

CONSERVATION COMMISSION  
Boscawen Municipal Complex  
September 19, 2023  
Final Minutes

Present: Alan Hardy, Chair, Jeff Abbe, Aurel Mihai, Norman LaPierre and Charlie Niebling, Town Forester.

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

Excused: Matt Burdick, Mark Kaplan

Staff Present: Rose Fife, Recording Secretary

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**Consent Agenda:**

- Open by Chair – 6:30 pm
- Roll call by Recording Secretary
- Accountant's Report
- Review 8/15/23 Minutes

Membership Voting – Chair Hardy appointed Ms. McNaughten as a voting member.

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

**Old Business:**

- Walker Pond Update

Pump House Discussion with Public Works Director Hollins – this item is being moved to the October agenda.

- The Future

Number of Commissioners – Chair Hardy polled the Commission to see if there is an interest in changing the number of voting Commissioners. If they choose to add members, it would need to go to town meeting to adjust the numbers. He would like to know if they feel 5 voting members sufficient? Planning Board is currently 7; Zoning Board has 5 voting members. At times they have struggled to get 3 members. Mr. Mihai asked what the benefit is to having more? It may be more difficult to get a quorum. Mr. Hardy explained that they could encourage more people to participate to spread the work load out. Ms. McNaughten asked if there was a situation where a 5-member board had not worked. Mr. Hardy explained that the voting blocks get bigger vs. a 3-2 or 4-3 vote; but when it comes to the work of the individuals on the commission, it spreads the work out to more people vs. all the same people doing all the work. Would they be able to accomplish more with more people? Mr. Cousens asked if the Ex-Officio is considered a voting member. Chair Hardy explained. There have been times where the selectboard member acted as a liaison and not a voting member. In this case, Matt Burdick decided that he would be a voting member. Mr. Cousens noted with Matt Burdick voting, they would have 6 members voting. Mr. Abbe noted that the Commission is fortunate to have the alternates that come to the meetings. Chair Hardy noted that Commissioner Mark Kaplan has expressed his frustration at not being able to attend more meetings and would understand if they wanted to make a change. As Chair Hardy sees it, they are happy for the time that Mr. Kaplan can attend. Ms. McNaughten asked if they have 7 voting members, would that leave them with only 1 alternate or do they have additional folks in mind.

Mr. Mihai thought it would be great to have more people to help with the things they want to do. They have a long list of 'to dos'. Chair Hardy explained the process. They need to write something up to bring to the Select Board. He asked if the Commission would like to move forward to create a draft. Ms. McNaughten is concerned they will not be able to get a quorum. Chair Hardy explained that members also have the ability to participate remotely. He will research other Commissions throughout the state to see how many members they have and put a draft together.

- Barnard Lot Draft Easement – Forester Niebling did not have anything to report. He met there today to let them know they may be starting next week on the timber sale. Adam Mock needs to clean up the sides of the access road to get in. They put a second lock on the gate temporarily so they can get in and out as needed. He will report back later when everything is done as well as talking with the property owner regarding the right of way. He will have the owner produce documentation regarding the right of way. With the absence of that, they should formalize a mutually agreeable right of way. It is not needed, but a memorandum of understanding would be good.

Chair Hardy asked if Forester Niebling had anything further to report. Forester Niebling reported that pine seed is raining down. Cones are opening now. The Intent to Cut was filed yesterday for the cut. Select Board will sign off Thursday. There is no tax to be paid, just paperwork to be filed. Chair Hardy is hoping that they will authorize the Town Administrator to sign those documents in the future.

Forester Niebling reported that the contract is signed. They have good pricing. The pine market remains strong. There should be good revenue generated by the sale. Perhaps they should discuss with the Select Board how to handle that.

Chair Hardy explained that there is a policy that when there is a cut done in the Town Forest, they get a fixed amount. If it exceeds that dollar amount, the town would, by policy, get the balance. They have successfully gone to the Select Board and made them aware of what they would like to do if they could keep the entire proceeds. The Commission has been allowed to utilize the proceeds to put back into the land. Forester Niebling suggests they come up with a wish list to bring to the Select Board to show how the funds would be utilized. Chair Hardy reported the balance of the Forest Fund.

