

CONSERVATION COMMISSION  
Boscawen Municipal Complex  
October 17, 2023  
Final Minutes

Present: Jeff Abbe, Acting Chair, Aurel Mihai, Norman LaPierre, Mark Kaplan and Charlie Niebling, Town Forester.

Alternate Members Present: Henry Carrier, and Lyman Cousens

Absent: Alan Hardy, Betsey McNaughten, Matt Burdick

Staff Present: Rose Fife, Recording Secretary, Kellee Jo Easler, Director, Planning and Community Development, Dean Hollins, Public Works Director

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**Consent Agenda:**

- Open by Chair – 6:30 pm
- Roll call by Recording Secretary
- Accountant's Report
- Review 9/19/23 Minutes

Membership Voting – Acting Chair Abbe appointed Mr. Cousens and Mr. Carrier as voting members.

A **motion** to approve the consent agenda as listed was made by Mr. Cousens, seconded by Mr. LaPierre, and passed by a unanimous vote.

**Old Business:**

- Walker Pond Update

Pump House Discussion with Public Works Director Hollins – PW Director Hollins has spoken with Chair Hardy about this. His opinion is to level the building, get the dry hydrant out of the basement, but they need to do some research first. They need to talk to someone about a 'live water tap'. PW Director Hollins explained what a 'live water tap' consists of. Acting Chair Abbe asked if this would come out of the Public Works budget. PW Director Hollins has nothing in his budget for this. He will be more than happy to work with a contractor. Acting Chair Abbe asked about the demolition of the building itself. Would they take care of it. PW Director Hollins would have to rent a machine with a hammer on it. He wants to see the foundation and cement floor, which may be 12 inches thick. It is a block building which may come apart easily. The cheapest price he could find for a machine with a hammer head was between \$4,500 and \$5,500 a week. A lot of contractors have their own equipment. PCD Director Easler asked if there was asbestos in the building. PW Director Hollins thought so due to the age of the building. He believes that about 95% of the building would fit in the foundation and some would need to be hauled away. An estimate for the hydrant needs to be obtained. Acting Chair Abbe will call around. Mr. Kaplan asked why the Conservation Commission would pay for the demolition. If there is a safety issue and the building needs to be removed it should be a town issue. PW Director Hollins noted that the roof has collapsed and the doors have been welded shut so no one could get into it. He suggested that there may be some contractors in town willing to donate. Acting Chair Abbe thought they would like to develop some sort of parking lot for winter use. Mr. LaPierre asked if it would help to pump the building out to see what is down inside the building? PW Director Hollins answered that the water in there is from the roof collapsing and rain water infiltrating. Mr. LaPierre said they may find a valve to shut the water off down there. PCD Director Easler asked if they need to make a motion. Acting Chair Abbe said it was just in the discussion phase. Mr. Kaplan thought they should do something to move forward. Mr. Mihai thought they wanted to get a consultant and believes that at the last meeting Ms. McNaughten

and Mr. Hardy were going to try to find one. The building is coming down at some point. This will be left on the agenda for next month.

- **Wetlands Permit Review - 410 High Street – New Business.**

Kevin Hatch, LLS, of Cornerstone Survey Associates in Chester NH came in to discuss a Wetland Permit for 410 High Street, which is across from Keneval Road. He believes this lot was approved in 2005. There was a wetland crossing for this driveway and they never built on it and the permits expired. They now need to renew their permits. They need a signature from the Conservation Commission saying they do not object to qualify for the expedited permit. He gave a plan to the Commission to review. The proposed driveway cuts in for a house that will be built in the back of the property. Spring time the property is wet. They have designed a culvert in the ditch line with flared sections at the end. On each side they will have a silt sock during construction. He needs the Commission to sign the application if they are willing to help them get their Wetland Permits expedited. Once signed it goes to DES. Mr. LaPierre asked if the wetland is streaming flow. Mr. Hatch answered it is not. There are photographs in the packet submitted to allow the Commission to get an idea of what it looks like. Mr. Kaplan asked if the abutting property has the same situation. Mr. Hatch explained that the adjacent property did not have a wetland crossing as they avoided it. Mr. LaPierre does not believe the wetland looks bad from the photos shown. He is okay with it. Mr. Mihai noted that there is development around and it is not doing any new damage beyond what is already there. He is okay with it. A **motion** to agree to sign the document for an expedited permit was made by Mr. Kaplan, seconded by Mr. Mihai, and passed by a unanimous vote.

