

**Town of Fitzwilliam
Conservation Commission
Meeting Minutes
October 15, 2018**

Member's Present: Paul Kotila, Chairman; Barbara Green; Hiel Lindquist; Cheryl Norskey; and Dorothy Zug (Dorothy joined late.)

Member's absent: Rick Brackett, Vice Chairman; and Kevin Woolley.

Other's Present: Suzanne Gray, Robin Blais, Terry Silverman, Ross Tourigny, and Barbara Young, all from the Planning Board; Susan Silverman, former Select Board Member; Lew Shelley Trails Consultant; and Laurie Hayward, Land Use Administrative Assistant (LUA).

Call to Order: Paul Kotila, the Chairman, called the meeting to order at 7:00 pm.

Review Minutes: The Chair asked the LUA if she had requested that the approval of the minutes be postponed. The LUA replied that she had. The Chair asked the Members for any objections to postponing the minutes. There being none, the minutes are postponed.

Consultation: The Chair addressed Suzanne Gray, the Chairman of the Planning Board, asking her if she needed to leave the meeting early. She stated that she did have another meeting. The Chair opened the meeting for her to address the Commission Members and noted that if she had information on Prime Wetlands that he would like to hear it. Gray opened stating that she had reviewed some of the Conservation Commission meeting minutes and noted their concerns that they are not getting informed on matters that should involve them quickly enough. The Chair stated that the concern is that they don't receive regular communications regarding situations involving wetlands and when they do it is accidental – someone tells someone who tells a Member of the Conservation Commission. The Chair said that it is a long standing problem. He added that, with the state requiring shorter and shorter application and notification times it is becoming even more difficult to exercise their responsibility. The Chair would like to see the Conservation Commission receive formal notification. He noted that the Commission only meets monthly and that also presents a problem. He said his sense is that there isn't an official process for the Conservation Commission to be notified.

Gray pointed out that the Planning Board applications have a check list of items that the Applicant must include in their applications. On the Checklist is that they should include a sketch of site showing existing, natural features, including watercourses and water bodies. Gray noted that they do not always get that information. Gray asked the Chair what he would like to see. There was a question about whether Gray is talking about applications that have gone to the Select Board first. Gray says it depends on what type of application it is. Gray noted that an application for Construction Permit would go to the Select Board first; and, an application for a Site Plan Review

would go to the Planning Board. Susan Silverman answered from the floor, stating that the Construction Permit was revised recently, is much more robust than it was and includes things like wetlands and setbacks. Susan Silverman also noted that she would expect that items of concern should trigger a notification of Boards or Commissions concerned with those issues. The Chair stated that he is not aware what that form contains and he wonders how honestly they are being filled out. He asked what the review is. The LUA asked to speak. The LUA asked whether there has been any consideration of whether there is or could be a process by which any application could go to the Land Use Office just long enough for the LUA to Note "yes" there are wetlands on the property or "no" there are not wetlands on the property. Then the Land Use Boards could be made aware that there is an application for a permit being reviewed. Blais stated that there was a time that permits were handled in the Land Use Office. That was changed to bring it into the Select Board's area and to the Town Administrator. The Chair explained that he doesn't know what the process should be; but, he simply wants to know what is in the works by a process that's better than what is overheard at the post office.

Gray stated that the Planning Board can ask the LUA to make sure that the Conservation Commission is notified about incoming applications. Gray further suggested that the Chair of the Conservation Commission consider working with the Select Board understand their process. Silverman added that there have been really very few wetlands encroachments and that the Conservation Commission probably did not want to see every application that comes to the Planning Board. The Conservation Commission Chair agreed that they did not want to see what did not involve them.

Silverman noted that there is work being done at the old post office and he has not heard anything about that. The LUA explained that there had been an office visit and she had given them applications; however, they have not been filed to date. She stated that the Town Administrator had asked them to come in and complete the necessary paperwork.

Blais spoke about the history and said that, in the past, the Planning Board would notify the Conservation Commission on subdivisions where there were wetlands delineations; but, there had not been much recent activity of that sort. Blais also noted that she thinks having the Conservation Commission sharing the same Land Use Administrator as the other Land Use Boards should help communications as well.

