

CONSERVATION COMMISSION
Boscawen Municipal Complex
January 17, 2023
Final Minutes

Present: Alan Hardy, Chair, Jeffrey Abbe, Norman LaPierre, Matthew Burdick, Mark Kaplan

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

Absent: Aurel Mihai

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

Regular Business:

- Open by Chair 6:30 pm
- Roll call by Recording Secretary
- Accountant's Report – For next month's meeting they would like this to be on a Consent Agenda. They will review the Accountant's Report this evening. Hardy explained that the Project on Route 4 will generate Land Use Change Tax when it comes out of Current Use. There are a total of 16 lots. LaPierre asked if the lots would come out of Current Use one at a time or all at once. O'Brien reported they could possibly come out all at once.

Abbe wanted it noted that there was a breach of storm water at the Eagle Perch's location (183D/16/1). Quite a bit of the road edge was washed out.

A **motion** to accept the Accountant's Report as presented was made by LaPierre, seconded by Abbe, and passed by a unanimous vote.

- Review Minutes – Abbe discussed changes to lines 44, 47, 191 and 192, 212. Line 47 he wanted it to read there are no buffer or wetland impacts vs there are no buffer impacts or wetland impacts. Hardy's personal perspective is that when the Minutes are being put together, the changes whether appropriate or not, needs to be discussed with Rose. If the Board wants to accept Mr. Tate's request to change the Minutes he'd like the Commission to discuss them with Rose. Abbe noted there was quite a bit of conversation about the 75 foot buffer. Hardy said that is in their documents. Abbe wanted Line 191 to read the Ashworth Lot. Recording Secretary Fife noted that as she does not have the history with the town that the residents do, if they state in the meeting that it is the O'Day lot that is what she will reference. She has no way to know that the O'Day lot is also known as the Ashworth/Creaser lot. Abbe suggested they put Ashworth Lot in parenthesis and keep Creaser Lot or O'Day lot. Line 192 Abbe would like it the word 'the' added after the word include and before the words town lot. Hardy suggested the Minutes should stand as is. Line 212 change the word 'required' to 'intended'. Line 213 Niebling would like 'Forest' after 'Town'. A **motion** to accept the Minutes with amendments noted was made by LaPierre, seconded by Carrier and passed by a unanimous vote.

Cousens recommended the Chair makes Carrier a Voting member for this meeting. Kearsten reminded the Commission that the Ex-Officio is now a voting member. Technically you would have five. Hardy made Carrier a voting member.

Old Business:

- Town Forest Update – Abbe reported. With the wind and snow they have had, there have been a lot of tree limbs down. They had some maple trees down and a large pine, but they have all have been cleaned up. There has been blazing done on the Creaser/O'Day/Ashworth lot (83/7/1).

O'Brien was not at the last meeting. She'd like to be updated on why the Commission decided not to put Walker Pond into a Town Forest.

Abbe noted the dam on the Walker Pond lot should be located and put on a plan sometime this winter.

Niebling would like to suggest laying conservation priorities in the community for future discussions. He'd like to approach the abutting owner, Parnassus LLC, who owns 400+ acres on Concord side of the line, which abuts 66 acres in Boscawen. It is ecologically interesting land. There is a very old forest on that property. It helps consolidate ownership and provide access to the former Barnard Lot through the former Armstrong Lot (now known as the Weir Road Town Forest). Now may be a good time to approach the owner to convey a portion of that lot to the Town of Boscawen. It will never be developed as they have very little frontage. The market value now may be quite reasonable. That parcel would be a good addition to the town forest. Abbe asked if it was something that Niebling might want to do. Niebling thought perhaps the commission should write a letter to the property owner. McNaughten asked if they could put this on next month's agenda. Niebling showed McNaughten the lots they were discussing on the town maps. Hardy wanted to add Parnassus discussion to the next agenda. O'Brien will add it. Kaplan thought that an NRI layered map being available will help. Niebling would like a Wildlife Action Plan maps as well. Hardy would also like the property card for it as well.

- Walker Pond Update – Kaplan had no update. He did read the Minutes and read that Niebling had some strong feelings about making it part of a Town Forest. Discussion regarding whether they should designate the property as a Town Forest. Kaplan felt that if it was the easiest thing to do, he supports it. Hardy wouldn't want to see it developed. If they designated as a Town Forest, they may do a timber cut, or keep it as is, other than extending the emergency lane declaration. The improvements to the boat launch and turn around has been positive. Maintenance has been added to DPW budget. The pond access needs to be monitored. The Boscawen side is the access to the pond as the rest is privately owned land. They have time now before the 2024 town meeting.

