

CONSERVATION COMMISSION
Boscawen Municipal Complex
April 19, 2022
Draft Minutes

Present: Alan Hardy, Chair, Henry Carrier; Jeff Abbe, Aurel Mihai, Lyman Cousens, Norman LaPierre, Mark Kaplan and Matthew Burdick

Absent: None

Staff Present: Kearsten O'Brien, Deputy Planning and Community Development Director and Rose Fife, Recording Secretary

Regular Business:

- Open by Chair @ 7:00 pm
- Roll Call by Recording Secretary
- Quorum – Hardy, Abby, Aurel Mihai, Henry Carrier
- Accountant's Report – A **motion** to approve the accountant's report as presented was made by Mihai, seconded by LaPierre and passed by a unanimous vote.
- Review Minutes of 3.15.22 – Motion to approve as presented LaPierre, Mihai unanimous vote.
- Kaplan arrived at 7:02 pm. Carrier reverted back to alternate member vs. voting member.

Public Hearing was taken out of order. Agenda read that the meeting would begin at 6:30 pm, which was incorrect. At 7:04 pm public hearing was open.

Dam Proposal: Hardy asked the commission if everyone was up to speed with the information regarding the dam. A portion of the dam sits outside of town. They went to town meeting to get the approval for having property outside of the town.

Dean Hollins, Public Works Director spoke about the dam project. Hollins reported that owning the dam would require yearly maintenance as well as yearly checks for beaver dams, brush removal, etc. There isn't great access to the dam to get equipment in there to make a repair, but they could make it work. He doesn't see a whole lot of maintenance for the dam. In years past there was no maintenance at all for the dam. Hardy asked about discussions with the Dam Bureau. Hollins explained there would be very little risk. Kaplan spoke with Michele Tremblay of the Walker Pond Webster segment. She wanted to know if it was okay with Boscawen if they could clean it up if they felt the need. Hollins was up for volunteers, but didn't know how it would be legally. O'Brien explained they would have to go through the same process as volunteers at the Town Forest. Their insurance company requires a roster of who is going to be out there and when as well as a staff member on site with them. Kaplan will explain to them that they shouldn't have a formal clean-up day, other than what Boscawen organizes, but if they are kayaking and see a limb, they can feel free to clean it up. Abbe asked if after the town meeting it was a done deal. Hardy said that was correct. Kaplan asked if they should discuss the pump house building at this time. Hollins said he would stay for further discussions.

Open to public for testimony. Hardy asked for comments from:
Abutters in favor of the acquisition: none.
Abutters opposed to the acquisition: none.
Public in favor of the acquisition: Charlie Niebling is in favor.
Public in opposition of the acquisition: none.

7:12 pm public hearing closed.

A **motion** for the Conservation Commission, through the Town of Boscawen, to acquire the dam for \$1.00 was made by LaPierre, seconded by Mihai and passed by a unanimous vote. Hardy asked O'Brien to have a check cut for the purchase price of \$1.00 out of their general operating budget.

Walker Pond: Mark Kaplan reported. He asked Hollins about the pump house building. Hollins explained that the building is not savable. Kaplan asked what they need to do to get the building removed. Hollins thought the first step would be to figure out how to deal with the dry hydrant and disconnecting it. He spoke with Fire Chief Kenney about it as well. Hardy asked if there was a remote possibility that the building could be removed as the pipe was underneath. Hollins thinks the pipe comes through the foundation 3 or 4 feet off the ground. They would have to pump it out to see where it is. Discussion regarding how to handle that hydrant and the piping. LaPierre asked if the pipe had been disconnected coming from the town water. He also asked if the water in the cellar was at the same level of the lake. Hollins answered that the water is at the cement slab; higher than the parking lot. Kaplan asked how the decision would get made and who pays for it. Hardy explained that the town owns it as it came with the land. Kaplan asked if it was the Commission's decision to make. Hardy thinks it's a blended decision. Conservation Commission is managing the property on behalf of the town. The Commission has to work with the town to figure it out. He thinks first they need to come up with a plan of how they want to handle it and make a recommendation to the Select Board. Kaplan wants to get this clear as a lot of people have brought up the parking issue, which he believes they cannot address until they deal with the pump house issue. LaPierre asked if they would be getting into any hazardous waste when they raise the building. Hollins did not think so as the building is concrete and brick and concrete is clean fill. There may possibly be asbestos because of the roof, which would have to be removed from the property. Kaplan asked if they should go to the Select Board. Hardy noted the emergency lane declaration and asked if it should continue or go further. If they go further with that, then from a long term standpoint they need to look at how they turn around. That's an open question as to how they will do that. The Commission has 2 or 3 steps to do first. That is why they proposed to have the meeting on site next month.

