

PEMBROKE CONSERVATION COMMISSION (CC) MEETING
Draft Minutes of September 10, 2007

Attendance

Present

Members: Lea Anne Atwell, Secretary; Carol Bertsimas, Vice-Chair; Kevin Gagne, Ammy Heiser, Chair; Stetson Heiser, Todd Terrien, Planning Board (PB) Representative; Brian Tufts, Board of Selectmen (BOS) Representative and Ayn Whytemare.

Alternate Members: Jeff Abbe, David Baril

Other: Laura Scott, Planning Director

1. **Call to Order** – The meeting was called to order by Ammy at 7:03 pm.
2. **Planning Board Application Review**
 - a. **Minor Site Plan Application Case #07-104, Chickering Builders, Map 266 Lots 58-3, 58-8, 58-10, 58-11 (Chickering Meadows)**

Todd recused himself. Jeff will vote for Todd. In the future, when Todd isn't here, Jeff can vote for him.

Jeff Burd from Brown Engineering was present to address the CC. The planned development is for 72 units, more than half of which have been built. During construction, excess fill material was encountered. Some of the material was transported off-site, the rest was used to construct six earth berms. The applicant reapplied to PB to ask for amendment to their Site Plan Approval to include the earth berms.

Mr. Burd is attending the meeting for comments from the CC regarding these berms. A memo from Laura Scott to the PB dated August 23, 2007 regarding her review of the application was included in our packets, as well as a site plan showing elevations of the berms.

CC members asked if they had been in touch with New Hampshire Department of Environmental Services (NHDES) regarding the berms. Laura had also mentioned this in her memo. The applicant has not been in touch with NHDES at this point. On the plan provided, it appears that some of the berms may abut wetlands.

The berms are reportedly well vegetated. Ayn asked about what is planted on the berms. Mr. Burd indicated that they are letting the berms on the perimeter of the development to grow in wild, while others will be planted with grass seed. Ayn indicated that invasive plants would be the species that would most likely grow first on these "wild" berms. Wetlands are susceptible to having invasive plants take hold in

them. Ayn would like to see something established that fits the applicant's objective of low maintenance, but that would be non-invasive. The CC expressed concern over sediment eroding from berms, particularly if plants have not taken hold.

Ayn made a motion to send official comments to the PB – peripheral berms should be seeded in with a native grass to prevent invasive species from taking hold that will meet their maintenance specification. In addition, these should be covered with some sort of erosion control immediately. Carol seconded. All in favor, except Kevin – opposed (6-1).

Brian raised concerns over drainage calculations, which did not take berms into account when they were initially done. Concern regarding contacting NHDES will be in Laura's comments to the PB.

b. Major Subdivision Application Case #07-05, Barloe Properties, Map 563, Lot 110 (3rd Range Rd & Beacon Hill Rd)

(Todd has still recused himself from the meeting; Jeff is still voting for Todd).

Leo Dumont from Barloe properties was present to address the CC. A memo from Laura to the PB dated September 4, 2007 regarding her review of the application, a letter from the applicant to the PB, and several site plans were included in our packets.

Laura explained that the applicant needs a special exception from the ZBA and a major site plan approval from the PB to proceed with the planned open space subdivision. The CC is an abutter, and we will be allowed abutter status at PB & ZBA hearings on this case. The applicant is here tonight for input on his plans for the PB. The plans that were presented have not gone to the PB yet and are not final. Tonight, we should address any big picture items. Specifically, would it be favorable / un-favorable for the CC to hold an easement? We shouldn't be thinking about the overall development at this point.

A conventional project is a permitted use in this area and would not need a special exception from the ZBA. The total acreage is 42.6 acres. The proposed development would create 1 frontage road, then 1 cul-de-sac with 14 residential lots and 2 open space lots. The applicant feels that this type of development would be more in keeping with the character of the area. He indicated that the outlet of Bragfield pond comes onto this property.

The question was raised as to whether the CC would be interested in holding these open spaces? CC members indicated that we would not be interested in holding an easement on the acreage inside of the cul-de-sac (4 acres), which would not be considered conservation land. The remaining open space piece would be 21 acres, which may be of interest to the CC.

CC members expressed concerns over a CC property with so many abutters. The potential conservation land would abut Townsend property (agricultural), new lots, and houses on Beacon Hill Road. A Class VI road would separate this conservation land from the Bragfield property and would not provide any connectivity to that piece.

The question was raised as to what type of assets this property has? Mr. Dumont stated that there are ponds and marshy areas. The potential conservation area is separated by a berm from the remainder of the property and contains a poorly drained upland area, with different soils and plants from the portion of the property to be developed. The tree types are different as well. The question was raised as to whether that area could even be developed? The applicant indicated that perhaps some of that piece could be developed. Ayn indicated that during the previous site walk, she saw a very diverse, unique forest type, which perhaps is on the piece that would be developed, not on the conservation piece, given Mr. Dumont's description.

We should be addressing 2 issues -

- 1) Big picture – what are our comments about subdivision?
- 2) Is it an easement that the CC is interested in holding? Need a site walk, do our evaluation, determine uses. Or, the CC doesn't need to hold the easement, the applicant just needs a 3rd party to hold it.

There are 10,000 sq. ft of wetlands impacts along access road. The applicant has positioned roads and houses on the lot so that they don't impact wetlands. There is a proposed access point at the back of the loop into the open space. The applicant indicated that they would only clear enough land to build the houses and septic systems and would not clear the entire lot. The applicant indicated that there would be no drainage impacts.

