seconded by Mr. Nat Lucy. Motion passed unanimously (7-0).

Mr. Tim Nolin said he walked the Whitaker Trail with Mr. Nat Lucy and found a tremendous amount of dead and dying wood along it. Mr. Nolin said its not just scattered trees here and there. Mr. Nolin said not only does it look bad, there is a serious safety concern. Mr. Nolin stated right now there is still some value in these oaks. Mr. Nolin said he has been doing salvage work all over; including the DOT lands, for the Town of Albany, and for the Nature Conservancy. Mr. Nat Lucy said if you start at Oak Street and walk along the railroad tracks and to the power lines, its mostly Oak trees and its mostly dead and he suggest others go walk and see for themselves.

Mr. David Weathers said we know now that they are dying and dropping limbs in the trails, we have no choice, for safety we need to do a cut. Mr. Weathers suggests we have to put this out to the Public ahead of time to let everyone know why this is happening. Ms. Linda Kearney said perhaps we could put an ad in the Paper. Mr. Tom Eastman offered to do an educational article in the Paper to explain why the trees are being cut.

There was further discussion on safety and salvage harvests.

Mr. Tom Eastman asked why all the trees are dead. Mr. Tim Nolin explained there were gypsy moth infestations in the summers of 2021 and 2022 that destroyed most of if not all of the Oak Trees. Last year in 2023, the few trees that started to come back were killed by the late frost that happened.

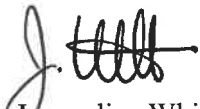
An informational walk was scheduled for Wednesday, March 27th at noon and the Selectmen will be invited, as well as the public.

Mr. Nat Lucy asked for all to go take a look at the dead trees in Whitaker Woods and we will discuss again at the next Conservation meeting.

Next Meeting: The next CCC meeting will be on Wednesday, April 10, 2024 at 6:30 P.M. at the Whitaker Meeting House in North Conway, NH.

Adjourn: Mr. David Weathers made a motion to adjourn at 8:15 P.M.; seconded by Ms. Linda Kearney. Motion passed unanimously (7-0).

Respectfully Submitted,



Jacqueline White
Recording Secretary