Kaplan reported on Walker Pond. He has spoken to people about the parking. They have asked for the parking not to be expanded. The boat motor horse power on the pond will be kept where it is now. Hardy wanted the RSA number. Mihai found a few documents in the state legislature. It's not under RSA's, but it references Walker Pond only. There is a 6 horse power limit. Kaplan asked O'Brien to do a survey and found that people didn't want the pond opened up too much. They also didn't want a lot of parking. The Commission wanted it noted for the record that Betsy Millard also abuts the pond. Kaplan spoke with Michele Tremblay and she reports that there is a lot of ATV use. There is a peninsula that sticks out into the pond and there are large groups of young people partying there, making a lot of noise and making a mess. Kaplan thinks they need

signage saying what the pond is allowed to be used for, etc. Ms. Tremblay gave him a good idea which was that they should do some sort of informal carrying capacity study and have an informal meeting with Webster. Hardy asked if the use of the water comes under town jurisdiction. Betsy McNaughten, who was in the audience reported that it is public water and comes under the jurisdiction of Marine Patrol. Kaplan thought that as part of their stewardship they should have an idea of what this pond is for. He also spoke with the people who bought the camp at the top of Chadwick Hill Road and they would prefer the parking not be expanded as well. Burdick commented that if they don't expand the parking, the roadway will be crowded. Hollins noted that Webster is all private access to the pond. LaPierre thought they may have to gate it. Hollins reported that it is a Class VI road all the way through. They could gate it, but they cannot lock it. Informal Webster group monitors the quality of water in the summer. He was going to ask to be made aware of the quality. Ms. Tremblay also spoke to him about getting a prime wetlands designation on part of the pond. He's not sure if that makes sense or not. Hardy asked who she was representing with that request. Kaplan wasn't sure if she was representing herself as a camp owner on the pond. She also sits on the Upper Merrimack Group as well. Hardy noted that the Upper Merrimack group doesn't have jurisdiction. Hardy asked if she was connected to Webster's Conservation Commission. Hollins said he believe she is. Hardy asked what the Commission thought about having a joint meeting of Webster and Boscawen Conservation Commissions. O'Brien asked if they would like to do that in June or July and Hardy was agreeable to either month. O'Brien wanted it noted that Betsy Mellard is part of the abutters.

Walker Pond Survey: O'Brien reported that 36 people responded to it. The majority of people do visit Walker Pond. People use the pond to walk, fish, non-motorized water craft, wildlife viewing, boating. Access to the Pond is fair to average. Very few said it was excellent. Cleanliness: fair to good. Parking Area: a lot of people wanted to see a parking area. A small percentage said no. People want to see more trails along the pond. Picnic areas were also requested.

Niebling reported that Walker Pond's property lines were clear, they just need to be reblazed. He has had schedule conflicts and hasn't gotten to it yet. The precinct had it surveyed recently; possibly the last 10 or 15 years. If there is any conflict they should try to rectify that.

Abbe wants to purchase some 'Carry In/Carry Out' signs to use in 3 or 4 areas. The trash situation is not great. Hardy asked where it was concentrated. Abbe explained it was at the boat launch and parking lot area. Hollins agreed. Hardy suggested cameras. They aren't very expensive. Kaplan commented that signage for this summer is something that is needed. Parking was discussed and Hardy noted that they cannot tow people as it's not a Class V town road. Kaplan asked if they can ticket people. Hollins explained that the town still has control over a Class VI road. They have ownership of the road. They just can't do maintenance on it. Hardy asked if there was any public access on the Webster side at all. Hollins answered that is all private.

Town Forest: Abbe reported. Last week he put the map up at the kiosk. It's covered with donated Lexan. They had a trail work day last Saturday with 6 people. They have 12 signs installed. They have more signs coming. He would like one for carrying in and carry out trash. He met with Niebling on Monday regarding chestnut trees. They will plant them in the old landing area, on the left of the truck road. There is a little swale there that may water the trees naturally. He saw Stan Balch that day and Stan said he has a small backhoe and he would come out to dig the holes. The

plants are potted and ready to go. Abbe has them in a controlled environment. They are laying them out in a staggered 12 foot grid.

Charlie Niebling wanted to discuss some old business. At the March meeting the Commission authorized him to speak with Eric Monroe who is a significant abutter (Verizon Holdings). He was able to get in touch with him regarding a temporary forest management right of way. Mr. Monroe was agreeable to discussing it. They drove out there on Monday and walked the west end of the Barnard lot. The 19 acre pine stand is in desperate need of regeneration. A mixed hardwood pine/hemlock area needs looking at. He had a pleasant visit/conversation and Mr. Monroe was agreeable to granting a temporary right of way with the condition that the road be returned to the condition it was originally found. The owner of Verizon Holdings has no plans to develop that property and currently owns 1,800 acres of contiguous land as told to him by Eric Monroe. Niebling sees a good relationship/partnership with this abutter. Niebling would love to have anyone that would like to go out there for a walk to come with him. There is an amazing beaver dam out there.