Chair Hardy discussed the Walker Pond land and the discussions about it being designated as Town Forest. They did not move that forward to town meeting to do that. They may want to discuss this in the fall. Mr. Mihai is assuming they do; they have not yet come up with the plan. There has been much discussion as far as what they want to do there. Chair Hardy noted that the Walker Pond property is a real asset that a lot of people cherish. The town holds the only public access to that property. Chair Hardy asked how they would like to use the proceed of the cut; what is their wish list?

Forester Niebling noted that by Statute they cannot use forest funds for Walker Pond as it has not yet been designated a town forest. Forester Niebling discussed options to get a Master Plan done. There are consultants out there to help. Chair Hardy asked if there was any way to guestimate what the gross proceeds would be on the cut. Forester Niebling answered that there was. The majority is pine and 230,000 board feet of pine was marked; 2/3 grade at \$250/thousand and 1/3 is industrial box pine and will go to Colby's for \$75/thousand. That is almost \$45,000 in pine revenue. Then 10-15,000 feet of oak and an undetermined amount of hemlock. Pine is 90% of value. Designating it as a Town Forest does not mean they are obligated, by law, to cut timber there. A lot of town forests are managed for recreation, wilderness protection and habitat; not for timber sales. It does allow the town to use the fund with revenue generated from timber to help pay for things. Mr. LaPierre asked if there would be an issue if they developed it too much. Forester Niebling answered there could be. Mr. LaPierre asked if by adding picnic tables and parking that would be an issue. Forester Niebling answered that would not be an issue. Chair Hardy noted that they have had a long-standing tradition that they want to see it used for recreation. Forester Niebling noted that the use is going to grow, boat access increase, ice fishing, etc.

is going to increase. How can they manage that in a way to protect the pristine and wild feel they enjoy when they go up there? Mr. Mihai responded that was why they need help. Ms. McNaughten submitted that when the amount of parking is limited the amount of use is limited. They would need the support of law enforcement. Discussion regarding parking at Walker Pond and the inability of making the parking lot larger due to wetland. Mr. Abbe reported that on Sunday afternoon there were 7 vehicles in the parking lot.

Chair Hardy wanted Ms. McNaughten to reach out to see if they could get a planner to help them. He will see whether conservation funds can be used for management of current conservation land. Ms. McNaughten's supervisor does management plans all the time, but it is for wildlife management vs. recreation vs. wildlife. Chair Hardy would like to meet with him. He asked if Bob Spurl still does trails. Ms. McNaughten reported that Mr. Spurl is about to retire. Chair Hardy asked if he could maybe come in and talk with the Commission. He will also check about the conservation funds usage. The 2024 town meeting is where they should discuss Walker Pond/Town Forest. They would need approval at the March meeting. Forester Niebling concurs.

Chair Hardy discussed the annual budget. Historically they have created a budget of approximately \$2,200 for a resource and routinely they do not spend it. Chair Hardy asked if they need to request the \$2200 budget they routinely have done. Mr. Mihai answered probably not. They should probably have a big budget for big things. Chair Hardy reported that they have 3 sources of funds, one is the operating budget that they have not used. Expenditures are mostly signs and mowing which comes out of the forestry account. If they are not going to earmark and use the small budget, do they want to pass on that. Mr. LaPierre noted that in the past they would buy a chain saw or pole saw. Chair Hardy discussed the purchases of signage and mowing, which is the largest expenditure. They also belong to a couple of organizations that come out of the operating budget. Recording Secretary Rose Fife asked if they utilize the operating budget for training? Chair Hardy asked if the Commission wanted to charge things to the operating account. Mr. Abbe has a conference coming up; Saving Special Places, which should come out of that operating budget as well as other training/conferences. Forester Niebling was going to suggest they request a reduced budget but do not zero it out. There have been years where legitimate expenses have been assigned to the operating budget. Chair Hardy discussed the question of how much of the land use change tax they will be receiving. This year it is around \$141,000 for land use change tax. If they are given the opportunity to acquire an easement, that would be a down payment. Some deals would not have taken place if they did not have these funds available to them. Mr. Cousens believes they should leave the funds for training, especially if they have members added to the Commission. Chair Hardy asked if they want to give up any line items. Ms. McNaughten noted that the contracting services would be more than \$1,000. Mr. Abbe does not believe they have the manpower or expertise and need the contracting services. He also believes they need some guidance. Ms. McNaughten believes they should hold onto it. Especially if they are going to do something with the Walker Pond parcel. Forester Niebling suggested they contact Barbara Richter who may know who does this type of thing; outside expertise with recreation planning on town land. Chair Hardy thinks they will need to discuss some sort of budget next month. Mr. Mihai wanted to look back this year and see if mowing the field should go into this to show the money is being used. Chair Hardy gave the actual numbers; mowing was \$560.00 through the forest account; signs \$29.95; trail signs \$150; the maps at kiosk \$1,268; signs \$13.98, and routed trail signs \$140.00, these are all lumber for signs, etc. Mr. Mihai thought signage should be its own line item. He said it sounds like it is a good idea to keep the budget, but we need to show they are using it. If they are losing money in the future, they should preserve what they have. Chair Hardy reported that he was asked today if they want to transfer the expenses into the operating account. Mr. Abbe also wanted it to be noted that in November the NACC meeting will be coming up and that should come out of the operating budget.

