

**Town of Grantham  
Grantham Conservation Commission**

**MEETING MINUTES  
DECEMBER 16, 2013**

Chairman Richard L. Hocker called the Grantham Conservation Commission to order on Monday, December 16, 2013 at 7:18 p.m. The meeting was held in the Jerry Whitney Memorial Room at Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

**Present:** Chairman Richard (Dick) Hocker; Sheridan Brown; Connie Howard; David Wood (Alternate); and Caroline Hoen, Clerk

**Absent:** Susan Buchanan; Lindsey Lefebvre; and Joseph Watts (Alternate)

**ADMINISTRATIVE**

***Approval of Minutes for 18 November, 2013 Meeting***

Regarding the draft minutes for the November 18, 2013 meeting, Chair Hocker requested the following corrections: page 3, under “Handouts,” delete the word “None” and insert “2013 Harvest Map of the Smith Lot Section of the Grantham Town Forest (see below)” and that a copy of said map be attached to the end of the minutes. He then asked the Commission members if there were any further additions, corrections, or modifications.

*With no further corrections suggested, a motion was made by Brown to approve and accept the November 18, 2013 Minutes as amended; second by Wood. There being no further discussion, the motion was put to a vote.*

***Unanimously Approved & Accepted***

**NEW BUSINESS**

**Shoreland Protection**

***Review of Eastman Cutting Application Procedures***

Hocker asked Wood to report on his discussion with Eastman’s Environmental Control Committee (ECC) regarding changes to Eastman’s current cutting application procedure. (Cutting applications are required by both Eastman and the Town to ensure enforcement of the NH Shoreland Protection Act.) Wood stated that the ECC would henceforward notify the Commission as to applications filed, site visits conducted and decisions made. Hocker noted that, since the ECC does a good job of reviewing its more demanding internal applications and enforcing its policies, the Commission’s approval of the Town application covering the same project is almost always guaranteed. Further, as of about a year ago, Eastman has required that

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lakefront property owners submit a 5-year Forest Management Plan (FMP) which charges the forester with responsibility for ensuring that the plan is followed once it has been approved. With regard to the separate cutting application required by the Town, Wood suggested that the Commission recommend to the Selectmen that a more efficient form be drawn up. He offered to meet with the Town employee responsible for the form and request a new version to be reviewed by the Commission and then submitted to the Selectmen for approval. There followed a discussion on the merits of requiring photographs to be submitted with the application and it was generally agreed that this was superfluous except perhaps where certain heavily cleared shoreline properties are concerned. Such situations do not occur in Eastman and Hocker pointed out that there have been very few cutting applications submitted by non-Eastman property owners.

## **OTHER BUSINESS**

### **Town Forest Management**

#### ***Smith Lot Activities***

Hocker stated that there was no progress to report on the implementation of the Smith Lot Forest Management Plan (FMP) drawn up by forester Jeremy Turner. Wood suggested that Commissioner Brown, who is an attorney, speak to the Town Administrator about the potential leeway that RSA 234:40 and a relevant Town ordinance might give the Selectmen to waive the weight limitation on the Miller Pond Road bridge. With the logging trucks cleared to use the bridge for this small project, FMP activities might go forward. Brown indicated that the following information would be helpful in advocating for the waiver:

- A clearer sense of what the Selectmen's concerns had been a few years previously in refusing a similar waiver to a property owner involved in a larger timbering project, consistency being determinative for the Selectmen.
- Specific information as to the type of waiver the Commission is seeking such as the size of the variance on the 15-ton weight limit that is needed to make this particular job workable for logging professionals. A limited, targeted request might prove more acceptable than an open-ended one.
- Emphasis on the fact that the Smith Lot project is considerably smaller than the one undertaken by the previous petitioner and used by the Selectmen as a point of comparison.
- Emphasis on the fact that the Smith Lot project is being undertaken in the public interest to restore the health of a section of the publicly owned Town Forest and to create a recreational trail system for public use. The goal of the previous project was commercial gain.

