

CONSERVATION COMMISSION  
Boscawen Municipal Complex  
July 18, 2023  
Final Minutes

Present: Alan Hardy, Chair, Jeff Abbe, Aurel Mihai, Norman LaPierre

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

Absent: Matt Burdick, Mark Kaplan, Charlie Niebling, Town Forester,

Staff Present: Kearsten O'Brien, Deputy Director, Planning & Community Development, Kara Gallagher, Assistant, Planning and Community Development, and Rose Fife, Recording Secretary

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**Consent Agenda:**

Open by Chair

- Roll call by Ms. O'Brien
- Accountant's Report
- Review 6/20/23 Minutes

Ms. McNaughten was appointed a voting member.

A **motion** to approve the consent agenda as presented was made by Mr. Abbe, seconded by Mr. Mihai and passed by a unanimous vote.

**Old Business:**

- Barnard Lot Discussion/Update-Charlie -
  - o Draft Agreement with Addie Mock – These items have been moved to the September agenda.
- Draft Easement for Barnard Lot-Charlie – This item has been moved to the September agenda.
- Turtle Crossing Signs Update – Ms. O'Brien gave the update. Mr. Hollins of the DPW would be okay if the Conservation Commission wanted to pay for and maintain Turtle Crossing signs. They will need State approval for signs on state roadways. Mr. Abbe asked about adding signage to the 'Welcome to Boscawen' sign. Ms. O'Brien will discuss this item with the AgCom committee as they oversee those signs. Mr. Hardy has moved many turtles every year at by Flanders Pond near Elektrisola. Ms. McNaughten wanted to focus on town roads. There are some key spots, i.e. Queen Street. Ms. O'Brien added Corn Hill Road also. Ms. O'Brien thought they might possibly be able to get the small signs done either in house or for \$20 at most. Abbe suggested they be attached to the post instead of under the 'Welcome to Boscawen' signs. Ms. O'Brien asked about turtle season. Ms. McNaughten answered it was in June. Mr. Abbe noted that in June the 'Welcome' signs have strawberry and blueberry signs up. Mr. Abbe would like to be able to do this for next season. Ms. McNaughten will ask their turtle biologist when the migration season is for turtles and their hatchlings. Ms. O'Brien will ask AgCom about utilizing their signs. Ms. McNaughten suggested an orange triangle sign that flips in half so that they can keep them there year-round and flip them up and down. Mr. Abbe had concerns that the UV light would break them down.

**New Business:**

- NHDES Proposed Changes to NH Wetlands Rule – Ms. O'Brien noted this item was Tabled from last month. The changes were minor. They will put this item off for another month. Discussion regarding DES programs that may allow them to fill in small wetlands. Ms. McNaughten noted that DES is focusing on restoration of land right now, not conservation land with the ARM fund money.