A **motion** to move the operating expenses into the operating account was made by Mr. Mihai, seconded by Ms. McNaughten and passed by a unanimous vote. Chair Hardy will work with Finance Director Kate Merrill to make the transfers.

Mr. Abbe reported that the snowmobile club put in the bridge. It looks good. The plus side is Hardy bypass is useable as a trail vs. using a 10' wide snowmobile trail. It does intersect the snowmobile trail twice. Fife mowing will be coming out for the lower 5-acre field and the Weir homestead in early or late fall. Chestnuts are back. There are tons of branches down due to wind last weekend, nothing serious.

Ms. McNaughten discussed the ATV usage. The trail at the top of Queen Street has been used. There are a lot of wet areas and the ATV's are widening them. She called Conservation Officer Jim Cyr to report it. She does not know if he talked with the ATV riders. They are in the Town Forest and they are making a lot of noise. There is a dirt bike that has been up to Duford's fields. They should not be in there. They do not have landowner permission. Ms. McNaughten has asked CO Cyr to come up and investigate the illegal use of the property by ATV, UTV and OHRV use. She noted that by law you need written landowner permission, whether it is posted or not to use the property.

Forester Niebling that there has been a house been built on Queen Street that blocks the trail to the northeast of Hurst Marsh. There is no way to get from the Boscawen Village Town Forest to the Weir Road Town Forest. Ms. McNaughten met with the snowmobile club about moving the trail. They are in negotiations with the land owner. There may be another solution. Forester Niebling discussed the Boscawen Village Town Forest. Ross Express purchased the Whyte land. They need to talk with Steve Brown about whether he is agreeable to convey some portion of the property for the Town Forest consolidation or a trail easement. Chair Hardy discussed the project; the existing buildings will be used only for warehousing and the entire new 60 door facility will be on the old Whyte's parcel.

Chair Hardy gave a quick overview regarding the Walker Pond Pump House. It is a safety issue as the roof is caved in.

Ms. McNaughten discussed turtles. The Fish and Game biologist offered to come and do a turtle talk about how turtles migrate and how to protect them. She is hoping to get him here sometime this winter. Forester Niebling thought it should be a public presentation. Ms. McNaughten will let the Commission know when he is available.

Mr. Mihai sent an email that included a few paragraphs he wanted them to look at to see if it is what they would like to put on the website explaining what the Commission does. He would like their input so he can put a final draft together. He would like it to be a living document and be updated once or twice a year. The email will be forwarded to other Commission members for their input.

**New Business:**

- None.

**Non-Public:**

- None.

**Other Business:**

- Planning and Community Development Department Updates – none reported.

A **motion** to adjourn was made at 8:05 pm by Mr. LaPierre, seconded by Mr. Mihai and passed by a unanimous vote.

**Next Meeting:** October 17th, 2023 @ 6:30 p.m.

*Respectfully Submitted,  
Rose Fife, Recording Secretary*