

**Town of Fitzwilliam
Conservation Commission
Meeting Minutes
January 14, 2019**

Members Present: Paul Kotila, Chairman; Barbara Green; Hiel Lindquist; and Kevin Woolley.

Members Absent: Dorothy Zug and Cheryl Norsky.

Others Present: Nancy Carney, Chairman, Dan Baker, and Charley Kenison, Members of the Board of Selectmen; Sheryl White, Secretary to the Board of Selectmen; Debbie Favreau, Town Administrative Assistant; Suzanne Gray, Chairman, Terry Silverman, and Matt Buonomano of the Planning Board; Rick Van de Poll, Wetlands Scientist; Susan Silverman and Fred Black, interested parties; Lew Shelley, Trail Design and Management; and Laurie Hayward, Land Use Administrative Assistant (LUA).

Call to Order: The meeting was called to order at 7:05 pm.

Review Minutes: The Chair took up the minutes of December 17, 2018. There was a brief discussion regarding changes. Lindquist made a motion to accept the minutes as amended; Green seconded the motion and it was voted unanimously to approve as amended.

Consultation: Board of Selectmen with the Wetlands Scientist, Rick Van de Poll. At 7:15 PM, Nancy Carney opened the discussion and Rick Van de Poll stepped forward to give a status update on the Prime Wetlands Project. Van de Poll gave a brief history, explaining that a couple of years ago a Prime Wetlands project was completed with a Fitzwilliam town vote to approve certain Wetlands as high value and to seek DES designation as “Prime Wetlands”. Van de Poll stated that for some time DES “sat on” the submission requesting certain Fitzwilliam wetlands be designated Prime Wetlands. Van de Poll described some of the history of the New Hampshire state legal language including that the 2012 change in language was initiated by timber companies that wanted to be able to go through the wetlands without having to work within the original rules. Van de Poll spoke a bit about the politics and about a bill that he was involved with that is going through the legislature, HB 543 which is being sponsored by State House Representative Grassie.

The Conservation Commission Chair (CC Chair) addressed the revised language Van de Poll is proposing. The CC Chair asked how the municipality proves that it meets the standard that Van de Poll is proposing. Van de Poll explained that part of his argument is that the idea of proving value becomes problematic when the state requires removing parts of each whole wetland when such removals diminish the value of the wetland as a whole. This is clear when one considers that some of the most valuable parts of wetlands rest in the margins and are often in narrow points at the margins. Van de Poll spoke about “Local Option” which allows better protection.

The CC Chair asked if Van de Poll sees some of the new rule-revisions going through the legislature as a problem for municipalities seeking better protection of their wetlands. Van de Poll spoke about the problems that can result with the proposed speed up turnaround of applications to permit

Approved as Written February 11, 2019

activities in the wetlands. There is also a concept, "Certified Application Preparer (CAP)", that may allow people who are not certified wetlands scientists to provide documentation that was reserved to Certified Wetlands scientists and that may result in inaccurate or wrong assessments. The overall concern is that the suggested changes may affect municipalities' ability to protect sensitive wetlands. Van de Poll explained that he is currently working on documentation to support the bill he has proposed and is looking for a town to use as an example. He added that he considers Fitzwilliam a very good example of the problems created by the 2012 legislation that he seeks to have changed.

There was a question regarding communication to and from Van de Poll and the town. The Planning Board Chair and the Conservation Commission Chair both suggested that Van de Poll communicate through Laurie Hayward, the Land Use Administrative Assistant. Van de Poll said that he would do that. Van de Poll added that he will keep the LUA advised as items come up and gave the example of letting them know when there was a public hearing. He recommended having people be there to support him legislative bill.

The Select Board Chair called for questions. The Planning Board Chair asked about HB 326, which is a wetlands buffer bill. Lindquist asked the Selectmen if they had a problem with Rick Van de Poll using Fitzwilliam as an example for HB 543. The Select Board agreed that Van De Poll could use Fitzwilliam as an example.

At this point Rick Van de Poll and member of the Select Board and the Planning Board left the meeting.

Old Business: Stone Pond. The Chair told Member that he had contacted Rick Brackett and there is no new action at this point. Lindquist asked if they discussed whether Brackett would remain the contact with the Monadnock Conservancy on anything related to Stone Pond. There was a suggestion that, if Brackett was not, perhaps the Conservancy could be directed to use the LUA as the contact. The Chair said they did not; but, he would contact Brackett and ask whether he would continue.

Widow Gage Trail Parking Lot. The LUA told members that she did speak with Gene Cuomo and the parking lot is plowed by the town and, unless they have a specific timing need, they can assume he will have it plowed automatically.

Trails and Trail Updates: Lew Shelley spoke about a correction that he made to maps as a consequence of a new understanding of a boundary. He noted that Rick Brackett did help him with some maps. Shelley stated that the property is beautiful. He has identified three trails that could be used. Old Turner is one. Shelley explained that there is an easy trail that Commission Members might consider is the trail that goes out to the Kemp Brook Wetlands which may also be an accessible trail for the future. Also they could consider using the old trail that goes to the hemlock forest which also has some potential as an accessible trail.

Members reviewed Shelley's report and maps. Shelley spoke about potential handicap access trails and explained that they are expensive to build. Shelley offered that a possibility is to have the property logged. He added that it might make sense to check that out and see if there is an

Approved as Written February 11, 2019

opportunity to make a more accessible trail. Asked about costs, Shelley explained that it is very difficult to estimate prices to complete the trails. He suggested getting volunteers out to do as much of the work as possible.

Lindquist mentioned that they already have a forestry plan, but he wonders if they would even have anyone seeking to log the property. The Chair explained that there is an ordinance that says that, in the instance of logging on town forest lands, the fees go to the town general fund so there is a financial benefit to the town if someone does want to log the property.

Shelley offered to take members out to walk the trails. Lindquist asked Shelley if he does trail building. Shelley says he likes working small and with volunteers. He mentioned that it helps get buy-in if volunteers do the work and can be shown how to maintain. There was a suggestion regarding considering partnering with the conservancy to do a workshop or something.

Property Updates: Nothing new.

Solar Array Proposal: NextEra activities – It was noted that the Planning Board Meeting set for January 15, 2018, the next evening will include a presentation about the proposed solar installation.

Monadnock Advisory Commission Update: Nothing New.

Site Walk Reports: Members reviewed Shelley's report and maps.

Dog Waste Cleanup Bags: Lindquist told Members that there has been a sharp drop in usage this year from the same period last year.

Budget Reports: LUA and Green agreed that the expenses for 2018 came in at roughly half of what was budgeted.

Initiatives: Green pointed out that there was a Keene Sentinel article on Arsenic in water.

Other Business: There was a discussion about membership. The LUA reported that the Conservation Commission can have anywhere from 3 to 7 members – recently there have been 6 members. Lindquist wishes to continue as does Woolley. It was noted that Dorothy Zug's term also is up. **Board Members agreed to recommend Susan Silverman be made a full member to the Board of Selectmen.** The LUA was asked to contact Susan Silverman to determine whether she was still interested and, if she is, to notify the Select Board of their recommendation.

Correspondence: None.

Adjournment: There being no additional business to conduct, the meeting was adjourned at 8:47 PM. The next meeting will be held on Monday, February 11, 2019 at 7:00 PM.

Respectfully Submitted,

Approved as Written February 11, 2019

Laurie Hayward
Land Use Administrative Assistant