

CONSERVATION COMMISSION
Boscawen Municipal Complex
December 20, 2022
Minutes

Present: Alan Hardy, Chair, Jeffrey Abbe, Norman LaPierre, Aurel Mihai, Matthew Burdick

Alternate Members Present: Henry Carrier, Lyman Cousens, Betsey McNaughten

Absent: Mark Kaplan

Guest: Spencer Tate, Meridian Land Services Inc. and Eric Munro, Building and Loan Development.

Staff Present: Kellee Jo Easler, Planning and Community Development Director, Kara Gallagher, Clerk, Charlie Niebling, Town Forester, and Rose Fife, Recording Secretary

Regular Business:

- Open by Chair @ 6:30 pm
- Roll call by Recording Secretary
- Accountant's Report – A **motion** to accept the accountant's report as presented was made by Mihai, seconded by Abbe and passed by a unanimous vote.
- Review Minutes 11.15.22 – Abbe noted that Line 42 should read Corn Hill Road, not Weir Road Town Forest. A **motion** to approve the Minutes as amended was made by Abbe, seconded by Mihai and passed by a unanimous vote.

McNaughten was nominated to be a voting member this evening by Cousens, seconded by Abbe. Chair concurred.

New Business:

• Spencer Tate Meridian Land Surveying LLC Map 94/23 – 6:34 pm – Spencer Tate and Eric Munro were before the board to present their Subdivision Proposal. They are looking for the Conservation Commissions input before they go before the Planning Board at their January 3, 2023 meeting. This property is at the northwestern edge of town on the Salisbury town line. The land was formerly a quarry. The quarry use was on approximately 10 to 12 acres of the 139 acre parcel. There are various stock piles of material in the rear of the property. The property is 139 acres. The proposal is for 3 conforming lots meeting frontage and building area requirements. The proposed lots have frontage on Route 4. There will be a total of 4 lots with the remainder piece. This property was known as Pintowski's pit. The remainder of the land is forested. McNaughten asked if the gravel pit was still active. Mr. Tate answered that the permits are still valid for the gravel pit, but there is no active operation there. Building and Loan Development now owns the 139 acre piece. There is a large wetland complex there. It has a gravel driveway for access to the quarry, which is acting as a dam. It is a nice beaver pond. It has very poor wetlands. There are other wetland areas on the site. The property has vernal pools on the site as well. They are otherwise isolated from the larger wetlands. The plans shown indicate where the proposed lots are situated on the mother lot. These lots satisfy the dimensional regulations of the town ordinance. He showed development exhibits, topography of site, etc. There are no buffer impacts or wetland impacts. There is no infrastructure required.

Hardy explained to the Committee that their responsibility is to advise the Planning Board. That is why the applicant came before them this evening. Hardy asked Mr. Tate if there as a plan to use the larger area with another project. Mr. Tate answered that there was. They are planning a larger development on the back area. It will be a separate application. That will have impacts to the buffer and the wetlands. Hardy asked if the driveway permits were in the packet that went out. Easler answered they were. Hardy noted that the State of NH approved the access. Abbe wanted clarification as to whether this is a 3 lot subdivision or a 4 lot subdivision. Mr. Tate explained that it is for 3 new lots and the 4th lot is the left over lot. Abbe noted that there was a 75 foot right of way at the town line stone wall. Mr. Tate explained that it would be access to the open space, which is required by town ordinance. It is an old grown in woods road. Hardy explained that the State of NH has limited driveway access. He believes they will only issue 3 driveway permits per original lot. It limits their options, which means they either have to develop the property with a collector road or a road that is ultimately picked up by the town as a town road. Hardy explained that Boscawen does have a history of dual drive accesses in that area. It's not something they have done a lot recently though. McNaughten asked about the elevation. Mr. Tate explained that it is fairly flat, which he showed on the plans.

McNaughten looked at the wildlife action plan. She asked Hardy if the Commission had ever used that material to formalize a recommendations. McNaughten gave the plan to Mr. Tate. Abbe believes their biggest concern is the large wildlife corridor that runs through that property. McNaughten noted that the property is also partially surrounded by conservation land.

Mihai noted that by their own admission, there are beavers in the pond there and it is right where they are proposing to subdivide. It is a sensitive area. It is clearly the Commission's mission to balance out planning and town development together with conserving the rural character of the town. This puts them in a bit of a difficult situation as they would be giving up some of that by accepting development here.

Cousens asked if there are reclamation restrictions on the gravel pit. Easler explained that if they continue the gravel pit, they have to go before the Planning Board. They currently have a cash bond by the owners, which is still active. Both of the pits were purchased by separate owners. Letters will be sent explaining to them that they need to put another bond in place and go before Planning Board. GTS needs to come before the Planning Board to get that released. They will keep the money until GTS comes in for a hearing at Planning Board.

