

**Members present:** Robin Carpenter, Ray Hogue (reporting), Doug McIlroy, Nancy Menton, Anne Morris, Sandra White. **Also in attendance on behalf of the Town:** Bill Baschnagel and Vicki Smith.

**1. Christ Redeemer Church (CRC) application for a wetlands special exception:**

1. See draft of site visit notes prepared by Ray Hogue Consulting.
2. Robin notes that Pathways, on behalf of CRC, emailed Judith Brotman & Vicki Smith on Wednesday, February 14, 2007 to request a continuance to the wetlands special exception. See attached email. The owner of the subject property was in attendance to hear about the site visit. Pathways Consulting Engineers had previously withdrawn the application for revision, so no consideration of the CRC matter will be made until the application is resubmitted. A copy of the site visit notes was provided to the owner of the property.

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**2. Cantu Barn application for a wetlands variance:**

1. Mr. Jim McClemmer, a wetlands scientist, was in attendance on behalf of Dr. Cantu. Mr. McClemmer said that he became involved "after the fact" (i.e., after barn was constructed). McClemmer stated that Dr. Cantu was not aware the site of the barn was a wetland before he built his barn on it. McClemmer said that there were no obvious visual signs that the barn site was in a wetland, and indicated that the site had been mowed periodically. Bill asked if Mr. McClemmer had inspected the site during a time when there was no snow or ice on the ground and Mr. McClemmer said he had inspected the property late in the summer of 2006. McClemmer said that the barn was not built in the wetlands intentionally. Bill asked how much of the barn was in the wetlands, and Doug said that all of the barn and part of the driveway.
2. Robin asked who of the Commissioners had visited the site and found that he and Anne and Doug had been there. Vicki had also visited the site. Vicki said that she had been alerted to the barn in the wetlands by neighbors, and that when she took a look at the property in the summer 2006 her visual inspection suggested a wetland. She said the area around the barn was wet; she said the soil around the barn was "bright" while the soil around the house was dull.
3. McClemmer said that the barn being in the wetlands did not adversely impact the function and values of the wetlands. Robin said that it was his understanding that the barn was to house, among other things, a tractor. Vicki mentioned that Dr. Cantu has a vintage tractor collection. Robin said the danger of fuel spills is a concern. Bill noted the potential for the storage of toxic materials in the barn, due to tractor restoration. Robin said that once the barn is there, who knows what could be stored there, and potentially spill into the wetland.

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4. McClemmer said that he understood the problem of potential pollution caused by the location of the barn, but said that this was the best location for the barn on the site based on access considerations. Discussions of alternative locations ensued, including the need, or not, for separate driveway access to the street and grades on the property. Nancy asked why the barn couldn't be nearer the road; McClemmer said if that were the case then the driveway for the barn would encroach on the wetlands buffer. Sandra asked why access to the road is needed for a storage facility. Sandra also asked if the barn would be used to house animals. Bill asked about the changes in grade.
5. Bill said that a letter to the ZBA by Dr. Cantu in 2005 suggested that he knew of the wetland – so why didn't he engage a wetlands scientist then. McClemmer said that he did not know why. Doug said that intent is for the ZBA to judge, but that if the CC had seen the application in a timely manner, the CC would have suggested a different location. Doug also said that beyond the issue of functions and values, what if everyone developed in this manner. Anne indicated that the barn in the wetlands sets a bad precedent, and pointed out that there are many other homes along Greensboro Road that back-up to the same stream that the Cantu property does. Nancy also agreed that the precedent would be bad.
6. Anne suggested moving the barn. McClemmer said to do so would cause an economic hardship. Robin asked if the barn is relocated, would that cause more harm than leaving it in the wetland.
7. Robin asked Vicki to draft a follow-up memo for the ZBA that would repeat the previous memo (for special exception) and add the commission's concerns about fuels or other toxic or organic materials, the Commission's belief that damage to the wetland caused by moving the barn was likely less than its remaining in place. Robin said that he has great sympathy for Dr. Cantu's position, but that the CC must stick with its responsibility in the matter. McClemmer felt that there was poor Town oversight because Dr. Cantu was allowed to build. Doug said that the building permit has a checkbox for indicating whether the building site is a wetland or not, and that it was checked that it was not a wetland.
8. Doug moved to forward the memo to the ZBA. Nancy seconded. Vote: unanimous.
9. Doug thanked Mr. McClemmer for the openness of his presentation.