Gray spoke, she said that the Planning Board would do what it could to improve communications. She noted that there is a tight timeline. The Conservation Commission Chair said that there are two things to keep in mind, the Town of Fitzwilliam requirements and then the state DES requirements. For the Conservation Commission to have input and an impact is difficult because they only meet once a month and deadlines are shorter than a month. The Chair noted that they have a limited role which is mainly advisory. In terms of the Wetlands Overlay Protection District properties (WPOD), to do their work, including scheduling site walks and advising others of issues, there needs to be notice well in advance of hearings and it is frustrating for them to feel they don't get that notice timely. Gray stated that the Planning Board welcomes Conservation Commission input and she will work with the LUA to see what processes can be put in place. The Chair asked Gray if she thought he should follow up with his concerns on their process and Gray said, yes. She explained that she can only

address how Planning Board will keep them involved. As far as Construction and other Permits, he should speak directly to those Boards.

Suzanne Gray left the meeting at this point.

There was a brief discussion about what things the Conservation Commission is directly involved. The LUA said that she did investigate that issue and there are statutes that cover that. She said that the Conservation Commission is most directly involved in all Dredge & Fill Permits, which often go along with Construction Permits and also Sand and Gravel Excavation Permits. The Chair asked the LUA to forward him that information.

Prime Wetlands: The Chair asked Blais, who heads up a Planning Board subcommittee working on the Prime Wetlands designation and application, if she would like to speak on that subject. Blais spoke stating that there is not much to say about the application. Susan Silverman stated that the Prime Wetlands designation is in same status as it was one year ago. She added that the legislation (to change the Prime Wetland criteria) did not go through. They have the documents from Rick [Van der Poll]. Susan Silverman stated that it is still in town ordinance. She added that she doesn't think there is any impact because there has been nothing done in any of the areas designated. Susan Silverman stated that it wouldn't hurt to go forward with more Prime Wetlands even though there is no approval (from the state) for the last application. The Chair explained that from his point of view, the reason they wanted the Prime Wetland designation is so that the state DES would more carefully review proposed activities in wetland areas.

Blais stated that there is activity involving a bridge in a wetland area. Blais moved on to very briefly discuss the Coyle property and the bridge over wetlands he built. Both Silverman and Blais have visited the property. Lindquist spoke questioning Blais whether the site is on a Class VI road. Blais said it is on a Class VI road. Lindquist asked about the memo that the LUA sent from DES re: 2017 application.

Dorothy joined the meeting at 7:34 PM.

Solar Project: The Chair asked Members of the Planning Board whether there were additional items that they wished to discuss. Terry Silverman asked the Conservation Commission whether they wished to speak about the solar project. Silverman stated that representatives came to the Town which was odd because the project actually should go through the New Hampshire's Site Evaluation Committee (NHSEC), not through the town. Silverman added that the problem is with the Fitzwilliam Ordinance which requires that no more than 23% of a property can be developed for a solar installation. Silverman stated that he told company representatives that they had to bring back an application with detailed maps that show setbacks, conservation land, wetlands and other detailed information. The Chair asked Silverman how he determines what (land area) is covered by the project. The Chair suggested that there might be other ways to use the property once the solar installation is in place. There was a brief discussion about how to determine surface coverage including that the panels will be installed on posts and there is generally some distance between

panels; but, they don't have that detail at this point. Blais stated that the sense is that nothing will grow under the panels. The Chair thanked those who came to the meeting.

Robin Blais, Terry Silverman, Ross Tourigny, Barbara Young, and Susan Silverman left the meeting at that point.

Trail Updates: The Chair invited Lew Shelley to step forward. Shelley explained that he started work this past winter on snowshoes and did a little work in the spring. He had to take time away from work this summer; but, now he is back. He showed members a map of the Metzger Forest with Rte. 119 and Old Turner Road and the brook. He used a list of significant points and has tried to create a through trail with loops off that. Shelley told members that they could go out now and be able to see the trail which has been flagged. He explained that the Blue Trail would be least expensive to work on first. He found some other areas that need work, there's ledge the trail does run close to the water. He noted that at the right-of-way to Old Troy Road, there are some "No Trespassing" signs that don't make sense from his understanding of the property lines. Zug says she thinks there is a new owner who may be a bit confused about boundaries. Shelley questioned whether that is the same property. Lindquist explained that the properties should be well delineated because they had it surveyed and property corner boundary markers were set. The Chair offered that they might have to meet with land owner.

Zug asked about the potential for creating some parking spaces. Shelley agreed there was an opportunity for parking; but it would have to be on the edge of the roadway. Zug and Shelley agreed that there could be connections made to other trail opportunities. Shelley noted that the biggest issue and a major project is the beaver dam at the old bridge which creates a risky crossing from Rte. 119 and the old Turner Road. Shelley noted that he did meet one of the abutters to the Katie Metzger Forest. The Chair asked the LUA whether the abutters' letters advising of Shelley's work were mailed and she replied that they were mailed.

