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CONSERVATION COMMISSION

Boscawen Municipal Complex

August 18, 2020 @ 7:00 pm

Present: Thomas Gilmore, Chair, Norman LaPierre, Jeffrey Abbe, Lyman Cousens, Mark Kaplan and Henry Carrier, Ed Cherian Jr.

Absent: Brendon Jackson

Staff Present: Kellee Jo Easler, Planning & Community Development Director, Kearsten O'Brien, Planning & Community Development Assistant, and Rose Fife, Recording Secretary

Guest: Charlie Niebling, Forester

Due to the Covid-19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Board was authorized to meet electronically. The Town of Boscawen utilized the GoToMeeting platform.

Regular Business:

- Open by Chair @ 7:03 pm
- Roll call by Chair
- Review and Acceptance of the Minutes of July 21, 2020 meeting. A **motion** to accept the Minutes was made by Cousens, seconded by Kaplan. Roll Call Vote. AYE: Gilmore, Cousens, Kaplan, Carrier, Abbe, LaPierre. NAY: none. ABSTAINED: Cherian.
- Accountant's Report – First page is Town of Boscawen Profit and Loss for Conservation Commission. Gilmore reports that not much money has been spent from this account. Conservation Commission Budget, which is their Capital budget, has a total \$217,562.97. Of that amount, they have a commitment of \$130,000 that is owed for the Morrill Easement. The Forest Fund has a balance of \$28,534.44. Payouts included \$2,000 to the NRI and payment for mowing at the town forest.

Old Business:

- Natural Resource Update – Kaplan and Abbe were to make the presentation to the Planning Board on 9.1.20. Gilmore will be there. Kaplan spoke of their need to follow up. Abbe and Kaplan will speak with the Planning Board. Kaplan asked Easler what her role was at the Planning Board meeting. Easler explained that she facilitates and answers any questions posed to her. Mike Tardif will also be there to answer questions. Easler explained that the Commission will need to explain their position to the Planning Board. This report will become part of the Natural Resource Chapter as an Appendix and will be added to the Master Plan update this Fall.. Kaplan asked if they need to make appointments with the other committees to talk with them. Easler will send out the Natural Resource Inventory to the other Boards and they can come to the meeting vs. doing individual meetings. Gilmore felt that there is no value in going to meet with AgCom as the Planning Board will own the report once it is done as they also own the Master Plan. The Commission may make recommendations in the future, but that will be all. Kaplan felt there were 4 other areas of potential follow up. 1. Public Education; make some effort around key learnings and findings and make it available to people in various forums or formats. 2. Does the Commission want to take a stand or position on any of the issues or recommendations that came out of this report? He thinks they should have some say in some of this. Gilmore agrees. Gilmore feels that it is difficult to do meetings via virtual format. He suggests they postpone doing so until they can have real meetings vs. virtual meetings. 3. The Commission might want to reach out to key land owners who own high priorities areas of land and let them know what they have learned about their town and resources. They may want to make them aware

50 of this. He feels that's a good service for the Commission. 4. Do they want to discuss wanting to set any specific
51 goals to facilitate obtaining any easements of specific parcels of land. Abbe added to Kaplan's list. He has made
52 contacts with AgCom and Historical Society. He thinks it's important that they are sent a copy of the NRI so
53 they can review it. Conservation Commission is adding final draft points with very few minor corrections. They
54 should be proud of this document. Cherian explained that it is not unreasonable for the Conservation Commission
55 to choose to advocate for certain positions and the Planning Board is the venue to do that. Zoning is not. If the
56 Commission wanted to propose different setbacks for example, they would bring it forth to the Planning Board.
57 Cherian thinks that meeting in person may be a year out. They have tried to do some limited in person meetings
58 with a 6 foot separation and he feels the Conservation Commission could be a Board that could do that. It would
59 be a group of 8-10 at the most. Gilmore is hoping that it works out. Kaplan feels that the meeting on September
60 1 is the first step and then the Conservation Commission will come back to them in a couple of months with
61 possible revisions. Gilmore wanted to have a few concrete ideas that Kaplan and Abbe brings to the next
62 Conservation meeting and they can work on them before bringing it to the Planning Board. Gilmore thinks they
63 should reach out to obtain more easements. He has a potential one on Water/N. Water Street. They are picking
64 up the Morrill property. Kaplan said the only challenge on creating recommendations is that Abbe and he may
65 not have enough knowledge to bring back detailed recommendations. Maybe they will need to frame some
66 questions for the Conservation Commission. Kaplan has some information regarding the Water Precinct that he'd
67 like to touch on at the end of the meeting..

