

Members: Members: Chairman Carsten Springer, Allan Hess, Jason Holder, Robert Loree, Patty Shogren (Alternate member)

Absent: David Caillouette, Kim Farah (BOS representative)

Others in attendance: Wayne Morrill (Jones & Beach Engineers, INC), Attorney Timothy J. Tanner (TJT Law, LLC) and Shawn Savage (Owner, Unit Construction)

Meeting called to order @ 7:42 PM and was televised and Live Streamed

Pledge of Allegiance was recited: by those present

New Business: The chairman introduced the group that representatives of Terra Realty who will make a presentation and asked for a clarification by them if this was a gravel or sand pit. Mr. Tanner replied it was a gravel pit and added they have a temporary conditional gravel permit. Mr. Tanner introduced himself as representing Terra Realty Trust. He stated he is new to this process which began in 2000. He stated that Wayne Morrill's office has done some wetland delineation surveying. Carsten asked him to clarify for the viewing audience where this parcel is located. Mr. Tanner stated the property runs from Tuckertown Road to the powers lines. They have access to this parcel on the west by a road to the power lines. A brief discussion amongst the board clarified the location in relationship to the town forest. Mr. Tanner noted some back history regarding this parcel. He stated his client has a conditional use permit with provisions that must be met. They have plans to present here, showing the roadway intended for the area. He expressed the need to widen the existing road in order to get trucks in and out. Carsten, asking for input by other members of the ConCom, then spoke to try and delineate the areas of responsibility by various boards in regard to this property. He noted the Forestry Committee has management of the town forest, interjecting that he and Bobby Loree are members of the Forestry Committee. As per engineering issues, the situation of this parcel requires authority to go to the Board of Selectman (BOS) rather than the planning board (PB). Carsten apprised the group that in 2000 there was a NH Supreme Court case regarding access to the property. The NH Supreme Court specified items regarding water levels in the road and stipulated that things that were to be done in a certain way, placing the conditional use permit in the hands of the BOS in this situation rather than the PB.

{<http://www.courts.state.nh.us/supreme/opinions/1998/cormier.htm>} Carsten commented he would like to see the plans for the property presented at this meeting, specifically in regards to the water that flows across and under the road when the water level rises. Some water control conditions were specified in the NH Supreme Court (SJC) ruling regarding this. Carsten welcomed input from the engineer felt Carsten's interpretation was correct. Carsten continued by explaining the water flows to a meadow which then gets dammed up by beavers. Beaver control pipes have been in place and the water levels kept low enough per the SJC. It had just been done last month with money budgeted by Forestry last fall. For the Conservation position, he would like to hear what the plans are in relationship to the town forest, noting it is a town road and the road agent may have questions as well, but stated that the next step was to go before the BOS. The Terra representatives agreed with his brief summary. Mr. Morrill, Terra engineer, advised the group that in 2000 the ConCom hired Ensure (SP) to review the water mitigation to bring Tuckertown Road to a passible standard. Carsten asked Jason if he was on the ConCom in 2006. After after reflecting, Jason responded in the affirmative. Mr. Morrill stated the Terra group hired Mark West of West Environmental to delineate all the wetlands along Tuckertown Road. And stated that Mr. West found that no wetlands had moved in 10 years. Carsten stated he would like to look carefully at that. He noted his familiarity with Mr. West's assessment. It is public record that some of Mr. West's wetlands assessments as in the Rockingham trail were inaccurate. The engineer stated although dry this year, one can tell by the leaf matter where the wetlands are. They delineated, verified and went out and plotted all the wetlands along Tuckertown Road. Mr. Morrill indicated the wetlands were outlined in blue on the