Wood reported that he had attended the Select Board's December 11, 2014 meeting where a vote was taken to transfer the amount of \$120.00 from the Commission's Town Forest Maintenance Fund to the General Fund for the purpose of compensating forester Jeremy Turner for services rendered. Wood also noted the Selectmen's announcement that the Olde Farms Road bridge would be repaired as soon as school was out in June, 2014.

### **Town Governance Boards: Commission Liaison Activities**

With the absence of Buchanan, a member of the Open Space Committee, and Watts, a member of the Planning Board, there were no reports on developments within either of those bodies. Brown, a member of the Zoning Board of Adjustment, reported that the ZBA held a meeting in

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November at which it approved two variance requests. The Commission's proposed wetlands overlay district was not discussed but Brown said he would be broaching the topic with Conrad Frey, the ZBA Chair.

### **Planning for Conservation**

#### ***Wetlands Overlay District***

Hocker reported that the Wetlands Overlay District document was still in process.

#### ***Eastman Mitigation: Frog Pond***

Hocker described in detail an unmet 2004 wetlands mitigation obligation which was recommended by the Commission and imposed on the Town by the NH Department of Environmental Services (DES). The issue concerns the identification and protection of wetland property within Eastman to compensate (or "mitigate") for a jurisdictional wetland area used by the Eastman Community Association (ECA) to construct tennis courts near the ECA offices on Draper Road. At that time, an 11-acre wetland area known as Frog Pond (located within the juncture of Grantham's borders with Enfield and Springfield east of Whitetail Ridge) was selected as an appropriate compensatory property. The conservation easement was never finalized, however, as the agreement could not be tailored to meet the approval of all parties concerned, those being the Commission, the Select Board, ECA management, the Eastman Board and the Eastman Council. Hocker stated that in the years since, he has kept in contact with Eastman's General Manager on behalf of the Commission to discuss alternative properties, one being an amalgamation of holdings along Butternut Trail.

Hocker reported that an opportunity may have arisen for the Commission to renew its efforts to resolve the issue through the Frog Pond option. The area is currently being compromised by the Eastman maintenance department's dumping of logs and sand, an abuse that should be addressed. That department has long had an agreement with a succession of owners (currently the Greenlinks Corporation of Derry, NH) of an old gravel quarry to dump forest debris and sand from roadway gutters. The quarry is located just east of Frog Pond on a narrow strip of Grantham land between the Eastman border and the afore-mentioned town borders. Through the years, this arrangement has meant that the Frog Pond area was left undisturbed. That state of affairs has changed, however, and among the problems created has been the importation and unchecked growth of *Phragmites*, an invasive species harmful to native flora that is currently the subject of an Eastman eradication effort. Also of concern is the potential for damage to the area's ecological health since Frog Pond contributes to wildlife habitat in important ways, is a functioning wetland and provides a worthwhile recreation area. For these reasons, Hocker believes Frog Pond is in need of immediate protection, a fact that could provide the Commission with a new opportunity to renew its efforts to resolve the mitigation issue and thereby ensure conservation protection. To that end, he is in the process of organizing a meeting with Eastman's General Manager Ken Ryder, Eastman's Woodlands & Wildlife Committee Chair Dave Wood, and Lakes & Streams Committee Chair John Larrabee. Another new possibility for consideration is the augmentation of the Frog Pond acreage through the amalgamation of Eastman-owned abutting properties that are not suitable for development. Brown suggested that it might be possible to craft a conservation easement that preserves the Eastman maintenance department's access to the gravel quarry.

