

APPROVED

Town of Grantham Grantham Conservation Commission

MEETING MINUTES January 21, 2013

Chairman Richard L. Hocker called the Grantham Conservation Commission to order on Monday, January 21, 2013 at 7:00 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; Lindsey Lefebvre; Merle Schotanus; Joseph Watts (Alternate); and Caroline Hoen (Clerk)

Absent: Kristina Burgard; David Wood (Alternate)

Members of the Public: Michael Whipple

ADMINISTRATIVE

Approval of Minutes for 17 December, 2012 Meeting

Chair Hocker asked the Commission members if there were any additions, corrections, or modifications to the draft minutes for the December 17, 2012 meeting. Schotanus requested the following corrections: page 4, 2nd full paragraph, line 1, delete the words “the Commission’s” and insert “his”, and in the same paragraph, line 5, delete the words “asked Commissioner Wood to lead the effort” and insert “suggested to the Chair that the Chair appoint a sub-committee to be led by Commissioner Wood”.

With no further corrections suggested, a motion was made by Schotanus to approve and accept the December 17, 2012 Minutes as amended; second by Watts. There being no further discussion, the motion was put to a vote.

Unanimously Approved & Accepted

Approval of Minutes for 17 December, 2012 Meeting Non-Public Session

Chair Hocker asked the Commission members if there were any additions, corrections, or modifications to the draft minutes for the December 17, 2012 meeting non-public session.

There being none, a motion was made by Schotanus to approve and accept the December 17, 2012 Meeting Non-Public Session Minutes; second by Brown. There being no further discussion, the motion was put to a vote.

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NEW BUSINESS

Flewelling Easement Property

Hocker addressed the possibility that the owners of the 800-acre Flewelling easement property have been engaging in timbering activities beyond those allowed in the forestry management plan attached to the conservation easement deed on file with the Town. The owners have questioned the ongoing validity of that management plan. There is also concern that the owners may be transporting equipment and wood products in excess of the fifteen (15) ton weight limit across the Skinner Brook bridge on Miller Pond Road without first submitting the required waiver application to the Town. In response to a question from Watts, Hocker acknowledged that violations of the forestry management plan have not been documented or verified in writing, but that activities beyond its scope have been observed by the forester who drew up the original plan. Hocker reported that he had provided the Town Administrator with a list of qualified foresters who might render an impartial assessment of the situation but had been informed that the Town does not have the funds to pay for that service. Schotanus observed that it is in fact the State that has the legal obligation to monitor the easement property and to enforce the forestry management plan. The Town is supposed to make a yearly report to the State but has no authority to take action against the owner for violations of the plan. He explained that the property was deeded under the 1990 Land Conservation Investment Program (LCIP) which comprises a total of 100,000 acres of conserved land throughout the State. Program oversight lapses have occurred because there is only one state employee to monitor all of it. It was agreed that the Commission should advise the Selectmen to contact State authorities about the resolution of the problem.

Smith Lot Sugaring Request

Hocker reported that the Town Administrator had received a request from a Grantham citizen for permission to tap a small number of maple trees on the Smith Lot. The Selectmen have asked the Commission to formulate an appropriate response. The possibility that a favorable ruling might encourage more such requests from the public was discussed, along with the question of some type of compensation for the Town. Lefebvre observed that if the request is honored, clear limitations should be put on the activity, such as the number of trees to be tapped and the type of equipment to be used. Brown added that usage guidelines should be established to maintain the health of the trees and Watts suggested that some sort of system to fairly regulate additional requests would be needed. Schotanus pointed out that the Upper Valley Land Trust (UVLT) holds the conservation easement on the Smith Lot and suggested that the UVLT should therefore be the authority to rule on the request and dictate any terms. Hocker agreed to contact the UVLT and stated that if they agreed to the assignment, he would email the Commissioners to solicit their vote on the matter.

OTHER BUSINESS

Planning for Conservation

Grantham Wetlands Inventory and Protection Program – Ongoing Activities

Schotanus stated that the Commission had completed all the steps required by RSA 675:3 to have its two proposed wetland warrant articles included on the ballot at the March 2013 Town Meeting. He reiterated that the Commission's wetland initiative had been mandated by the Town Master Plan which is regulated by the Planning Board, and that responsibility for the warrant

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articles now rested with them. The Planning Board would be holding its first public hearing on the matter the following evening, January 22, 2013 and would then vote to approve, deny or amend the warrant articles. If the latter, they would be required to hold an additional hearing, which had been tentatively scheduled for February 5, 2013. Schotanus recommended that the Commissioners be present at the January 22nd hearing to answer substantive questions from the Planning Board but noted that the Commission was not required to respond to comments from the public. Commission preparedness for this hearing was then discussed at length, including the participation of Dr. Rick Van de Poll. Schotanus observed that, assuming the two warrant articles are approved by the Planning Board and subsequently by the public at the March Town Meeting, it would then be the duty of the Planning Board, in consultation with the Zoning Board of Adjustment, to formulate new ordinances or amend old ones in accordance with the warrant articles. The Commission would serve in an advisory capacity only.

