

APPROVED

Town of Grantham Grantham Conservation Commission

MEETING MINUTES February 18, 2013

Chairman Richard L. Hocker called the Grantham Conservation Commission to order on Monday, February 18, 2013 at 7:03 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; Lindsey Lefebvre; Merle Schotanus; Joseph Watts (Alternate); and Caroline Hoen (Clerk)

Absent: Sheridan Brown; David Wood (Alternate)

Members of the Public: Kristina Burgard; Lisa Jarvis

ADMINISTRATIVE

Approval of Minutes for 21 January, 2013 Meeting

Chair Hocker asked the Commission members if there were any additions, corrections, or modifications to the draft minutes for the January 21, 2013 meeting. Schotanus requested the following corrections: page 2, 1st full paragraph, line 20, delete the word “regulation” and insert “resolution”; and on page 3, 1st partial paragraph, end of line 12, insert the word “only”; and on page 4, 1st partial paragraph, line 1, insert the word “from” after the word “both”.

With no further corrections suggested, a motion was made by Watts to approve and accept the January 21, 2013 Minutes as amended; second by Lefebvre. There being no further discussion, the motion was put to a vote.

Unanimously Approved & Accepted

Approval of Minutes for 21 January, 2013 Meeting Non-Public Session

Chair Hocker asked the Commission members if there were any additions, corrections, or modifications to the draft minutes for the January 21, 2013 meeting non-public session.

There being none, a motion was made by Schotanus to approve and accept the January 21, 2013 Meeting Non-Public Session Minutes; second by Lefebvre. There being no further discussion, the motion was put to a vote.

Unanimously Approved & Accepted

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NEW BUSINESS

Smith Lot Sugaring Request

Hocker reminded the Commissioners of the request from Grantham resident Jack Wallace for Town permission to tap maple trees on the Smith Lot. He reported that Commissioner Brown had drawn up an agreement which was signed by Mr. Wallace and approved by the Selectmen. Schotanus recommended that a copy of the agreement be kept on file with the Commission's records for future reference.

OTHER BUSINESS

Planning for Conservation

Grantham Wetlands Inventory and Protection Program – Ongoing Activities

Schotanus requested the Commissioners' consideration of a document, emailed to them the previous day, entitled "Grantham Conservation Commission Position on Warrant Articles 3 and 6 for the 2013 Town Meeting Relating to the Designation of Prime Wetlands" (attached hereto under "Handouts" below). He proposed that the Commission adopt this document as the official statement of its position on the prime wetlands designation question.

The Chair recognized former Commissioner Kristina Burgard to summarize its contents. She first explained that, as per the Town's Master Plan and RSA's, the Commission's mandated work regarding the creation of a Wetlands Inventory and the recommendation of prime wetland designations officially ended on November 13, 2012 when the Commission submitted to the Planning Board its Wetland Inventory Report and Recommendations. Burgard emphasized that the Conservation Commission is an *advisory* body and does not have the authority to submit or propose articles to the Town warrant for consideration by the voters. Under RSA 675:3, the only municipal bodies that can do this are the Planning Board and the Board of Selectmen. As of November 13, 2012, the Conservation Commission's recommendations were put under the control of the Planning Board. The Planning Board held two hearings at which they presented two wetland-related warrant articles. At the second of these hearings, held on January 22, 2013, the Planning Board's unanimous vote NOT to recommend what is now Warrant Article 3 was, in effect, a vote against submitting that article to the warrant.

Burgard expressed real concern that a serious misunderstanding has developed among the citizenry that it is the *Commission* that is pushing this warrant article forward when in fact the reverse is true. She urged the Commission to consider ways in which to clarify for the public that while the Commission stands firmly behind the science-based recommendations it made to the Planning Board in its November report, it has exerted no influence on the matter since that date and does not consider the current process being used to move Warrant Article 3 onto the ballot to be procedurally sound.

Burgard recommended that the Commission again take its argument to the Selectmen to register for the public record its clear and sustained opposition to the process since the Planning Board's vote at its January 22nd hearing. She pointed out that the position paper being considered by the Commission also attempts to clarify the true nature of recent discussions between the Commission Chair and the Selectmen that has not heretofore been part of the public record.

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Chair Hocker stated that a protest petition under RSA 675:5 against prime wetland designation warrant articles is currently being circulated. Such a petition must be submitted at least seven (7) days before Town Meeting and must include the signatures of a certain percentage of landowners affected by the change in the zoning ordinance as described in more detail in the statute. Schotanus affirmed that the Commission could provide data to help the Select Board determine if the signature requirements of the statute were satisfied. He noted that if the Select Board determines that a timely submitted petition satisfied all the requirements of the statute, then warrant articles that are the subject of the petition would require a two-thirds vote to be adopted.