**Land Preservation Capital Reserve Fund**

Wood referenced Hocker's stated goal of having a warrant article added to the ballot at the March 2014 Town Meeting asking the voters to appropriate \$100,000 for the Land Preservation Capital Reserve Fund (LPCRF). The Fund's current balance is slightly over \$80,000. Wood reiterated his position that this was not a sum that would in any way be sufficient to meet the Commission's goals in terms of the conservation of undeveloped land in Grantham. He affirmed his support for the alternative concept of asking the voters to approve a plan whereby the Selectmen would be authorized to float a bond issue up to a specified amount to raise funds for the purchase of important properties as the opportunity may arise. While acknowledging the Selectmen's expressed lack of support for such an arrangement, he stated his wish to revisit the issue in light of the Town of Hopkinton's recent success with the concept. Further, Wood was of the opinion that public approval of the \$100,000 investment was especially unlikely in this particular year in light of the anticipated rise in the school budget. He stated that if the proposal were denied it would represent the third such refusal in as many years. Hocker agreed that in terms of the Town's purchase of major open space holdings, the bond concept was the better solution but judged that there was insufficient time to get a warrant article proposing this arrangement onto the ballot by the March Town Meeting date. Brown stated that there exists precedent to hold an emergency town meeting to appropriate moneys to take advantage of important land conservation opportunities as they arise. He also noted that there might be a greater chance of success in raising the necessary funds for a land conservation purchase if the request were presented in this type of single-issue, "emergency" context.

Hocker disclosed that he had discussed the Commission's LPCRF investment request with the Town Administrator but had lowered the amount of that request to \$50,000 and had specified the purchase of a modestly priced 24-acre property as an appropriate land preservation goal to put before the voters. Wood recommended that the Commission instead consider the following scenario: make no requests of the voters at the March 2014 Town Meeting; wait for the Open Space Committee to report out on available and important undeveloped properties; work out the procedures that are needed to issue a bond and enlist the Selectmen's support; request that the voters approve a substantial bond authorization at the 2015 Town Meeting. Brown observed that Select Board support was the key factor in either approach. Wood made the point that there would be little appeal to the voters to advance \$50,000 for the LPCRF in order to purchase a property worth considerably less than the current value of the Fund. Further, he maintained that for the purchase of major properties, the addition of small amounts to the Fund on an annual basis was not an effective way to amass the significant amount of money needed. Hocker reiterated that the essential problem underlying the Commission's difficulty in raising land conservation funds is the general lack of public awareness that it is profit-seeking developers who currently have control of the disposition of land in Grantham and are the real drivers of the Town's future. He pointed out that one possible consequences of rapid overdevelopment would be the expensive necessity for new school construction.

**Recreational Trail Construction**

Wood mentioned that he had met with Chad Denning, National Youth Director for the Student Conservation Association in Charlestown, NH who informed him that in addition to their teenage volunteer corp, there is another level of more experienced, professional level volunteers in the

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20–30 age group, based near Concord, NH who are available to build woodland trails in crews of eight to ten at the very reasonable rate of \$2,500 per week . Wood recommended this elite corp to help Grantham with trail building projects. Brown concurred that they are an excellent resource, having seen the results of some of their work. Hocker suggested that it might be possible to use Town Forest Maintenance Fund money to pay for trail construction projects.

### **ANNOUNCEMENTS**

Hocker informed the Commissioners that the Upper Valley Land Trust would be sponsoring a hike on January 4, 2014 up Leavitt Hill Road to Leavitt Pond and from there to Exit 14 on Interstate 89, a distance of approximately four (4) miles. The grade is challenging and snow shoes are recommended.

### **HANDOUTS**

Map of Frog Pond area (see below)

### **ADJOURNMENT**

Chair Hocker asked if there was any further business. There being none, Wood moved to adjourn the meeting and Brown seconded the motion.

*The Commission voted unanimously to adjourn at 9:05 p.m.*

### **NEXT MEETING**

The next meeting of the Grantham Conservation Commission will be held at 7:00 p.m. on Monday, January 20, 2014, in the Jerry Whitney Memorial Conference Room.

Respectfully submitted,

Caroline Hoen, Clerk

