

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 is part of the Natural Resource Chapter of their Master Plans so they are adding it into their Master Plan. 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 of this. He feels that's a good service for the Commission. 4. Do they want to discuss wanting to set any specific goals to facilitate obtaining

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

- PB Meeting Sept 1st Invitation for Review – no action taken.

- Discussion Items Town Forest – Abbe reported. Abbe made progress with the Balancing Rock trail. He thanked Kearsten O'Brien for all of her help to get information out. There is a mini kiosk at the balancing rock explaining 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 received. He would like to know where they can store the log book that has about 20 years of input in it. He'd 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 office. He's also thinking of putting a log book on the Concord Side of the Town Forest. Easler offered to have him store the old log book in her office. They can digitize it for the Commission. Abbe reported that Kaplan, Carrier and himself walked to the balancing rock two weeks ago and they came up with the idea not to decommission the trail at this point but add an education point and hopefully it will eliminate the abuse of the rock. The recent winds had some blow downs. There were about 5 trees. Four of the trees were taken care of. There is one log across the Blue Ridge trail that needs to be cut up. The new maps are in the kiosks with the new Boscawen Hill Loop Trail that was recently constructed.

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

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

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

Cherian asked Easler about the two encroachment resolutions on the new town forest. Easler has gotten no new call backs on that. The 2nd encroachment they would wait on as it is so small. They are waiting until the survey is done so they can get input from Web Stout. They met with Web Stout at the end of July. Gilmore would like to have those two resolved. Cherian thought that the encroachment by his home may be just a matter of speaking

with the property owner and requesting them to pull back their gravel, etc. Let them know it is town forest, not their driveway. Easler reported that Web Stout said that that statute doesn't include municipalities. Niebling explained that property owners cannot claim adverse possession against a municipality. Gilmore feels that the Surveyor should clearly mark it. Gilmore was concerned with a corner of property near where the school is that is listed as an ambiguous triangle on the corner of the property. This needs to be resolved by the Surveyor. Niebling explained that they believe the tax map is incorrect. He is confident that Web Stout will have it squared away. At last discussion they left it that Web Stout will put together a proposal and then he would do the field work after the leaves are off the trees in the Fall. Easler said that Web Stout talked about donating some of his time.

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

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

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

Niebling explained that the most important thing is that as a public trust entity that has legal and fiduciary responsibility they cannot sell the property without a proper public process. Niebling thinks that land should be public land and permanently protected. It is too important of a resource not to be. He believes the town should take a stand on this. Gilmore agrees. Kaplan thought the Select Board made it clear to the precinct that they are proceeding in a way that was not appropriate. Cherian stated that the Select Board has not done that. That is more of a legal opinion that they would have to pursue. Cherian stated they have no authority over the water precinct but they could take a position on this. They are an entity that is completely separate from the town. Cousens asked how they would best stay advised as to what is going on. Niebling thought that people should attend every meeting of the commission and request an opportunity to ask questions of the process. It would be prudent if the town or someone engaged an attorney to advice on the legal implications of the process that they have gone through to date. Some attention needs to be brought to how important that resource is. Cousens asked how they would get notified. Niebling thought the meeting dates are posted on their website. Gilmore asked Cousens if he was in the water district. Cousens said yes. Easler is also in the water district. She asked for a list of water precinct voters and she has that and if anyone wants to look at it she has that as well. The property next to that 25 acres is the LaRochelle property that is fairly large and it doesn't have water frontage on it but if someone was to buy that piece and the 25 acre piece, they would just have to put a road in on LaRochelle's property. Cherian explained that the Selectmen met with the water precinct and they drafted a Warrant Article for the town to take over the water precinct. They spent a fair amount of the tax payer's money to do a full evaluation of the property. The water precinct, on the last day, said they no longer wanted the Warrant Article. Cherian asked Easler to send out the water precinct website to the Conservation Commission members. Kaplan looked and there is nothing on their website about their meetings. Niebling explained it is the bottom of the contact page. The meetings are the 2nd and 4th Wednesdays at 5:30 to 6:30 pm. Cherian asked if they met virtually. How would you dial in without instructions? Niebling wasn't sure. A call needs to be made to the precinct office and see how a member of the public could get into their zoom meeting. Cousens will do that and send the

information around. Kaplan will contact people in the precinct. Cherian noted there are two districts, the water users and the hydrant users. Easler is not sure which Kaplan comes under. Easler has a list and will send out the list to the members. She will try to find out when the meetings are. Asked if they wanted Minutes of last meetings. All said yes. Easler will ask for the last 6 months' worth of Minutes. Abbe wanted to thank Easler for bringing up the importance of Apple Ridge/LaRochelle's property.

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

Next Meeting: • September 15, 2020

*Respectfully submitted,
Rose Fife, Recording Secretary*