- **7 Member Discussion – 1977 Town Meeting Approval Warrant Article 17 – Old Business.** A copy of the Warrant Article was included in the Commissions package. Acting Chair Abbe thought it would be to their advantage to get more people to take on some of the tasks at hand. Mr. Kaplan asked if they could have up to 7 members or do they have to have exactly 7 members? PCD Director Easler answered they would need a quorum of 4 members if they have 7 members. They have 3 alternates right now and would need to make 2 of them regular members. They would just need to do an appointment letter to go from an alternate to a regular member. Mr. Carrier wanted it to become a permanent record that they could have 7 members. They are comfortable operating as they are. He would try to entice younger people to become involved. Mr. Mihai wants to advertise that they would like to have people interested come and speak with them. He thought to put more signage on the trails as well. A **motion** to adjust their membership to conform with the 1977 approved number of 7 members and adjust the Rules and Regulations of the Commission was made by Mr. Kaplan, seconded by Mr. Mihai, and passed by a unanimous vote. PCD Director Easler asked if they wanted the new membership on Facebook. Mr. Kaplan answered yes and on the Walker Pond page as well.

Timber sale revenue was discussed. The question that was asked is if the Conservation Commission will be allowed to keep the funds to use for projects. The last 2 sales the Commission made a request to the Select Board to be allow to retain 100% of the revenue from the 2017 and the 2018 timber sales. The 2017 revenue was used to offset the cost of restoring The Weir Town Forest field and roadway. The 2018 revenue the Select Board allowed them to retain 100%. There is another sale underway that Acting Chair Abbe and Forester Niebling walked today. Forester Niebling advised the Commission to put forward a plan explaining how they would use the funds and present it to the Select Board. Mr. Mihai thought they discussed that last month and a natural project would be Walker Pond. Forester Niebling noted that Walker Pond is not a Town Forest, so they cannot use the funds that way. Forester Niebling explained that there are statutory limits as to how far they can use Conservation Funds. They have \$15,970 in that account and that is the account they pay the Forester out of. Forester Niebling also noted that they will be receiving payment for the 6 weeks for the sale of timber they are working on. PCD Director Easler asked the Commission why they have not designated Walker Pond as a Town Forest? Mr. Kaplan explained the Commission discussed the risks associated with that. There is no risk there and it was too late to put in a Warrant Article for Town Meeting. PCD Director Easler suggested they decide this month to make it a Town Forest and do a Warrant Article for Town Meeting. Forester Niebling added that being a Town Forest will provide an added measure of

protection to the land. In the absence of a conservation easement, which is much more difficult to obtain, as a Town Forest they could use the town forest management funds to underwrite expense of managing Walker Pond; including removal of the block house, parking, public use, etc. Acting Chair Abbe is hearing it would be prudent to make it a Town Forest. Mr. Lapierre thought it was a good thing to do.

Mr. Kaplan asked if the motion that needed to be made is that they would place it as a Warrant Article for next town meeting. Forester Niebling suggested the motion be to recommend to the Select Board that a Warrant Article be placed on the 2024 Town Meeting Warrant agenda designating Walker Pond as a town forest in accordance with RSA 31:110, RSA 31:112, II and RSA 31:113. A **motion** to do so was made by Mr. Kaplan, seconded by Mr. Mihai, and passed by a unanimous vote.

Mr. Cousens asked if this will not preclude the Select Board from giving them the money. Forester Niebling answered no. PCD Director Easler will look that up and she can add it to discuss with the Select Board this week. Forester Niebling suggested that Mr. Hardy should be advised and given the opportunity to present this to the Select Board.