68
69 • PB Meeting Sept 1st is a Public Hearing on the NRI to add as an appendix to the Natural Resource Chapter of
70 the Master Plan: Invitation for Review – no action taken.

71
72 • Discussion Items Town Forest – Abbe reported. Abbe made progress with the Balancing Rock trail. He thanked
73 Kearsten O'Brien for all of her help to get information out. There is a mini kiosk at the balancing rock explaining
74 about the lichen that is there. He's been up there 3 times since they have set the kiosk out and it seems to be well
75 received. He would like to know where they can store the log book that has about 20 years of input in it. He'd
76 like to put a new log book out. He'd like to know if they should give the old log book to the library or the town
77 office. He's also thinking of putting a log book on the Concord Side of the Town Forest. Easler offered to have
78 him store the old log book in her office. They can digitize it for the Commission. Abbe reported that Kaplan,
79 Carrier and he walked to the Balancing Rock two weeks ago and they came up with the idea not to decommission
80 the trail at this point but add an education point and hopefully it will eliminate the abuse of the rock. The recent
81 winds had some blow downs. There were about 5 trees. Four of the trees were taken care of. There is one log
82 across the Blue Ridge trail that needs to be cut up. The new maps are in the kiosks with the new Boscawen Hill
83 Loop trail that was recently constructed.

84
85 Cousens asked about the New Forest. He's looking for help. The new parking area across from Marshall's Fire
86 Arms is cleared. He thanked Niebling for that. They are ready for GMI to come in and haul out old material and
87 bring in new gravel. He's notified GMI of this. Gilmore asked if after the work was completed the town would
88 put the posts back up. Abbe said yes.

89
90 Abbe wanted it noted that in the Minutes of last meeting there was some discussion about him being shown where
91 there were nests for the Great Horn Owls. But those nests could also be crow's nests or any other kind of nest.
92 He did put a blue ribbon on the location. They are smaller nests. Great Horn Owls utilize other bird's nests. He
93 wants to say there are 2 nests there, but would not identify them as Great Horn Owl nests. He wanted that clarified
94 in the Minutes.

95
96 Gilmore wanted it noted that when school is back in session again they need to talk with the school to see if they
97 would like to make a trail connection into the new forest. They can discuss this at next month's meeting.

99 Cherian asked Easler about the two encroachment resolutions on the new town forest. Easler has gotten no new
100 call backs on that. The 2nd encroachment they would wait on as it is so small. They are waiting until the survey
101 is done so they can get input from Web Stout. Niebling & Easler met with Web Stout at the end of July. Gilmore
102 would like to have those two easements resolved. Cherian thought that the encroachment by his home may be
103 just a matter of speaking with the property owner and requesting them to pull back their gravel, etc. Let them
104 know it is town forest, not their driveway. Easler reported that Web Stout said that the statute doesn't include
105 municipalities. Niebling explained that property owners cannot claim adverse possession against a municipality.
106 Gilmore feels that the Surveyor should clearly mark it. Gilmore was concerned with a corner of property near
107 where the school is that is listed as an ambiguous triangle on the corner of the property. This needs to be resolved
108 by the Surveyor. Niebling explained that they believe the tax map is incorrect. He is confident that Web Stout
109 will have it squared away. At last discussion they left it that Web Stout will put together a proposal and then he
110 would do the field work after the leaves are off the trees in the Fall. Easler said that Web Stout talked about
111 donating some of his time.

112
113 Abbe wanted to discuss overflow parking for the Town Forest, particularly the one on Queen Street.

114
115 The NH Association sent out an email regarding upcoming topics that may interest the Commission. Easler asked
116 for someone to forward that information to her. Abbe agreed to do so.