Schotanus stated that with the Commission's adoption of the position paper at this meeting, the document would be delivered to the Selectmen the following day, and would also be posted on the Town's website. He said that this written declaration of the Commission's official position would represent a final effort to convince the Selectmen to remove Articles 3 and 6 from the 2013 warrant. He also observed that the position paper, taken together with the Commission's entry in the Town Report, constitute an executive summary of the wetlands initiative to date.

Schotanus reported that Article 6 arises from a citizens' petition filed by Mrs. Mauri Schwartz and that it was signed by seventy-one (71) people. He requested that the following event be documented for the record: on December 16, 2012 Schotanus visited with Mrs. Schwartz and her husband Robert Schwartz in their home and at their invitation to discuss the Wetland Inventory. The Schwartz's property abuts Stocker Pond, which the Commission had recommended for prime wetland designation. Schotanus stated that there was a brief and cordial discussion of the importance of the aquifer under Stocker Pond and that the rest of the conversation concerned steps the Schwartz's were taking to conserve their land. Upon leaving, Schotanus verified that the Schwartz's questions on the Wetlands program had been answered to their satisfaction. He also asked Mr. and Mrs. Schwartz if they intended to support the Commission's prime wetlands recommendations and they assured him that they would.

Watts requested that the following amendments be made to the position paper: on page 2, 1st full paragraph, line 4, delete the word "to"; and on page 4, 3rd full paragraph, line 2, delete the word "is" and insert the word "was".

With no further changes suggested, a motion was made by Schotanus to adopt as amended the paper entitled "Grantham Conservation Commission Position on Warrant Articles 3 and 6 for the 2013 Town Meeting Relating to the Designation of Prime Wetlands" as the official position of the Grantham Conservation Commission; second by Watts . There being no further discussion, the motion was put to a vote.

Unanimously Approved & Accepted

Contract Closeout

Regarding compensation due to wetlands consultant Dr. Rick Van de Poll, Chair Hocker reminded the Commission of its decision at its January 21, 2013 meeting to pay out the \$1,000.00 remaining on Van de Poll's original \$14,000.00 contract. He pointed out that Van de Poll's final invoice in the amount of \$3,897.15 for extra-contractual work was thereby reduced to \$2,897.15. Hocker stated that two motions would be required: to amend the original contract to

APPROVED

reflect the final amount of \$16,897.15 and to authorize payment of the remaining \$2,897.15 with funds from the Commission's current use account. Schotanus considered Van de Poll's final invoice to be satisfactory since it reflected the requested subtraction of charges for a September 25, 2012 presentation. He expressed the opinion that, overall, Van de Poll had given honest and effective service.

A motion was made by Schotanus to amend the original \$14,000.00 contract signed with Dr. Rick Van de Poll to show an increased value of \$16,897.15; second by Lefebvre. Watts abstained.

Approved by majority vote

A motion was made by Hocker to authorize the withdrawal of \$2,897.15 from the Commission's current use account to close out the Commission's amended contract with Dr. Rick Van de Poll; second by Schotanus. Watts abstained.

Approved by majority vote

Land Issues

Stocker Pond Access

Schotanus referred to an email he had circulated to Commission members informing them that Todd McIntire, owner of Cote & Reney Lumber Company, had withdrawn his offer of a donation of .77 acres of land to provide public access to Stocker Pond. Schotanus reported that he had suggested to McIntire that he send letters to both the Commission and the New Hampshire Fish & Game Department giving official notification of this action. Having received the requested letter, Schotanus passed out copies and asked that it be included in the Commission's public record and that the case be considered closed.

New Initiatives

Invasive Species Inventory

In the absence of Commissioner Wood, discussion of the proposed Invasive Species Inventory was deferred to a future meeting.

Kristina Burgard announced that she was in the process of creating a *Wild Grantham* website designed to promote awareness of the breadth and beauty of the Town's natural resources. The site will include a page on invasive species and she expressed interest in working with the Commission to support its efforts to educate the public on this important topic.

Open Spaces Inventory

Schotanus reported that the development of a concept paper on the proposed Open Spaces Inventory had been delayed but that he hoped to have it ready for the Commission's review at its next meeting. It would then be presented to the Selectmen. Schotanus described contacts he was making with officials in other towns and organizations in order to benefit from their success in setting up and funding open space protection programs. He reiterated the requirement that the Selectmen would need to appoint an Open Spaces Committee, but revised its suggested composition to include three (3) members of the public, one (1) Planning Board member and one

APPROVED

(1) Conservation Commissioner. He also expressed his belief that this Committee should be chaired by a member of the public. Lefebvre emphasized that all sections of the Town should be represented on the Committee. Schotanus anticipated that its work would involve the coordination of information on conserved land, land in current use, Town-owned land and wetlands plus the administration of a public survey to ascertain the values of the citizenry regarding the preservation of open space. Schotanus cited the New London program as a model for Grantham in that it is included in that town's master plan as an appendix. This step has resulted in a prioritized list of open spaces that must be reviewed by their Selectmen every two years.