• Easement Request for 477 High Street Open Space – Mr. Abbe noted that there is a foundation installed there. There are storm water controls up, but it is completely breached. They are doing what they are supposed to do with silt fences, but they need to put another one in. Ms. O'Brien explained that was one of the 4 lots from the original subdivision. Mr. Hardy noted that was the first lot, it is a shared driveway and there is another lot that goes in and off to the left. After the Planning Board meeting, there was discussion regarding open space land as it is proposed. There are 2 steps in the subdivision process. They met the CUP conditions to start the process. They are now proposing 30 new home lots. Under the cluster ordinance they are required to dedicate open space. Within that open space dedication there are a couple of options they can choose. One is that it remains owned by a homeowner association for open space, which has not been a very successful option. The second is that the land may be held separately by individual owners. They have done it once with Keneval and Folsom subdivisions. Over time, when a property is conveyed from one owner to another the rules get lost. The developer asked him if the Conservation Commission would be interested in the land in any form. If they wanted to explore that option, the developers would need a variance. Mr. Hardy told the developer he would talk with the Conservation Commission. He realizes they are responsible for two town forests and Walker Pond, as well as other easements. Does the Commission have any interest in this land? Mr. Abbe asked if they were discussing the 75 feet around the property. Mr. Hardy reiterated it was the open space. Mr. Hardy is most concerned with how much more they can be responsible for. Ms. McNaughten asked if they could subdivide out the 75 foot buffer all the way around. Ms. O'Brien showed the Commission on the map what portion of the subdivision would be part of the lot. Ms. McNaughten thought they could relinquish the lots near the wetlands. Mr. Abbe would prefer not to be involved and suggests a homeowner's association is the best option. Mr. Cousens believes their proposal to the Commission is a high maintenance proposal for them. O'Brien asked if there was access to the open space from the road. Ms. Gallagher recalls a public trail being discussed. Ms. O'Brien noted that the developers are proposing this as a town road and if the town doesn't accept it, she asked if this would create an issue for the Commission if they chose to move forward with taking this on. Ms. McNaughten noted that taking this on has no habitat value; that is not conservation. Asking the town to take that has no value for wildlife or conservation. The only value would be for the homeowners. The town would want to investigate an endowment to monitor this. If we say no, what happens. Mr. Hardy answered that the developer would go back to the two options available to them or ask for a variance to a certain solution. Ms. McNaughten read a letter into the record that she submitted in response to Meridian Land Services request. In summary her experience is that taking on this type of easement comes with issues that results in costly enforcement solutions. If the Commission chooses to accept this request, she suggests hopes there is a mechanism for the Commission to receive an endowment to monitor and enforce it in perpetuity and suggests no less than \$20,000. She feels it should be rejected. More discussion regarding this issue. Mr. Hardy noted they would need to reduce the number of lots based on the Cluster ordinance. Ms. McNaughten wanted it to be noted that she is not against development. She's hoping it's done smartly and considers the wildlife. Mr. Hardy was not sure that the raw calculation would survive the Planning Board. Buildable lots must be contiguous and that seems to be missing. Mr. LaPierre asked if they had town water. Ms. O'Brien answered that they did not. Mr. LaPierre asked if each lot will have a well? Mr. Hardy explained. Mr. Carrier was concerned with the size of the lots and how many there were in the development. A **motion** not to accept the open space easement request from Meridian Land Services, unless they choose to reconfigure their lots was made by Ms. McNaughten. **Motion** failed for a lack of a second. A **motion** to reject the request to hold a conservation easement over lot 94/23 was made by Ms. McNaughten, seconded by Mr. LaPierre and passed by a unanimous vote. Mr. Hardy wanted to note that the Conservation Commission has the opportunity to be an advisor to both Planning and Zoning Boards. Planning does some work on the ordinance that the Commission has actively helped with some suggestions or guidance.

• Approved After-the Fact Standard Dredge and Fill Permit Application –

Town Forest – Mr. Abbe reported that Fife Brush Hogging Services mowed the Weir Town Forest Saturday. The Chestnut Trees are starting to show a 'stub' again, at least 9 of 10. They may have some chestnut trees growing. He asked about trees around town hall. Mr. Hardy explained that the approved budget this year is tight and

because of that they are seeing requests coming to them for resources that people think are available. The Conservation Commission may see more requests that need to go through the process of being vetted. Mr. Abbe doesn't believe their funds should be used for this.

Land use change tax money comes through quickly when there is a large project, but there aren't that many projects the Commission can take on or that they can purchase. Mr. Hardy will do his best to help people understand that when it comes to acquiring land or easement that money disappears quickly.

Ms. McNaughten asked if the Barnard Lot has a draft easement; is it under contract? Ms. O'Brien noted that Mr. Niebling was going to discuss it. Ms. McNaughten asked if the Commission has ever worked with the Trust for Conservation Funds, which helps towns get funds. They do not hold ownership of the land. Ms. McNaughten will give Mr. Hardy a contact number. The amount of land use change tax that has come in was discussed.

Mr. Hardy noted that Ross Express has acquired the Whyte Property and it has just been merged. That property abuts the town forest. They will build a brand-new distribution terminal. The current terminal will become warehouse space. They are owned out of Pitt, Ohio. The old owner, Steve Brown, will be developing this terminal. Mr. Mihai asked about how it will be developed. The snowmobile trail goes through the middle of the Whyte/Ross Express lot. Mr. Hardy explained that the terminal will be placed back away from view. The access that is currently used will continue as is.

Mr. Cousens noted that they have not done the inspection on the Jones property on Goodhue Road and the Keagan property. Ms. O'Brien noted that they did them twice last year. Mr. Abbe believes they did them in November. Mr. Abbe thought November worked well. Mr. Cousens will do the Goodhue Road property in November.

#### **Other Business:**

- Planning and Community Development Department Updates – O'Brien reported that other than the Zoning Board and the Planning Board, all other boards and commissions will no longer have staff at them. Mr. Hardy has spoken with Ms. Easler about this as he feels linking staff with these meetings helps to keep things moving.

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

**Next Meeting:** August 15th, 2023 @ 6:30 p.m.

*Respectfully Submitted,  
Rose Fife, Recording Secretary*