117
118 Cousens asked to hear about Walker Pond. Gilmore reported they received a letter addressed to the Conservation
119 Commission and to Five Rivers saying they had an offer and they were going to pursue it. He doesn't believe
120 there is anything they can do about it. Kaplan asked Gilmore when he received that letter. Gilmore answered a
121 few weeks ago. Kaplan explained that there is a process to follow and they need to have public approval for it.
122 There is a statement that there is a right to know request out there. There is no written offer. There was a verbal
123 offer made to one commissioner. The precinct hasn't adopted RSA 41:14a but if they do sell real estate then it
124 would be submitted for voters' approval. Cherian explained that they have no authority over the water precinct.
125 Water precinct users are members and have a vote. If you do not use town water you do not have a vote. Kaplan
126 explained that there is no written offer, just a verbal offer to one commissioner of the precinct. Abbe explained
127 that the Commission made an offer in writing for \$40,000 for that one piece of property and they did not take
128 action on it.

129
130 Niebling explained that the most important thing is that as a public trust entity that has legal and fiduciary
131 responsibility they cannot sell the property without a proper public process. Niebling thinks that land should be
132 public land and permanently protected. It is too important of a resource not to be. He believes the town should
133 take a stand on this. Gilmore agrees. Kaplan thought the Select Board made it clear to the precinct that they are
134 proceeding in a way that was not appropriate. Cherian stated that the Select Board has not done that. That is
135 more of a legal opinion that they would have to pursue. Cherian stated they have no authority over the water
136 precinct but they could take a position on this. They are an entity that is completely separate from the town.
137 Cousens asked how they would best stay advised as to what is going on. Niebling thought that people should
138 attend every meeting of the commission and request an opportunity to ask questions of the process. It would be
139 prudent if the town or someone engaged an attorney to advice on the legal implications of the process that they
140 have gone through to date. Some attention needs to be brought to how important that resource is. Cousens asked
141 how they would get notified. Niebling thought the meeting dates are posted on their website. Gilmore asked
142 Cousens if he was in the water district. Cousens said yes. Easler is also in the water district. She asked for a list
143 of water precinct voters and she has that and if anyone wants to look at it she has that as well. The property next
144 to that 25 acres is the LaRoche property that is fairly large and it doesn't have water frontage on it but if
145 someone was to buy that piece and the 25 acre piece, they would just have to put a road in on LaRoche's
146 property. Cherian explained that the Selectmen met with the water precinct and they drafted a Warrant Article
147 for the town to take over the water precinct. They spent a fair amount of the tax payer's money to do a full
148 evaluation of the property. The water precinct, on the last day, said they no longer wanted the Warrant Article.

149 Cherian asked Easler to send out the water precinct website to the Conservation Commission members. Kaplan
150 looked and there is nothing on their website about their meetings. Niebling explained it is the bottom of the
151 contact page. The meetings are the 2nd and 4th Wednesdays at 5:30 to 6:30 pm. Cherian asked if they met virtually.
152 How would you dial in without instructions? Niebling wasn't sure. A call needs to be made to the precinct office
153 and see how a member of the public could get into their zoom meeting. Cousens will do that and send the
154 information around. Kaplan will contact people in the precinct. Cherian noted there are two districts, the water
155 users and the hydrant users. Easler is not sure which Kaplan comes under. Easler has a list and will send out the
156 list to the members. She will try to find out when the meetings are. Asked if they wanted Minutes of last meetings.
157 All said yes. Easler will ask for the last 6 months' worth of Minutes. Abbe wanted to thank Easler for bringing
158 up the important of Apple Ridge/LaRochelle's property.

159
160 A motion to adjourn was made by Cousens, seconded by Abbe. Roll Call Vote: AYE: Kaplan, Gilmore, Cousens,
161 Abbe, Cherian, Carrier, LaPierre.

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163 Next Meeting: • September 15, 2020

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166 *Respectfully submitted,*
167 *Rose Fife, Recording Secretary*
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ACTIONS from August 18, 2020
Conservation Commission Meeting

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Easler:

1. Send out Natural Resource Inventory to other Boards.
2. Send out the Water Precinct website to Conservation Commission members.
3. Try to find out when the Water Precinct was meeting.
4. Get the last 6 months of Minutes from the Water Precinct.

Abbe:

1. Send Easler the email regarding the NH Association of Conservation regarding topics that may interest the Commission.

Cousins:

1. Call the Water Precinct office to find out how a member of the public could log into their zoom meetings. Send that information to the Commission.

Kaplan:

1. Contact people in the Water Precinct.