

# **TAMWORTH CONSERVATION COMMISSION**

## **Minutes**

**March 9, 2009**

*Approved April 13, 2009*

### **Call to Order**

- Meeting called to order at 7:03 pm by Chair Ned Beecher.
- Members present were Scott Aspinall, Bill Batchelder, Ned Beecher, Bryan Berlind, Kathy Bunker (Alternate), David Haskell, Margaret Rieser, Charlie Townsend
- Kathy Bunker acted as alternate to Scott Aspinall until his arrival.

### **Approval of Minutes**

- The minutes of the February 12, 2009 meeting were corrected by adding an "o" to the word "commission".
- Kathy Bunker moved, and Bill Batchelder seconded, approving the minutes of February 12, 2009 as corrected. The motion passed with no objection.

### **Administrative**

#### **Members**

- Bryan Berlind notified the Commission that he is stepping down to alternate status and will continue as a member of the Ordinance Review Committee. The Commission expressed their appreciation for his contributions.
- Bryan Berlind moved, and Margaret Rieser seconded, recommending to the Select Board that Bryan Berlind be appointed as an alternate, Kathy Bunker be appointed as a full member, and Bill Batchelder be re-appointed, all to three year terms. The motion passed with no objection.
- The Commission would like it to be known that it is interested in having more members.

#### **Warrant Articles for Town Meeting**

- Bill Batchelder was commended for a beautiful job of putting out information about the TCC's town warrant articles.
- Ned Beecher volunteered to speak on the subject at town meeting. It was suggested that other commission members be familiar with the proposal. Most important is to note that the articles do not involve spending money or committing to any actions at this point. The NH Association of Conservation Commissions has a good summary document on its website.

#### **Budget Report**

- Bryan Berlind moved, and Dave Haskell seconded, approving the expenditure of \$25 to reimburse Kathy Bunker for registration for a Water Source Protection Program May 1st. The motion passed with no objection.
- Other members are encouraged to attend and asked to notify Kathy and/or Ned if they intend to do so.

#### **Members**

[Scott Aspinall arrived. Kathy Bunker stepped down as alternate.]

- Margaret Rieser moved, and Bryan Berlind seconded, putting Scott Aspinall's name forward as an alternate for a three year term. The motion passed with no objection.

### **Land Acquisition & Easements**

#### **Boundary Line Agreement Between Remick Natural Area and Remick Foundation**

- Ron Remick informed the Commission that the Remick Foundation would like to have the common boundary between their property and the Remick Natural Area defined.
- Any decision will be made by the Select Board, however they will look to the TCC for a recommendation. Planning Board involvement is not necessary since the agreement will define an unknown, rather than to adjust a known line.
- One goal is to set aside room for the TCC to have parking.
- Costs will include those for surveying, boundary marking, drawing up documents, and filing; who will bear these costs would be part of negotiations.
- Looking at the ground after the snow melts but before the leaves come out was recommended.

- Charlie Townsend volunteered to be the point person on this project.
- The date for a preliminary site walk will be scheduled before the April Commission meeting. Charlie Townsend will suggest several potential meeting dates from which Ron Remick/the Foundation Board will select one.

## **Wetlands Matters**

### **Wetlands Application – Lot 414/88, Scott Finman**

- There being no objections, the discussion was started at 7:40 with the understanding that it would continue beyond the 8:00 pm scheduled start time.
- Bill Batchelder and Scott Aspinall recused themselves.

### **DES Application**

- The Commission considered a NH Department of Environmental Services Standard Dredge and Fill Application for a driveway on Map 414, Lot 88, by Scott Finman.
- The Commission may review the application and comment to DES if it chooses, however does not have any decision making authority in the matter.

### **Proposal**

- The purpose is to have a driveway to reach the building site of a single family home on a lot of record prior to 1991.
- A forestry road has been cut.
- A driveway permit has been applied for.
- In response to an inquiry, Scott Finman stated that no commercial firing range is planned; he and his wife like to be able to practice shooting, and that is all they intend.
- It has yet to be determined if the driveway will be paved. Neighbor Rosalind Grey expressed concern that salt and ice melt chemicals would seep down. It was stated that drainage has been calculated and the driveway has been designed to prevent a huge amount of water from coming down to Cleveland Hill Road. The plans presented are stamped by a P. E. and a wetlands scientist.
- One crossing, that impacts a little over 2,000 square feet, requires a state wetlands permit.
- A bridge will be built to cross a stream but will have no impacts on wetlands since work is being done outside of the wetlands area.

### **Delineation**

- Rosalind Grey, abutter, stated her belief that another area is wetland. Randy Shuey, a soil scientist, stated that the delineation was done in December by a certified wetlands scientist and is based on vegetation and soils and he believes the line is conservative.
- Other possible routes for the drive were considered, but the proposed site seems to have the least impacts.
- A site walk was considered.