Niebling discussed the wetland impacts. Lot 2 and lot 3's configuration makes it so they cannot be developed without crossing jurisdictional wetlands. Mr. Tate responded. The owners would have to pursue a permit. Each lot has approximately 1 acre of buildable area. Mr. Tate explained that the lots will be 120,000 s.f. lots. McNaughten asked if they considered constructing the driveway for lot 3 and 4 further to the north for development away from the wetlands. She is thinking that because of beavers, the wetlands will move further into the buildable land. Mr. Tate would like some guidance with regard to the wild life corridor and moose and the wildlife action corridor which follows more of the wetlands corridor.

Hardy asked the Commission what they would like to advise the Planning Board. Hardy believes they will propose a further subdivision of the remaining lot. McNaughten is concerned with that. Abbe was concerned about the number of culverts needed to get to the back of the lot. Hardy noted that they have data showing where the wetlands are. At that point, development doesn't always go the way that your information takes you. If there would be problems, it would show up at this stage. McNaughten asked about the dimensional requirements. Easler explained that the subdivision has not yet be accepted by the Planning Board. McNaughten asked if they had ever looked at Global Climate Change. Hardy answered that that type of work has not been done. The Planning Board has the ability is to compel that

type of work at the applicant's expense. LaPierre asked about the reclamation of the gravel pit that exists now. McNaughten noted that where the gravel pit is close to wetland it might be better to leave it as is. LaPierre noted that the gravel pit hasn't been active for a few years. Hardy added that a report he read stated that 'nature' had been doing the most reclamation. Niebling believes it's been about 10 years since the gravel pit had been active. Abbe noted that the plan shows lots 3 and 4 will share driveways. Niebling thought that one point to bring to the Planning Board is that the buffer strip along the Salisbury town line is being done so the applicant can do a cluster development or a more intensive subdivision. Cluster subdivision regulations require the maintenance of a buffer strip to all abutters. He is concerned that they are preapproving something more intense than is shown. That strip is to keep the town of Salisbury happy. Why is this subdivision necessary to facilitate public access? Hardy explained that the Technical Review committee has reviewed this. Easler explained that they were going with a PUD not a Cluster subdivision. Hardy explained that they cannot apply for 2 things at the same time so they withdrew that application and are now applying for 4 lot subdivision. Easler explained that with the remaining lot they are looking at putting in approximately 55 units. Niebling noted that this buffer is about the larger subdivision, not about the 3 new lots. McNaughten asked if they could use that 75 feet as a road access. She asked if the town had any requirements where they would have to have conservation land if it's over a 5 lot subdivision. Hardy explained that this is a cluster with open space. Abbe asked if the concern of previous shared driveway is something to bring forward and the difficulties that arise from that. Hardy answered that their job is to advise the Planning Board. Niebling asked if the Conservation Commission can ask to advise when the residual lots come forward. Hardy answered that they have an opportunity to have input at the early stages of the development. Easler explained when the next subdivision comes forward they will need to come before the Conservation Commission before the Planning Board.

McNaughten can research the inland model that gives the projection of what water is and would be in the future. Hardy asked Easler if Planning Board would be taking a view. Easler also noted that the applicant has stated that if they cannot get approval for the second phase, he will be turning the remaining lot into a gravel pit. Niebling informed the board, for full disclosure, that he is an abutter. The frontage in this town is built out, the town is going to continue to grow which will happen by significant subdivisions. This is the first major subdivision since the Forest Lane subdivision in the 1970's. This will establish an important precedence. How does the town view conservation of open space and rural character, etc. This is an important precedence. He's represented property rights in the legislature for 20 years. They have every right to develop their property. It abuts 2 significant conservation property. It's remote open space. This subdivision needs to be conceived in a way to protect those values and still allow the owner to move forward. Hardy noted that the driveway approval for the gravel pit is a driveway, not what you need to build a road. Sara Millard and Charlie Niebling have conservation easements. Easler noted that that wasn't on the plan. Carrier had concerns with how the wild life will be effected. The wetlands will be effected immediately. Mihai noted that lot 1 is half in the pond; lot 2 is half in a pond; and lot 3 you need to cross wetlands. All 3 lots don't make sense for development. Easler explained that they needed to ask for waivers.

Hardy sees one request right off the bat that the commission and make which is that due to the natural resources that are there, they recommend the Planning Board conduct a view of the property early in the process, which means soon. McNaughten asked about who the representative is for Planning Board. Hardy will go to represent the Conservation Commission at Planning Board. Easler noted that if they have 3 members going, they need to notice it as a meeting, so she needs to know who is going and when.

Abbe asked if the abutting property in Salisbury is in Conservation should their Planning Board should know. Hardy answered yes. McNaughten asked about waivers. Easler read comments listed in the

applicant's application. Item #8 and #22 on their application is a request for a waiver. Gallagher read item #8 and item #22 for the Conservation Commission's information.