Perambulation Status

In the absence of Commissioner Wood, Chair Hocker reported that the perambulations of the Springfield, Enfield and Croydon lines should be fully completed by the time of the Commission's March meeting. The required documents are currently in the signatory phase.

ANNOUNCEMENTS

Commissioner Lefebvre reported that she had been approached by a member of the Upper Valley chapter of Trout Unlimited, a national non-profit whose mission is "to conserve, protect and restore North America's coldwater fisheries and their watersheds". This organization currently has funds available for new projects and would be interested in partnering with the Commission to make a contribution to the health of Grantham's waterways. Currently, most of their regional projects are in Vermont and they would like to become more active in New Hampshire. Lefebvre estimated that the Commission could expect a donation of around \$1,000. She stated that a proposal from the Commission and approval by the Trout Unlimited board would be required. Various ideas for such a project were discussed, with Lefebvre emphasizing that Trout Unlimited's focus is waterway restoration and health.

Schotanus announced that the Saving Special Places Conference would be held on Saturday, April 6, 2013 in Weare, NH and Hocker confirmed that Commission funds are available to cover Commissioners' attendance costs.

HANDOUTS

1) GCC Position on Warrant Articles 3 and 6 for the 2013 Town Meeting Relating to the Designation of Prime Wetlands

http://www.granthamnh.net/index.asp?Type=B_BASIC&SEC={5B98A9B7-9736-4FF5-92CF-F634A2CDEE54}&DE={0074D635-CEB1-4D01-82C1-21D5CD82A652}

2) a) Memorandum for the Record: Stocker Pond access land donation (see attached)
b) Letter from Todd McIntire (see attached)

3) Saving Special Places 2013 Conference Announcement

<http://extension.unh.edu/saving-special-places/index.htm>

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ADJOURNMENT

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

The Commission voted unanimously to adjourn at 8:16 p.m.

NEXT MEETING

The next meeting of the Grantham Conservation Commission will be held at 7:00 p.m. on Monday, March 18, 2013, in the Jerry Whitney Memorial Conference Room.

Respectfully submitted,

Caroline Hoen

Caroline Hoen, Clerk

From: Merle Schotanus [<mailto:schot@comcast.net>]

Sent: Thursday, January 31, 2013 5:30 PM

To: 'David Wood'; Dick Hocker; 'Joe Watts'; Kristina Burgard; Lindsey LeFevre; Merle Schotanus; Sheridan Brown (sb@stbrownlaw.com)

Subject: Final Action - Stocker Pond and Stocker Brook Access

Memorandum for the Record:

I met with Todd McIntyre this morning (Thursday, January 31, 2013) at Cote & Reney Lumber Company to discuss his desires regarding the content of a deed to donate a .77 acre Stocker Brook parcel (tax map #234-145) of land to the Town of Grantham. This meeting was to proceed my meeting with Michael Work Esq. of Newport to draw up the necessary legal papers to complete the transfer of this parcel. This parcel was originally offered for purchase to the town by Todd in a letter, dated February 7, 2012. As a result of subsequent conversations and e- mail messages with Merle Schotanus, Todd decided to donate rather than sell this parcel to the town in return for the town establishing a kayak launch area which would be dedicated to the memory of his mother, Beverly McIntyre.

Todd's offer to donate this land was part of his offer to also donate a 3.5 acre (tax map 2236-011) parcel to the New Hampshire Fish & Game Department to establish public access to Stocker Pond. An official agreement between the New Hampshire Fish and Game Department and Cote & Reney Lumber Company was signed in April, 2012 , to transfer the land on or before October, 2012. The agent for the State of New Hampshire working to complete this transaction is Richard Cook, Land Agent for the NH Fish & Game Department.

I was informed today by Todd that he will withdraw the offer to transfer these parcels to the Town of Grantham, and to the NH Fish & Game Department, respectively, effective immediately. He gave as his reason that he has agreed to sell the parcels to a private individual, who he refused to identify, because his company was badly in need of money.

I expressed our disappointment and requested that he send the Grantham Conservation Commission and the NH Fish & Game Department letters to officially inform them of his decision. He agreed to do this vey soon.

All project documents that I have in my possession will be archived in the Grantham Conservation Commission archives after the February, 2013 meeting of the Commission. Periodic progress reports regarding this project can be found in the official Grantham Conservation Commission meeting minutes on the Town website.

Merle Schotanus; Grantham, New Hampshire; January 31, 2013.

Member, Grantham Conservation Commission

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603-304-6923
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February 12, 2013

Grantham Conservation Commission
300 Route 10 South
Grantham, NH 03753

Dear Commission Members,

Please be informed that due to unforeseen circumstances the donation of the parcel of land at Bog Brook (.77 Acres) has been rescinded. If any further information is required please contact me directly.

Respectfully,



Todd McIntire