The Chair recognized Michael Whipple who wished to pursue an issue he had raised at the Commission's January 8, 2013 wetlands hearing. This concerned Chapter 700 rules that specify that properties adjacent to a prime wetland fall under the same conservation rules and restrictions as abutting properties, even if they do not actually abut the wetland. Whipple requested clarification of the terms "adjacent" and "contiguous" used in the rules. Further, he asked why the parcel of Town-owned wetland bordered by the Springfield town line, Stoney Brook Road and Sanborn Hill Extension, and shown on the Commission's wetland map, was not included as part of the Stocker Pond wetland evaluation unit currently being recommended by the Commission for prime wetland designation. Whipple's understanding was that this area was not considered contiguous to the Stocker Pond wetland because the Sanborn Hill Extension separates it from the larger wetland. He maintained, however, that the two areas are in fact part of the same wetland, with two culverts permitting the flow of water between them. Further, he considered it odd that a Town program to protect wetlands would not prioritize those it actually owns. Hocker explained that in cases such as this one, where wetland flow is hindered by a barrier, the Commission had followed the recommendation of its consulting wetland scientist, Dr. Rick Van de Poll, to consider the divided area as two separate wetlands, this being standard professional procedure. Lefebvre added that since most of Grantham's wetlands are actually interconnected, they needed to be broken down into smaller units to conduct a proper evaluation.

Schotanus observed that the wetland area in question could be designated as prime wetland at some point in the future. He mentioned the importance of a prime designation for Stocker Pond in empowering the Town to address, at long last, the negative effect on water quality of salt runoff from Interstate 89. He stated that a prime designation would demonstrate the Town's resolve to protect the wetland and would thereby help to secure State or legislative assistance in controlling the damage caused by road salt. He pointed out that the adjacent wetland area referenced by Whipple is similarly subject to salt damage.

Whipple's main concern was that, without a prime designation, the wetland area in question would have no buffer established for an indeterminate period, leaving "adjacent" property owners uncertain as to the future status of their land. Schotanus questioned some of Whipple's assumptions and recommended that he remain to discuss the issue in depth after the meeting, specifying that Commissioner Brown had done a thorough job of researching buffer issues both

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from a policy and legal standpoint and could give clear information on the use of the terms “contiguous” and “adjacent” in Chapter 700.

Land Issues

Stocker Pond Access

Schotanus reported that he had again been in touch with Todd McIntire about a donation to the New Hampshire Fish and Game Department of the .7 acre land parcel on the east side of Interstate 89 to provide public access to Stocker Pond. Schotanus noted, however, that McIntire also had the legal option of deeding that land to the Town. It was agreed that Schotanus would act to secure the donor’s consent and the Town’s approval for this arrangement, and then offer to facilitate the donation by contacting McIntire’s lawyer. It was understood that the Commission would act as the agent of the Town to structure and manage the donation according to McIntire’s wishes. Schotanus clarified that the donor would have the power to impose limits and conditions on the donation including a plan for maintenance by the Town.

New Initiatives

Invasive Species Inventory

Hocker referred to an email from Commissioner David Wood, absent from this meeting, on the subject of invasives which he has been researching. Wood notes that the mapping of local invasives will need to be done by hand-held GPS because the newest mapping technology cannot be used in Grantham. It is hoped that the mapping process can begin in the spring.

Open Spaces Inventory

Schotanus reported that he had contacted the New Hampshire Charitable Foundation, a possible source of funding for Grantham’s Open Spaces Inventory initiative. He also cited the Upper Valley Lake Sunapee Planning Council as a potential supporter. He reviewed the concept of a five-member Open Spaces committee to be appointed by the Selectmen and to be under the chairmanship of a Selectman. The committee would also include one Conservation Commissioner, one member of the Planning Board and two members of the public. The Conservation Commission could assist with research, logistical and computer support. Schotanus recommended that a preliminary public survey be done to assess and solicit “bottom up” Town interest and participation and noted that a similar survey had been conducted prior to the formulation of the Town Master Plan. Hocker noted that the Town might need to prepare for significant future growth and that the Selectmen had indicated that a bond issue to finance conservation work might be possible in 2014. Schotanus added that an open spaces inventory would give the Selectmen a stronger basis for moving in that direction. Hocker and Schotanus referenced the success of the Town of Hopkinton’s bond issue for open space conservation. Hocker suggested that the Commission convey their ideas for an Open Spaces Inventory to the Selectmen at the end of February, 2013 to bring them into the process.

Perambulation Status

Wood has reported that all perambulation documents are almost ready for submission to the Selectmen. The paper work for the Springfield border still needs signatures. Submission should occur within the next month.

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GCC Budget Adjustment

Hocker reported that a budget shortfall had occurred in the Commission's \$800 *Supplies* line item. The cost of a required mailing of certified letters to property owners potentially affected by the Commission's proposed prime wetland designations was \$667, and the cost of poster-sized wetland maps used in recent Commission presentations was \$456 resulting in a cost overrun of \$323 for this line item before the end of the fiscal year on June 30, 2013. Hocker suggested that an amount of \$500 be transferred from the Commission's Current Use account to the *Supplies* line item of its Operational Budget to cover the shortfall and requested a motion to authorize the transfer.

A motion was made by Schotanus to move \$500 from the Conservation Commission's Current Use account to the Supplies line item of its Operational Budget to cover a shortfall; second by Lefebvre. There being no further discussion, the motion was put to a vote.

Unanimously Approved & Accepted

NON PUBLIC

Contract Review

In accordance with RSA 91-A:3 section II(a), a motion was made by Schotanus and seconded by Watts to enter into a Non-Public session at 8:14 p.m. to discuss a contract matter. Present were Chairman Richard L. Hocker; Sheridan Brown; Lindsey Lefebvre; Merle Schotanus; Joseph Watts (Alternate); and Clerk Caroline Hoen.

Following proper vote, the Commission returned from Non-Public session at 8:40 p.m.

HANDOUTS

None

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 9:03 p.m.

NEXT MEETING

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

Respectfully submitted,

Caroline Hoen

Caroline Hoen, Clerk