A **motion** by Mihai to ask the Planning Board to view the property to address their concerns, seconded by Abbe and passed by a unanimous vote.

McNaughten will find out whether there is some sort of map forward (tomorrow) and report back. She will email the information to the commission. Easler explained they could have a special meeting on findings. McNaughten noted that there is a wetland area that is dying and another that is emerging. Hardy asked if she would be investing to see if a report or resource exists and if so forward it to the Planning Board. A **motion** to have McNaughten forward, if one exists, the report or resource, to the Planning Board was made by McNaughten, seconded by LaPierre, and passed by a unanimous vote.

Hardy asked Easler if staff would keep the Conservation Commission informed of any new information so they can have members at the Planning Board meeting. January 3, 2023 at 6:30 pm is the Planning Board meeting. Easler assumes Planning will open the hearing, hear testimony from the applicant, then have the public hearing. Or they can continue it. Hardy explained that the Planning Board is required to start a clock once the application is determined complete. Easler assumes they will consider it a regional impact which adds 30 days to the clock.

Old Business:

- Public Hearing: Amend the Rules of Procedure – Hardy opened the public hearing at 8:04 pm to amend the Rules of Procedures. He polled the audience for any public here to make comment. None shown nor heard. Hardy closed the public hearing at 8:05 pm.

Easler noted that the Commission reviewed this last month. She believes it was just the dates of the meetings and ex-officio being a voting member that were being added. Hardy asked if the Commission members were ready to amend the rules and procedures. A **motion** to amend the Rules of Procedures was made by Mihai, seconded by Abbe and passed by a unanimous vote.

- Master Plan Update – Easler reported. All information sent in to O'Brien has been put up on the website. They will be talking about agriculture and energy. Mihai noted that he sent an email to Hardy and Easler. Now that AgCom is going, there is a lot of overlap as far as goals and objectives. He is not sure what their version looks like. Easler explained that this part can be done whenever they want and have a public hearing at that time. Hardy wants to keep this on the agenda for the next meeting. Mihai asked if Hardy wanted him to put something together for another meeting. Hardy answered yes.

Easler asked if Conservation Commission has a mission statement and a vision statement. Hardy asked if she wanted to propose them. Matt Burdick thought that was something that should be done for the citizens to see. Mihai will try to put it in the Master Plan Update.

Abbe reported on the Town Forest. Sunday they wrapped the chestnut trees with chicken wire all the way to the ground. Web Stout finished 3 corners for the (Ashwood Lot) O'Day lot. They blazed and cut ribbons. Abbe reported that Web Stout's plan is to rework the Creaser lot and include the 4 town lots. He will then show them as a dotted line on the map so they have some history. He asked if they are interested in merging them but still keeping town lots as dotted line. Niebling spoke about one of the deliverable's the commission charged him with years ago was to complete a survey of all lots together. It was reported that Web Stout would take care of this towards the end of January 2023.

Abbe asked him about Walker Pond dam. Hardy explained that the Water Precinct still owns the dam. No parking signs have been installed at Walker Pond.

New Business:

- Merrimack and Nashua Watershed FEMA Mapping Update review (12.13.22) – Hardy explained they are redoing the Flood Insurance Rate Map. 2010 was the last update for the Contoocook River map. They are now going down through the Merrimack River. They asked O'Brien to reach out to Michele at the Local Advisory Committee to see where they are meeting. They will speak with Kaplan when he returns. Easler should be getting the maps (she spoke with Stephanie Alexander) and send it in DropBox.

Niebling asked about the Warrant Article to designate Walker Pond for a Town Forest? McNaughten believes they decided not to rush it. Easler thought they weren't going to do that this year. Niebling wanted to remind them that the designation doesn't require forestry or trail blazing, but it makes it difficult for the town to do anything contrary to what that property was intended. Then they could use town forest funds to help pay for Walker Pond items. Hardy – are they going to petition or ask the select board to. O'Brien had let Easler know that this item wasn't going to town meeting this year. Niebling did write a Management Plan for this property. Abbe thinks it's important to eventually get it to be a Town Forest. Abbe asked if they could work on it for next year. Easler explained that they could also petition it. Niebling remembers Kaplan having a strong views on it so he feels they should hold off until Kaplan is here. Easler suggested that they could add it on to their old business and carry it forward.

Abbe asked if the Conservation Commission came up with anything for the annual report. Hardy asked if anyone was interested in giving some input. If so, please see Abbe or Mihai. Abbe asked when the Town Report needs to be to Nicole. Easler answered by the end of December.

Next Meeting:

- January 17, 2023 @ 6:30 PM

Meeting adjourned @ 8:30 PM. A **motion** to adjourn was made by LaPierre, seconded by Carrier and passed by a unanimous vote.

*Respectfully submitted by
Rose Fife, Recording Secretary*