plans he brought with him, pointing out 2 culvert that were installed as part of the conditional to access and were a third existing culvert was installed. He stated there was an area before getting to the the power lines that they were allowed to put fabric down for stone to be placed over it allowing flow across the road. They checked today and that area was dry. Carsten thanked Allan for his work on the beaver pipes affecting that area. Mr. Morrill stated that the roadway was saturated for a long time and vegetation has grown up. There is a 2000 sq. ft. area, 200' long by 10' wide (nearby the old shooting pit as inquired by Bobby), and will be working with Mr. West to bring this to the ConCom for a expedited wetlands application. Carsten informed him that this needs to be brought to the BOS first and most likely will come under the review of the town engineer, Dennis Quintal. When asked, Mr. Morrill indicated that no further clearing of the area will be needed. He noted the 5 or 6 cleared areas are big enough for 2 trucks to get by each other. Carsten further noted that forestry had done some logging two years ago and suggested the Terra group meet with forestry at some point to coordinate efforts accessing the town forest should any further clearing be necessary in the turn around areas. When asked by Jason, Mr. Tanner replied the project will take over 1 year to remove 8 hundred thousand ton of gravel given the provisions under which they must comply and the size of the trucks they can use. There is an area just before their property under the power lines, that is wetlands. This is a significant wetlands crossing, which may require major wetlands permitting. Carsten noted there are no property lines on these plans and asked that they be added for clarity. Jason asked what will happen to the property when the work is done. Mr. Tanner responded it will be deeded over to the town within 30 days of completion. It will be a park for the town, approximately 56 acres including 3 ponds. Allan asked that Carsten be notified when the meeting with the BOS will take place. Carsten commented that he would speak with Kim Farah, our BOS representative, who could not make the meeting tonight. Carsten asked that ConCom look at the northern, first crossing, just prior to their property at a future date to make sure it is properly done recognizing it is not on their property. Mr. Tanner interjected they have a vision what it will look like when done. They have been to the National Heritage Bureau which found no indigenous species or plant life and will now go to the BOS. They would like a note regarding the beaver dam sent to the BOS. They would like a copy of the minutes from this meeting tonight and when unsealed, a copy of the non-public minutes {6/16/2016} related to this property.

#### Review Minutes:

Carsten appointed Patty a voting member for the evening in the absence of David.

The minutes of the 6/16/2016 meeting were reviewed. Patty made a motion to approve the minutes as amended, seconded by Carsten. The motion passed.

The non-public minutes from 6/16/2016 were reviewed. Carsten made a motion to unseal the minutes and attach the minutes to the minutes of the meeting tonight, seconded by Patty and passed unanimously. Carsten read the minutes of that non-public meeting. He explained that ConCom went into non public because it dealt with the acquisition of real estate. Patty clarified that the NP minutes will have to be separate from the minutes of this meeting but will be posted and a copy will be sent to Mr. Tanner.

Old Business: Carsten asked Jason to send the contact information for the shop teacher at TRHS It was agreed the letter will be sent a week or two into the school year and Cc'd to the Principal and Superintendent and will include the names of all the ConCom members.

Carsten asked Allan for a run down of the work done with the county work crew at the beaver pipes down stream from Tuckertown Road. The crew worked with Allan on July 7<sup>th</sup>, resetting beaver pipes. They worked with Carsten and Bobby on July 5<sup>th</sup>, at the orchard in the Sanborn Family Agricultural and Recreational Commons. Allan informed the group that the pipes were lowered to were they should be. Allan continued by stating that more work is needed there to secure the pipes to prevent ice from getting under them and lifting them up.

The crew worked in the orchard July 5th from 8AM-2:30PM clearing the trees along the edges. Bobby was there for 5 hours, Carsten for 7 hours. Bobby's requested reimbursement will be \$84.40. Carsten's requested reimbursement will be \$175.00. Patty has the bill the food for both days. Carsten believes forestry has agreed to pay for the day at the beaver pipes and ConCom will pay for the day at the orchard. Patty made a motion, seconded by Jason, to reimburse Bobby \$84.40 and Carsten \$175.00 to compensate for their machinery used. The motion passed with Carsten and Bobby abstaining. Patty asked for authorization for Carsten to sign the warrants in the morning so payment can be made in this pay period. The board gave consensus for Carsten to sign the warrants with Carsten abstaining.

A discussion occurred regarding the milfoil bills. There was some confusion regarding the ConCom's portion. The ConCom budget is responsible for 50%, the state is responsible for 40% and the LPPA pays 10%. The state will need the invoices with the cancelled checks to verify the work was done. Bobby interjected that the LPPA had a meeting of about 15 who all agreed to pay their portion of the 10%. Patty reported there is about \$1000.00 left from the budget for milfoil treatment. Patty noted to date about \$12,000.00 has been spent. Carsten will speak to Jim VonDerheide in the morning to clarify a few points.

Patty mentioned that PSNH had given the town \$10,000 to establish permanent crossings on the access road. Carsten noted that 3 crossings have been completed. The remaining northern most crossing is monumental and there is only a small section of town owned property located on the other side where logging was done. The loggers for PSNH shuttled the wood over to our side of wetlands and forestry had the wood cut and marketed. Forestry negotiated with PSNH, so that PSNH did contribute money to make the road permanent. Forestry did the work. This allows emergency vehicles to have access.

Adjournment: At 8:45 PM a motion was made by Carsten, seconded by Jason to adjourn the meeting. This passed unanimously.

## **MINUTES PREPARED BY MARY ANN DISTEFANO**

### **Conservation Commission Clerk**

Amended/Approved on October 5, 2015 by majority of the Commission