### **New Business:**

- Meeting Deadline – PCD Director Easler believes this item was to remind the Commission to let staff know if there is a quorum. This needs to be done by noon time the day before the meeting. Let the staff know.
- Snowmobile Trail
  - Boscawen Village Town Forest through Ross Express – Acting Chair Abbe believes Mr. Hardy was going to talk with Steve Brown, the owner of Ross Express. Forester Niebling thought it was to see if they would accommodate the existing trail.
- NHACC – Annual Membership - \$250.00
- NHTOA – Annual Fund – Forester Niebling recommends they do not contribute to annual funds as they do pay membership dues.
- Town Forest Tree Stand Permit Renewal – Nathan Young – PCD Director Easler reported Mr. Young normally went to the Select Board. Would the Commission like to know about these types of permits beforehand. She believes the permit is only good until 12.31.23. Mr. Carrier noted that the State of NH has policies on this subject. The tree stand should not be left there. He spoke with him and he seems reasonable. Acting Chair Abbe asked if there was a form they needed to fill out. PCD Director Easler also noted that this year they had him sign a release of liability.

### **Other Business:**

- Planning and Community Development Department Updates – PCD Director Easler noted that the Planning Board passed the 31-lot subdivision with conditions. The lot that was part of the first 4-lot subdivision that was approved is having a cistern built so they can get their CO. Mr. Cousens did not see anything about their Home Owner's Association. PCD Director Easler noted that they do have to have a Homeowner's Association. It will go through legal.

PCD Director Easler also noted that they will be updating 6 articles in the Zoning Ordinance. Acting Chair Abbe asked if the roadway in the 31-lot subdivision is going to be up to town specifications. PW Director Hollins answered it will be built to town specifications. PCD Director Easler reported the Technical Review Committee will meet regarding the roadway policies.

Acting Chair Abbe discussed the LCHIP money. There is a group that may not want them to have 100% of the land use change tax. They need to have a plan as to how they should present this at town meeting.

Mr. Kaplan wants it put on an agenda to have a consultant help create a plan. They need to have some priorities. He is not sure the NRI is enough but would like to have consultants look at it. Mr. Mihai said they do have things in their master plan they want to focus on. To obtain easements, they need funds available. They need to be able to act fast as properties come up. Mr. LaPierre recalls that a previous Conservation Commissioner had numbers put together prior to the meeting that allowed them to keep 100% of the funds. Mr. Kaplan asked how to make that case and what is their time frame? Forester Niebling thinks

the time is now to discuss it with the Select Board. Protecting open space, habitat, and access for people to hunt, recreate and enjoy, the Master Plan is full of the language and yet the Zoning Ordinance is not able to stop this type of development on larger lots outside the dense area of town. Mr. Kaplan asked if they needed to get on the Select Board's agenda and who should do it and, it sounds like they should do it now. PCD Director Easler answered it should be done as soon as possible. Forester Niebling noted that they should look at the value of the investments they have made with the funds, i.e., the Morrill easement, the Ellsworth lot, the Weir Road Town Forest, Keagan's lot, Hardy easement, etc. Acting Chair Abbe asked if Niebling would speak. Forester Niebling would speak as a citizen. Mr. Kaplan would be happy to volunteer to do this as he is comfortable with public speaking. Mr. Mihai worked on the Master Plan. Director Easler thought they should group with Chair Hardy and speak with the Select Board together. She will talk with Chair Hardy tomorrow and let the Commission know tomorrow. They should also discuss how many other surrounding towns keep 100% of funds. Mr. Kaplan and Mr. Mihai will work on this together.

Forester Niebling and Acting Chair Abbe walked Barnard Lot timber harvest today with Adam Mock who will be out there for 2 more weeks.

A **motion** to adjourn at 7:55 pm was made by Mr. Kaplan, seconded by Mr. Carrier and passed by a unanimous vote.

**Next Meeting:** November 21<sup>st</sup>, 2023 @ 6:30 p.m.

*Respectfully Submitted,  
Rose Fife, Recording Secretary*