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Approved April 11, 2007

Page 3 of 7

### 3. Grasse Road 3 Open Space:

1. Vicki said that the PB is in the beginning of the 4 step process, and that it is focusing on access & layout, and that the PB has suggested eliminating an access road currently designated for the northwest corner of the site. Vicki said that the CC has the opportunity to comment on the layout.
2. Doug asked what the numerical facts are regarding the proposed development, particularly the designated open space versus the requirements for open space. Bill said the open space is designated by the shading on the map and amounts to 64%. It was later indicated in the discussion by someone that the requirement for open space was 45%.

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3. Doug said that the detention facilities should not be designated as open space. Bill asked if they are swales or ponds. Anne asked if the unconstructed wetlands will be disturbed. Bill said that some backyards will be in setbacks, but that the layout tries to avoid intrusion into buffers and setbacks. Sandra said that she was concerned by the limits of clearing, which was not made clear by the map. Vicki said to figure that most of the lots will be in the clearing area. Doug said that the newer color maps finally show the two intermittent streams, but that he was not sure if the clearing respects them (and that they should be respected). He also said that the notion of connecting the open spaces is good. Robin wondered if Doug was suggesting that the plan overstates the open space, due to narrow open space areas. Doug said that they have overstated the open space. Vicki said these "necks" serve the residents, so they would count as open space, and that they fit into the definition of open space. Doug said that if we cut them down to 45%, do we like the 45% they are providing. Bill said that the 64% open space is about 20 points above what is required, so have they provided plenty of provision for any reductions.

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4. Anne asked what kind of open space is provided, fields or woods. Doug asked if the emergency road needs to be paved. Bill said yes, that it must be plowed. Anne asked if the flag lots were OK, and Vicki responded that they are OK as long as the necessary frontage is provided.
5. Anne asked if the open space will be protected going forward by a homeowners (HO) association. Vicki said that this is a PRD, so the CC could suggest how its open space is to be protected. Doug said he would not want to be the easement holder. Nancy said that an easement may be required to avoid homeowners putting sheds, etc. in the easement.

Approved April 11, 2007

Page 4 of 7

6. Doug said the quality of the open space is at question because the valley next to Grasse Road is infested with buckthorn, and asked if the open space/property should be given to the homeowners free of buckthorn. Anne suggested the portion along Trescott Road and the piece along Grasse Road be put into an easement. Bill said that we need to be aware of Dartmouth's commitment to deed 3.2 acres (the NW end) to the Town for recreation purposes. Doug said that the access requirement will require at least a pedestrian bridge to get to the proposed new ball field and that parking will be on the Water Company property.
7. Robin asked for concrete suggestions to get easements on part of the property. Bill asked who would hold the easements. Bill ~~requested that the Town not hold the~~ easement since it would be hard to administer.
8. Sandra asked about the timing of the development. Vicki said they were in the early stages. Bill said this could be a 20 year project since Rivercrest is a higher priority for Dartmouth, but if they don't start the project now they may lose their investment so far.
9. Robin asked why an easement couldn't go to the college. Vicki said that the college would not want to manage the easement and that it would present a natural conflict of interest. Bill said that if the zoning changes in the future then Dartmouth could seek a zoning change for the property in easement and that the easement could be undone. Doug said that the easement would be better in the hands of a single owner rather than a HO association. Anne said if all parties, or their heirs, that initially agreed on the easement could only be changed with their approval. Doug asked if a "conservation lot" would be possible. Vicki said that it is a lot that must be continually protected, but that it is a vehicle to protect land that lacks road frontage.
10. Robin asked the CC to summarize and suggest what we tell the PB. Vicki said yes, suggest easements.
11. Anne suggested that the ~~newly proposed emergency access road~~ should be kept separate from ~~the Coates residence~~.
12. Sandra said that the part of the property ~~which is to be developed~~ is wet. Vicki said that has been addressed and that it is not in our purview – it is the headwaters for Camp Brook. Bill said that a wetlands scientist has defined the wetland. Doug asked if that area could be developed without affecting Camp Brook
13. Robin suggested that the CC get a memo off to the PB. Vicki recited the wording.

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Approved April 11, 2007

Page 5 of 7

**4. Funding Goose Pond Lake Host Program:**

1. See January 21, 2007 email from Dave Barney (President of the Goose Pond Lake Association) to Vicki Smith re: Goose Pond Lake Host Funding.
2. Mr. Barney asked for an increase in the contribution to the Lake Host program for use at Goose Pond to \$1,000 from \$500 last year. He said the funds would be used to expand the Lake Host program at Goose Pond to weekdays compared to weekends only in the past. The Lake Host program provides funding at various lakes in NH is used to check incoming boats for the presence of invasive species (e.g., Milfoil). Mr. Barney said that he expects a larger grant from the NH Lakes Association, but needed increased funding to expand to a weekday Lake Host program at Goose Pond. Robin asked about the finances and budget of the Goose Pond Lake Association. Confused by the figures provided by Mr. Barney, Ray suggested more detailed bookkeeping to Mr. Barney. Doug suggested agreeing to give \$500 now and to consider giving the additional \$500 later this year when the CC budget can be considered in greater detail.
3. Doug so moved, Robin seconded. Vote: unanimous.