At this point, it is hard to say if the CC would be interested until we can do a site walk. We will do a site walk on October 8, 2007 at 5 pm at the property (3rd Range & Beacon Hill). We can then come back to Town Hall review our land protection criteria for the property and discuss more about the easement. ZBA will meet between now and then. If the applicant doesn't get the special exception, we may not have this site walk.

Kevin made a motion that we as a commission should write a letter to send to the ZBA stating if there has to be a development of this parcel, the CC feels that the cluster subdivision is preferable than a conventional subdivision. Stetson seconded. All in favor.

3. Current Conservation Land

Todd stepped back in at 8:10 pm.

a. Scripture Easement

Joe Tyler was present. Laura provided a memo outlining where things stand regarding changing the easement. The current easement requires a management plan for forestry and agriculture. A copy of that plan should be on file. The CC should be notified 10 days in advance of any use of the management plan. The management plan could include provisions for creating trails for horses and clearing downed trees.

Discussion took place about what portion of the land should be in conservation, what would not be? Initially, we discussed taking the house, barn, garage out of the easement and keeping part of the pastureland and ring in the easement. Approximately 2 acres would be taken out and 8 acres kept in.

For the public hearing, we would need to have an estimate for the costs – likely \$5,000 for the survey.

Discussion took place regarding uses allowed with permission of the property owner. It would give the property owner the authority to decide what would be allowed. We would like a list of proposed allowed uses from the property owners. The current easement neither allows nor disallows public access. The Purpose of original easement was for agriculture, forestry, scenic beauty, not for recreation.

- The Tylers indicated that they did not want to allow hiking or hunting, given that they are using the property for horses. They don't want anyone on the property.
- Ayn indicated that the proposed language would allow them to restrict uses. The next landowner may want to allow access.
- Brian asked how can you pick who is allowed and who is not? He suggested clarifying that the purpose is not for public access and recreation.

Mr. Tyler indicated that they wanted to add a clarification. The original easement isn't specific about what is agricultural. Laura indicated that under state law, horses are considered agricultural.

Discussion took place about the fact that people come to their property to ride in their ring. Ms. Tyler uses the ring for riding lessons. The CC indicated that you can't run a business on conservation land. So, the ring needs to come out of the easement area. The actual acreage will probably be closer to 7 acres in, and 3 acres out.

We would need a plan depicting areas for the public hearing in Oct. For the Sept. 24th meeting, the Tylers should bring something that shows proposed boundaries.

ACTION ITEMS – Laura will provide estimated costs for next meeting. The Tylers will provide a plan showing proposed boundaries.

b. White Sands – A site walk is scheduled with PSNH on September 18th, regarding placement of gate. PSNH's structural engineer, legal person, ROW person, etc. will attend. Laura will provide an update for our meeting on the 24th.

The Sewer Department had some concerns over our proposed parking area. However, it was pointed out that if we need to change parking area for expansion for the sewer pump station, we could move things around, since we are just proposing a gravel lot.

The Transfer station has a list of CC members – we can bring trash from site walks to dispose of free of charge. David found a couch at White Sands.

c. SCA NH CC Proposal – crew & interns and UNH Community Environmental Outreach Program

Laura provided information about several intern possibilities. We could have them post signs, conduct gps mapping of conservation properties. We need to come up with our own proposal regarding what they would do.

- 1) The UNH Community Environmental Outreach Program – would need minimal supervision. A teacher oversees them. We could pick 2 CC members to be their main contact.
- 2) The SCA intern would need a lot of supervision. They could provide staff support on day-to-day issues for the CC. Create a brochure with locations of conservation properties and all of their allowed uses. They could also follow up with our land donor process.
- 3) We could request an SCA work crew, which would require a lot of work upfront, but less later on. They have their own people up during the process. Once the summer starts, they would be on their own. This is a competitive process.

We should have a couple of folks to work on this, and then put together a proposal.

ACTION ITEM: Kevin and Ayn will work on this and get back to us for our October 8th meeting.

d. Property monitoring status report

CC members are working on easement monitoring. Kevin and Lea Anne can help Carol with the Beck property and will coordinate with her on a time to meet.

4. Meeting Minutes

- a. July 23rd Non-public session.** Change - At the end of the meeting, Ammy made a motion to come out of non-public session, which was seconded by Todd. All voted in favor.

Stetson made motion to accept the minutes with the abovelisted change. Kevin seconded. All in favor. Carol and Ayn abstained. The minutes are sealed.

- b. August 27th public session**

Jeff brought the list of NH Fish & Game fines. The BOS and police can enforce fines. The CC does not have this authority. Todd made a motion to accept the minutes as is. Ayn seconded. All in favor. Kevin abstained.

5. Miscellaneous

- a. Ammy made a submission to the Town newsletter.
- b. Ammy went through all of the properties that we wanted to send letters to for our proactive land identification drive. She grouped them so that we don't send multiples to people who own several properties. **ACTION ITEM:** Laura will send out the letters to the property owners.
- c. Laura has given her notice and will be leaving on 9/28/07. She will meet with Ammy and Carol to discuss pending items.

6. Adjournment

Stetson made a motion to adjourn. Lea Anne seconded. All in favor. The meeting was Adjourn at 9:17 pm.

Respectfully submitted by Lea Anne Atwell, CC Secretary.