

CONSERVATION COMMISSION

Boscawen Municipal Complex

May 16, 2023

Final Minutes

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

Alternate Members Present: Henry Carrier, Lyman Cousens

Absent: Matt Burdick, Mark Kaplan, Betsey McNaughten

Staff Present: Kara Gallagher, Planning and Community Development Assistant, and Rose Fife, Recording Secretary, Charlie Niebling, Town Forester

Agenda:

- Open by Chair – 6:30 pm
- Roll call by recording secretary

Lorri Carey is a voting member this evening.

Chair Hardy explained that they would be taking the agenda out of order.

New Business:

Spencer Tate, of Meridian Land Services is here this evening discussing 94/23. Also present is Eric Monroe of Building & Loan Development LLC. They were before the Commission in December 2022 regarding a frontage subdivision that was approved knowing there would be a larger subdivision later. Lot 94/23 was known as the Pintowski gravel pit. It is located on the northern part of Route 4 and is abutting the Salisbury town line. Mr. Tate showed the overall subdivision plans. Wetlands impact was discussed as well as the impact to the wetlands buffer. The gross lot area is 126.2 acres, subtract wetlands and the 100-year flood area and the 15% or greater slopes, this leaves them a net track yield of 70 acres. They will have 30 buildable lots as a conventional lot size. Approximately 120,000 s.f. per lot. He reviewed the calculations. It is a cluster development with 30 lots proposed. There is no frontage requirement. The smallest lot is .9 acres and the largest is 4+ acres. The development has a mixed amount of acreage. The proposed open space land area goes all the way around and connects to Route 4 in several locations. The piece that will go into open space is about 70 acres. There will be 52 acres going towards development/road and the 30 lots. There will be 70 acres for open space and perpetuity. The development is largely shaped by the land and its slopes and the existing gravel pit. It is shaped by the wetland features of the lot as well. There are off lot beaver ponds. At the last meeting the Wild Life Action Plan was discussed. The vast majority of the highest used Wilf Life Habitat will be put into open space. He showed the Wild Life Action Plan as well as some photographs. Abbe asked how long they had a game camera there. Mr. Tate answered that it ran from January to May. The game camera showed bob cat, black bear, and deer as well as smaller wildlife. The road grades are 8%, with several public accesses. There is a walking trail. You can walk to North Water Street and back. There are a few easements. There is a class VI road that terminates at the lot line. Chair Hardy asked who holds the access easements. Mr. Tate explained that the town would. Chair Hardy noted that access is just as important as the land itself. Ms. Carey asked if they found the graveyard up there. Chair Hardy noted that the town has never found it. Mr. Tate explained that they could find the makings of the old barn yard. He showed them where it was on the map. Most of the high value and connective wetland are within the open space area. The lots will have individual septic systems and wells. Chair Hardy asked if Mr. Tate was a wetland scientist. Mr. Tate said he was. The gravel pit entrance will be used as the access road to the subdivision. Those are their only proposed wetland and buffer impacts. He showed where existing culverts were located. The crossing will be upgraded with a 4x4 concrete box culvert with a natural stream bottom. It will match the existing elevation. This is an area of impact. They will have a dry hydrant for fire protection.

There are two wetland pockets that are an area of impact. There are 2 excavation holes filled up with water. Mr. Tate believes it may meet the State abandoned rule. Mr. Abbe asked if it was on the entry road. Mr. Tate answered yes.

Chair Hardy asked if they had any open permits. Mr. Tate believes the AOT permit has been closed. Mr. Munroe believes that permit has been transferred into their name. Mr. Tate explained that the AOT permit is the only State permit. Chair Hardy asked if they had a town excavation permit. Mr. Munroe believes there is one, but it has not been transferred into their name. Mr. Tate explained that the entry road will need to be elevated and widened. They are opting for 2:1 slopes and guardrails. The runoff from the road will be run into drainage swales. There will be buffer impacts. There will be 2,814 s.f. of wetland impacts for the crossing, dry hydrant and 2 excavated holes. A buffer impact of 32,000 s.f. Mr. Tate believes it will be an improvement over the existing condition. They are seeking a wetland permit, an alteration terrain, State subdivision, Planning Board and wetland processes. Chair Hardy asked if it would be a town adopted road. Mr. Tate explained that they are designing the road to the town's road standards hoping the town would adopt it. Ms. Carey asked about the visual impact on Water Street. There is conservation land on Water Street and it looks out over this area. Mr. Tate took a hand-held GPS unit out there to do test pits. It is approximately 1,800 feet away and the area is fully forested. They have no intent to cut to the open space. The vertical delta was around 170 feet. A 30-40-foot-high house would look through 1,800 feet of woods and 130 feet down. There will not be any vertical obstructions in your way. From the Route 4 portion, this subdivision is 1,200 feet back. The drainage infrastructure will not require much more tree clearing. They are retaining the buffer in there. Mr. Abbe asked if the buffer surrounds the cluster development. Mr. Tate answered it does. Ms. Carey asked if the roadway would be lighted. Mr. Tate answered no. Ms. Carey asked if they were single units or multi units. Mr. Munroe answered they are single units. Mr. Tate noted that the Planning Board looked at the agricultural component. They had to include in the deed language. Mr. Abbe noted that they have done a lot of work to get to this point based on their last meeting.