### **Action on DES Wetlands Application**

- Ned Beecher advised that the choices were to submit no comments, comment, intervene to obtain more time to look at the application, or to recommend denial of the application. Timelines and submitting an expedited application for minimum impact were discussed, but the applicant noted that doing so would not speed up the process significantly.
- Bryan Berlind moved, and Charlie Townsend seconded, that specific to the DES application, a letter be submitted to DES stating that the Tamworth Conservation Commission has no comments or concerns based on the application documents. The motion passed, 4-0.
- Ned will submit the letter to DES, attaching one written comment received from an abutter.

### **Record of Deed**

- Ned Beecher requested a Record of Deed, which Stephan Nix will email to him. TCC will forward it to the Planning Board.

### **Tamworth Wetlands Ordinance**

- No local permit application has been filed at this point, however Ned Beecher informed the applicant that under the Tamworth Wetlands Ordinance a waiver is probably needed for work within the 25-foot buffer zone and that septic system setbacks may apply at the house site.

- Bryan Berlind moved, and it was seconded, that regarding local regulation, the TCC refer the applicants to submit a waiver request or consult with the Planning Board as to whether or not one is needed.
- In discussion it was noted that the areas between Stations 17 + 0 and 18 + 0 the driveway should be realigned to stay outside of the 25-foot buffer area.
- The motion passed 4-0.
- Ned Beecher volunteered to attend the meeting with the Planning Board.
- The applicant asked for the TCC to make a recommendation in support of the waiver, however the process calls for submission of the waiver request letter to the Planning Board first.

#### **Wetlands Advice Request – Lot 415/70, off Depot Road**

Earlier in the month, Ned Beecher was asked by the owners of Map 415, Lot 70, off Depot Road and along the Swift River, for advice regarding their plans to put in some camps. They said they planned to have no-discharge toilets and running water and a holding tank, but no septic system. They were advised to check with DES about the idea of no septic system, something DES does not allow, and also to be aware of the Shoreland Protection Act and floodplain regulations.

#### **Ossipee Valley Snowmobile Club/Great Hill Reservation Trust [Map 405/Lot 15]**

##### **NH Department of Environmental Services Application**

- This is for hardening with corduroy some small places in a trail, and following up on impacts made last fall.
- Bryan Berlind moved, and Bill Batchelder seconded, that a letter be sent to DES recommending approval of the project since it was a previously reviewed project and the application is corrective in nature. The motion passed, 6-0.

##### **Tamworth Wetlands Ordinance Special Use Permit**

- This is an after the fact application for temporary impacts caused by wetlands impacts on the approaches to the site of a new bridge construction.
- Margaret Rieser moved, and Bryan Berlind seconded, that the Tamworth Conservation Commission recommend supporting the Special Use Permit to the Planning Board because it corrects a problem which has presumably been approved by DES. The motion passed, 6-0.
- Ned Beecher will send a letter each to DES and the Planning Board.

#### **Town of Tamworth/Cleveland Hill Road Bridge**

The application to DES was denied because additional information was not received on time.

#### **Wellhead/Aquifer Protection**

Kathy Bunker reported that the Green Mountain Conservation Group will be at the next TCC meeting to discuss their work on this and ongoing water quality monitoring.

#### **Committee / Coordinator Reports**

##### **Gravel Pits**

Margaret reported that the Planning Board learn more of their responsibilities and will keep her informed.

##### **Family Day/Earth Day**

- There will be a TCC bird walk that morning, and possibly an evening program at the library.
- Replacing some of the older trees along Tamworth roads was discussed.

##### **Outreach/Education**

- Scott Aspinall shared information on a series of wildlife management workshops to be held on April 24<sup>th</sup>, 2009.
- Green Mountain Conservation Group has sent notice of a number of water quality protection events.

##### **Ordinance Review**

- Bryan Berlind reported that the number of ordinances that are still valid and need to be reviewed by the town attorney or local government center has been reduced to about two dozen.

#### **Other Business**

### **Well Head Protection**

- Bryan Berlind brought in a model ordinance created by DES.

### **Land Conservation Matter: Non-Public Session**

- Dave Haskell moved, and Margaret Rieser seconded, to go into nonpublic session to discuss ongoing negotiations regarding possible purchase of interest in property for conservation purposes. The motion passed., 5-0 (Scott Aspinall being temporarily out of the room).
- Upon return from non-public session, Scott Aspinall moved, and Margaret Rieser seconded, to seal the minutes of the non-public session indefinitely. The motion passed with no objection.

### **Adjournment**

Motion to adjourn moved, seconded, and passed at 10:55.

*Draft minutes to be reviewed at a subsequent meeting.*