Discussion regarding getting the dam on a set of plans as there is no reference to the dam on any maps. It will be DPW's responsibility to maintain the dam. Right now it is still owned by the Water Precinct.

O'Brien was curious as to why the commission wouldn't want to turn the Walker Pond property into a Town Forest. McNaughten recalls discussion about not putting trails on the parcel and if they could leave that lot a wild life habitat. To think about it as a corridor for habitat.

Niebling noted that if they made it a town forest, they would have to go to town meeting to undue that designation. It's not a conservation easement but a legal statutory status that requires the people of the legislative body undoing it before you could manage it. McNaughten stated it's better protected. Kaplan asked if it were too late to bring it to this year's town meeting. Hardy answered yes. Hardy understands there's fairly active ATV use. O'Brien agreed. McNaughten saw ATV use on the woods road. They

are not tearing them up. Some people use the woods road to get to the camp. Abbe added that it is not a great lot to put trails on. There is a Class VI road. McNaughten can call someone in to look into it. LaPierre noted that a few years ago they did said no motorized vehicles on the trails. Hardy asked if they think they understand what the voters would support. They could set up a public hearing and let them come in and discuss it. Kaplan asked if they would be discussing land use. Hardy answered correct, what would people like to see there. They will have to deal directly or indirectly with the parking. Kaplan feels it makes sense to go to people with 'this is what we think we should do', but not leave it wide open. See what they think of the Commissions idea. Burdick suggested a poll via the Facebook page. O'Brien did that a while back. They can do a poll and have the Commission look at a previous poll that they did. Abbe wants to keep Walker Pond as a boat access area. Perhaps they have a shore front picnic table only accessible by kayak. There people can park at the pump house and walk to the table area. McNaughten thought they should leave the bulk of the property undisturbed. Hardy asked if it was Class VI all the way through to Webster. O'Brien answered she believes so. Kaplan asked if their goal is to get a Conservation Easement on that land or not, or make it a Town Forest. Hardy recalls that they did have a discussion based upon a recommendation to involve an outside party to discuss that easement. They did get a strong reaction about giving up control of that parcel. The expense is significant to manage. Whatever they do out there, how do they intend to pay for it? They don't have a budget to do much out there. Conservation Commission can do a lot of things without asking for tax dollars. McNaughten asked if it was a real fear that the Town would do something with that lot prior to it being a Town Forest. Hardy thinks the problem is that its water front property and it's developable in a different way. Hardy doesn't think it's possible to come in from the Webster side to come into the bottom of Webster's section of Walker Pond. Cousens asked where it stood with the dam. Hardy answered that there is no maps showing the dam. He spoke with Attorney Jim Raymond and Attorney Raymond explained that the best way to do this is to locate the dam and put it on a plan and Attorney Raymond could write up the legal description and get approval from the Town to own property or for conservation property outside of town. The next stage is to get a plan recorded. Attorney Raymond will do the paperwork to acquire it. It will need to be a separate deed for the dam. They are waiting for to get their surveyor Web Stout on the property. Discussion about who could have built the dam back in the day. McNaughten explained that writing the deed is the easy part. The meets and bounds are needed.

New Business:

- Save the Date! Saving Special Places Conference 2023. Abbe received an email that the conference date is April 15th, 2023. It's a great conference. A lot of networking. McNaughten also recommends it.

Non-Public: •

Other Business:

- Planning and Community Development Department Updates – O'Brien has no updates to bring forward.

Kaplan reported that the UMLAC was canceled.

- FEMA Flood Insurance Rate Maps (FIRM's) – Flood Insurance Rate Maps. – FEMA updates those maps occasionally. They are updating the Merrimack River maps. The part that is being affected is near the Franklin Town Line, but there isn't a lot of agricultural land out there. UMLAC along with Conservation Commission did not get the paperwork from FEMA. It may be on the UMLAC's next agenda. Kaplan will check on the UMLAC's web site to see if there is any information.

Abbe asked about Route 4 subdivision. O'Brien stated it was presented as a Major Subdivision. Hardy explained that this was originally proposed as a conventional subdivision and a cluster all in the same application. Then a 5 lot subdivision was proposed. Planning received a legal opinion on the definition of subdivision, etc. Legal Counsel was brought in.

A **motion** to adjourn the meeting at 7:41 pm was made by LaPierre, seconded by Abbe, and passed by a unanimous vote.

Next Meeting:

February 21st, 2023 @ 6:30 p.m.

*Respectfully submitted by
Rose Fife, Recording Secretary*