Mr. Cousens asked how close to North Water Street the development would be. Mr. Tate thought maybe a half mile. Mr. Cousens asked if it would be closer to Salisbury's end of Water Street. Mr. Tate answered it would be. They will have 1/30th shared ownership of the open space for each lot. It is not an HOA but a 1/30th shared ownership. Mr. Niebling asked who makes the management decisions about how that land is used. Mr. Tate answered that there would be deed restrictions on what can and cannot be done. Chair Hardy noted that the town cannot enforce covenant. Mr. Tate explained that the zoning ordinance requires they either go with a home owner's association or go with shared ownership divided equally amongst the lots. Keneval was the last major project, there was a case where they had a shared ownership that was physical due to configuration of the land. Mr. Tate offered to place placards on the buffers and rear lot lines. Chair Hardy explained that they were early enough in the process that they can stay involved as questions come up. Their job is to advise. Mr. Tate explained that the Planning Board meeting is the first Tuesday of June. Any renderings or comments need to be sent to the board before then.

Old Business:

Norm LaPierre introduced Scott Hill of the snowmobile club. Mr. Abbe was very helpful regarding the trails for the snowmobile club. Mr. Hill took GPS readings of the property and sent it to Mr. Abbe. Chair Hardy asked if they were looking for permission to move ahead. Mr. LaPierre said they would like to move ahead. Mr. Mihai explained that the trail looks good but there is a lot of work to clear it. Ms. Carey asked which trail they were discussing. Mr. Abbe explained that they are discussing rerouting the Hardy bypass around the wet spot on the old Weir Road. He explained that the water is about 4 feet deep. Mr. Abbe felt they laid out the trail the best way they could. Mr. Hill noted that they would be moving a few stones. A **motion** to move forward with rerouting the trail was made by Mr. Mihai, seconded by Mr. Abbe and passed by a unanimous vote. Mr. Abbe added that they need to be sure to the trees are cut and the Commission will seed it.

Consent Agenda:

- Accountant's Report

- Review Minutes of 3.21.23

A **motion** to approve the Consent Agenda was made by Mr. Mihai, seconded by Mr. LaPierre and passed by a unanimous vote. Lorrie abstained.

Old Business:

- Town Forest Update

Update on Barnard Lot Timber Sale – presented by Nr, Niebling

Mr. Niebling noted there is a memo in the packet he sent to Chair Hardy last week. He thanked Mr. Abbe and Mr. Mihai for coming out and helping him mark the 19 acre and 11 acre lots. They marked the 19 acre lot. It is a dense stand of old decadent pine. There is a good cone crop developing for this year so there will be a seed source to regenerate the site once opened. They marked over 200,000 board feet conservatively. It is low quality industrial grade box pine. There may or not be any interest in sale due to the low quality of the pine. He asked how they wanted to advertise it. He asked if the commission wanted to work with Adam Mock or put it out to bid and go through the bidding process. Chair Hardy asked about gross value. Mr. Niebling answered that based on the volume marked, an estimate, and assumption that 50% of the volume is industrial grade. He estimated the stumpage at 160/thousand. A good percentage of volume by weight will be chipped due to knot sizes. He figures \$34,000. That does not include pulp wood or chips. Mr. LaPierre asked if they will skid it out. Mr. Niebling said Mr. Munroe has allowed them to use Horizon Holding access road, which is in good condition. They would construct a landing within the town property line. Mr. Niebling thought it should go quickly. Mr. LaPierre asked if there were any hemlock? Mr. Niebling said about 2,000 feet. There are red maples and black birch, but not much. Operation instructions would be to only cut what is marked and leave the red, black and white oaks and to leave the buffer alone. Mr. Abbe noted that with the age of the trees and the red rot, they might not be marketable. They would right the contract in such a way that if the percentage of trees show a high interior rot, they would have the right to step away. Mr. Niebling said about 20% of the stand is dead. Chair Hardy noted that this is not the project that someone will make a large profit on and keeping it to the contractor they know would be advantageous. Mr. Niebling thinks Adam Mock is good at what he does and he has a chip market at Bridgewater. He is local. He did a good job on Weir Road Town Forest. Mr. Hardy asked Ms. Carey if she had concerns with sole sourcing. Adam Mock has a known chip market, which not all have, he is local in town, owns land in town, and leaves job site as they would like to have it left. Mr. Niebling suggested that they offer it to him and show it to him and if he declines, they may want to open it up to other operators. Mr. Niebling noted that John Whyte is local and did the church field lot last year. He owns the land behind Ross Express and lives in Salisbury. Chair Hardy asked if Mr. Niebling would show it to Adam Mock. Mr. Niebling agreed to do so. Mr. Munroe has been gracious to them and has opened the gate for them when they want. Mr. Niebling could do a limited showing with a group of operators and have sealed bids on it. Chair Hardy likes the idea of taking Adam Mock for a viewing and if he says no, they can put it out to bid. He is comfortable with that. He would like to propose they do that. Mr. Niebling noted that pine markets are good. A **motion** to approach Adam Mock was made by Mr. LaPierre, seconded by Mr. Mihai and passed by a unanimous vote.