Town Forester Contract: Hardy reported that Niebling's contract with them as Town Forester is coming due and he would like to know if the Commission would like to continue with him privately vs. with the company Niebling was associated with as Niebling has retired from that company and is willing to continue as a private contractor. A **motion** to continue their relationship with Niebling as their Town Forester was made by Kaplan, seconded by Abbe and passed by a unanimous vote. Niebling will send a draft to the Commission. Hardy asked for a motion to allow Hardy to sign document outside meeting. A **motion** to allow Hardy to sign the contract outside the meeting was made by LaPierre, seconded by Mihai and passed by a unanimous vote.

Abbe asked about Web Stout. Niebling reported that he and Abbe spent a day with Web Stout finding boundary lines and get them flag. Mr. Stout was going to monument the O'Day's 18 acre lot off of Queen Street. He hasn't done that yet. O'Brien will follow up with Web Stout.

T.F. Bernier was supposed to be here this evening to discuss Map 47 Lot 6 Gravel Pit. He is not here. O'Brien asked how the Commission felt about writing a letter of recommendation without any representation. O'Brien gave some suggestion for a meeting time if they wanted to meet at another time as May's meeting is at Walker Pond. A **motion** to continue this matter for a date uncertain was made by Mihai, seconded by Kaplan and passed by a unanimous vote.

LCIP – Property Field Visits. O'Brien has nothing to report. Abbe said Gilmore used to report on those. Hardy explained there were two LCIP's; one is Gilmore's property and one is Jones' property. There was a bit of confusion between LCIP and LCHIP. Betsey McNaughton explained that LCIP is a land conservation program that occurred in the 80's and 90's. LCHIP is a different program. LCIP will be in town doing field visits May 9, 10, 11, and 12th. Abbe will get back to them on that. Abbe asked where the meeting will be. Betsey McNaughton, reported she works with Fish and Game. LCIP usually contacts the land owner and the town and it is always good for someone from the Commission to walk the land with them. If there is no issue with the land, they will send the town the report 3 months later.

Hardy asked Ms. McNaughten if she would like to become an alternate on the Conservation Commission. She commented that she is impressed with the professionalism of this commission and would like to join. Hardy asked if she had filled out the application. O'Brien has an application for her. Hardy said once she fills out the application the Commission can discuss her membership and make a recommendation to the Board of Selectmen. Hardy asked if she could come to the meeting next month. Ms. McNaughton will be here.

Cousens left at 8:12 pm.

O'Brien asked what 2 dates and times the Commission would like to give to LCIP to meet. Abbe could do 5.10.22 or 5.11.22. If Abby can't make it Hardy would like to know so he can try to cover.

O'Brien received a message from Kellee Jo Easler who wanted to know what questions the Commission would like answered regarding TF Bernier. Hardy answered that they have no questions as there was no presentation.

Master Plan: O'Brien reported on it. Planning Board is updating it for 2022. The Natural Resources hasn't been done since 2018 and the Appendix hasn't been done since 2020. July 2022 is the deadline. Hardy asked her to put it on the June agenda. They will get back to her with changes.

NHTOA – 2022 Registration Form: Hardy explained that the Commission does a reoccurring membership with them. He asked if they could simply cut the check the beginning of the year instead of bringing it before the Commission as an agenda item each time. Hardy explained that if the Commission would approve the membership with NHTOA they can dispense with this. Abbe asked how much it was. Hardy said the most the membership was is \$100.00. A **motion** not to exceed \$100.00 was made by LaPierre, seconded by Kaplan and passed by a unanimous.

Bridge Replacement NHDOT – Long Street: Hardy asked if Hollins heard anything. Hollins had not. This is the bridge at the town line. Hardy asked if there was anything specific for concerns. Kaplan thought it was among the highest wildlife value land in town. Abbe said all of DOT's work would be in the right of way. LaPierre thought that is the only place you can cross for miles and it is a big marsh area of land there. Hardy wanted them to at least keep them informed. Hollins gets the same information that the Commission gets. Burdick reported that the Select Board was only concerned with the water/land around it. Mihai asked if there was anything that would be part of the construction that could wash down stream or do they take care of that. Hardy noted that they are held to a higher standard as they are the State of NH. High value land is based on criteria set, 31% wild life, natural resource perspective it is highest value land in the town. Hardy thought they should compose a letter with a copy of NRI. He will work with Kaplan on the letter. Hardy would like O'Brien to ask if they have considered kayak or canoe access from bridge area.

3-4 King St. Road reconstruction NHDOT: Their original date for this construction is 2027. Hollins hadn't heard any change in that date. There would be another lane put in there somewhere. Hardy thinks DOT will be looking for input from the Town at some point. Abbe thought one area

of concern is the landscape plan for the roundabout later on down the road. Kaplan thought that because the rail trail is connected from Concord etc., they may want to be concerned with bicycle access. Another concern noted by Kaplan was what kind of drainage system will be built off the road.

A motion to adjourn the meeting at 8:38 pm was made by LaPierre, seconded by Kaplan and passed by a unanimous vote.

Next Meeting:

- May 17, 2022

*Respectfully submitted,
Rose Fife, Recording Secretary*