**5. Resource Stewardship:**

Vicki asked if the CC would allocate about \$200 to the purchase of new plants (mostly shrubs) for planting at Mink Brook, Girl Brook, Reservoir Road, and Balch Hill. No opposition, so it was agreed to allocate \$200.

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**6. Forest Series Notification:**

It was agreed that the first in the series (on February 8, 2007) was well done. It was noted that the Upper Valley Lake Sunapee Regional Planning Commission Program Series was presenting Zoning for Smart Growth & Natural Resource Protection on February 28, 2007 from 7:00p to 9:00p at the Newbury Town Office.

**7. "Moving" of Invasives – regulatory discussion:**

It was discussed that when invasives are cleared the issue of moving and properly disposing of them is very important and should be regulated. Should there be a methodology in place which would be part of planning approval in subdivision and site plan ordinances. Should there be a practice mandated similar to a construction practices review committee process.

Approved April 11, 2007

Page 6 of 7

**8. Proposed Rural Resource Protection Overlay District:**

1. Anne said that as it stands now there will be another draft version to be discussed at the ZBA meeting next week. Bill read Jonathan Edwards' related email. Anne said the CC's role needs to be defined, that the overlay concept would result in a lot of work for the zoning administrator. Anne said one scenario if the overlay concept goes through in some manner, is that the zoning administrator could issue permits for rural residential development if administrative permits are to be reviewed by the CC within 30 days of filing; then the CC would take on a review process similar to wetlands review; is CC willing to take on this work. Doug said that 5 new homes were built in the rural residential (RR) zone in the last year. Bill said that there were 94 other building permits issued for work in the RR zone in the last year (porches, etc.), so the workload for the CC under some form of overlay concept would be uncertain.
2. There will be a public hearing on March 20, 2007 if the PB decides to go ahead with the overlay plan, so it was decided that the CC should wait to see the form it takes and then it can be discussed at the March meeting of the CC.
3. Sandra, Nancy, and Ray expressed support for the general concept. Ray questioned whether the CC should make recommendations regarding "view-shed" issues, wondering if that was more a question of aesthetics.

**9. Conservation Commission representation on wetlands amendments committee:**

Anne said she would provide some CC representation on the wetlands amendments committee.

**10. Methods to Expedite Conservation Commission meetings:**

1. Robin asked the CC for their suggestions on time management for wetland permits. Vicki suggested that we cut presentations to one-half hour from one hour. Bill suggested that the chairman inform the applicant that he/she has 5 minutes to introduce anything new (that hasn't already been included in the filings provided the CC) and then make the Q&A open to all CC in any order, but with a clear overall time limit, with the time-remaining updates made periodically. Someone also suggested ways to streamline the CC meetings by the way the subcommittee minutes are addressed.
2. It was also suggested by someone that the "minute-taker" for the next meeting be designated at the end of the current meeting and then confirmed 2-3 days prior to the next meeting.
3. Doug asked if the site visit notes could have numbered paragraphs. Ray suggested that a template be developed for site visit notes. Robin asked Ray to put his notes for the February 12, 2007 site visit into a templated form with number paragraphs.

Approved April 11, 2007

Page 7 of 7

**11. Route 120 public meeting, March 1:**

It was announced that the Route 120 public meeting will be held at the Black Center in Hanover at 7:30p on March 1, 2007.

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**12. Trails Committee-Brook Hollow Access:**

1. Doug proposed that the CC provide the funding for steps for the River Trail and the Girl Brook Trail. He indicated that the trails are steep at the designated points and that the River Trail had some form of steps previously. He said that landscape timbers would be used and that volunteer labor would install them. The cost was estimated at \$100 per trail, for a total of \$200. There was no objection from the CC. Vicki said that the invoices for the materials must be submitted before June 30, 2007.
2. Doug proposed a trail connecting the Dana tract to the Baum Conservation Area. There was no objection from the CC, so this action was authorized.

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**13. March 2007 meeting:**

It was agreed that the meeting should be moved to Thursday, March 15 from Wednesday, March 14.

**14. 2007 Annual Goals of the Conservation Commission:**

It was indicated that the CC needs to drum up some volunteers, and that some mechanism should be put in place to accomplish this.

**15. Approval of Minutes from the January 10, 2007 meeting:**

Doug moved to accept the minutes as presented. Anne seconded. Vote: unanimous.

Meeting adjourned about 8:15p.