New Business:

- LUCT Discussion – Alan Hardy presented. LUCT stands for Land Use Change Tax. It is approved by town meeting and when a piece of land is taken out of current use and built upon for homes, that land comes out of current use and a land use change tax is imposed. It is roughly 10%. The latest one came to \$103,050 when the property came out of current use all at once. Ms. Gallagher noted he has 30 days to pay the land use change tax. Chair Hardy explained that the money comes to the Commission under the current agreement. Given the conditions that they had at town meeting last spring, it is time for a discussion regarding the percentage. They currently receive 100% of the funds. In other towns some of that money goes back to help offset taxes. If that goes away, it would be difficult to regain that back to the Commission. Chair Hardy noted if they had an unrestricted flow of money maybe they should look at other easements vs. acquisitions. Ms. Carley noted the land use tax was raised. This gives the town an opportunity to preserve and develop

property. The conservation work that has been done here is the town's crown jewel. What other plans does the Commission have for maintenance, etc. This is a resource that has allowed the Commission to do some amazing things. Chair Hardy noted that all of this has been done with the support of the Land Use Change dollars but NO tax dollars. Over the last 2 or 3 years staff has said they should put money into CIP,, but he has resisted that and will continue to do so. Ms. Carey noted that people are starting to ask if the Conservation Commission should have 100% of the funds. Chair Hardy explained that the DRA has a spread sheet that is State wide for how LUCT is distributed and he thought Ms. Carey would be able to obtain that information. Mr. Niebling noted that NH Assoc of Conservation Commission keeps an updated data base as well. Mr. Mihai explained that if they are going to go for grants that is required for some kind of match.

Other Business:

- Planning and Community Development Department Updates – Ms. Gallagher explained that Kellee Jo Easler has asked her to speak to the Commission. She is doing a project down at the boat launch by the Merrimack County jail. Her project is to have the town take out the boat launch, have a pavilion and picnic area down there for residents. She is going to need guidance, on endangered species, plants, etc. She is looking for advisors. She needs to know by June 1st. Chair Hardy thought the best thing to do would be a site visit. Ms. Easler is working on a MOU with the County right now. Mr. Niebling noted that there is a law that has been written about the Merrimack River flood plain. There is a state wide manual describing the eco systems in the state. He will find that and get it to Kellee. He can do a NH national forest inventory query on rare plants. Mr. Abbe said Tim Fleury visited the site with Kellee. When it floods the whole entry road is edge to edge with water. Mr. Niebling explained that they can put their kayaks, etc. in there and take out at the Jamie Welch Park in Boscawen. A restroom will be needed. Chair Hardy suggested a sign up being put up so you turn off and go down and look at it. Mr. Cousens asked about the County's involvement. Chair Hardy explained. Ms. Gallagher will give an update next month.

Chair Hardy made a request of the Commission to respond to the notices that are sent out from Ms. Gallagher and Ms. O'Brien about the meetings. Please let them know if you will be attending and if you have a conflict.

Discussion regarding the visit with the Coursers. They met with Web Stout LLS, the Courser Family and Dean Hollins on April 13th. Betsey McNaughten was also there. The visit went well. Mr. Abbe explained that they do not have a clean title to it yet. Rebecca Courser gave Ms. Gallagher copies all of the legal documentations that they have. Ms. Gallagher was asked to keep Ms. Courser in the loop as to when Web Stout is out there. They do have a 1-year extension on the P&S, which was \$1.00. Mr. Abbe noted Coursers do not own any property in Boscawen.

Next Meeting: June 20, 2023 @ 6:30 p.m.

A **motion** to adjourn at 8:12 pm was made by Ms. Carey and failed. A **motion** to adjourn at 8:21 pm was made by Mr. LaPierre, seconded by Mr. Abbe and passed by a unanimous vote.

Respectfully Submitted,
Rose Fife, Recording Secretary