Shelley indicated that he wanted a few more days to work through the details of how the trails should run. He said he tried to create some open trails where the Commission would not have to do heavy excavation. He questioned whether they could put much of an (handicap) accessible trail in. He explained they are popular; but, very expensive to build, costing roughly \$7.00/foot. Shelley said that he would try to have a report by next month. Zug asked whether they would be able to park up at Turner Road and access the trail. Shelley said that, as things are now, it is not very good access from Turner. A bridge or a willingness to get wet feet could get you to the trail. He explained there might be areas to work on in phases and with volunteers to keep costs down. Shelley said parts of the property are appropriate for more of a woodland trail rather than gravel path and it is a long way around the property. Lindquist asked for Shelley's opinion on the forest management plan they did. Shelley said he thinks it is a good plan. There was a brief discussion about logging. Shelley indicated that the Wheelock part at the southern end seems to have the most timber. The Chair agreed that is likely the place to start. Shelley stated that there is great potential and the high spot could have views if cleared. Lindquist asked if Shelley had shown this to Brackett. He says Brackett does know the general concept of what he is doing. Shelley indicated that there were a large variety of wildlife

signs. Lindquist said there was a thought that if logged, they could use the skid roads for trails. Shelley promised to come back with more information.

Trail Maps: At the request of the Chair, Green took up the trail maps. She noted that Connie Porter was making changes to two of the maps. There is a new note for the Pinnacle map, which the group decided not to reprint at this point, and a change to the rail trail map. In the case of Katie Metzger potential trails, , it was agreed not to show that on the map at this time. Green showed members maps and a list of quantities on hand. There was a discussion about what maps to print and how many. Green also questioned whether they wanted to publish a temporary paper map for The Widow Gage Map (no. 4). There was a question whether this made sense when there is a large inventory of that map on hand. The Chair suggested that it preferable to provide the printed maps, rather than a Xerox copy. It was decided that Green would get a price for 200 maps.

Monadnock Advisory Committee Update: None

Site Walk Reports: None

Dog Waste Cleanup Bags: Hiel explained that he needed to order more dog waste bags. He told the LUA that last year the Conservation Commission purchased a dog stand with dog bags. It was requested that the LUA order the same quantity of bags as was ordered previously. The LUA agreed to do that.

Budget Reports: Green told Commission Members that she is working on the Budget for next year.

Initiatives: Regarding the Arsenic in drinking water survey project, Green told Members that she communicated with Dartmouth regarding the two possible programs. She explained that Dartmouth does the program; but, DES tests the water samples.

Old Business: DES Wetlands Permit Application #2017-01916 “after-the-fact-bridge” in emergent wetland, Shawn Coyle, land on Old Pierce Road. There was a brief discussion about the Application that was on file with DES and had been rejected by them as inadequate. The Chair asked the LUA to check with DES and follow up on deficient Coyle application.

Other Business: Zug spoke about some problems with the non-profit Meadowood property. She explained that the owners are struggling and there may be some contamination on the property. Also a portion of the property is in Troy. It is not clear what the best use for this property is. Zug went to Southwest Regional Planning Commission, and they provided some possibilities. They suggested that FEMA might be able to help with remediation of the mold (?) problem. The Chair and Lindquist suggested this should go to the Select Board as it is a good idea; but, perhaps not really conservation related. Lindquist suggested first the Select Board should get behind it and then he would consider whether to be involved. Zug mentioned a possibility of a charrette. [In New Hampshire there is a program, Plan New Hampshire Charrette, which brings together diverse professionals to brainstorm recommendations to address the specific challenges a community faces.]

Correspondence:

The Chair went over invoices and the following were presented for payment:

\$40 to Wings of Dawn. Zug moved; Lindquist seconded and it was unanimously voted to pay.
\$240 to New Hampshire Association of Conservation Commissions unanimously voted to pay.
\$95 to National Conservation Commission for Kevin's travel unanimously voted to pay.

There was a brief discussion about the CIP. It was noted that last year, the Conservation Commission requested \$10,000 and got \$5,000. The Chair stated that they should keep working on the higher amount and once again request \$10,000. Lindquist explained that he would like to get some materials, hard pack for one, for the Window Gage Trail. There was a brief discussion about the Budget and the Salary for the Land Use Administrative Assistant. Green asked the LUA to ask that she be sent the electronic versions of the Budget and the CIP and also to get Green a number for the Conservation Commission portion of the LUA's salary.

There being no additional business to conduct, the meeting was adjourned at 9:10 PM

Respectfully Submitted,

Laurie Hayward
Land Use Administrative Assistant