

**Tamworth Conservation Commission**  
**Tamworth, NH 03886**

TAMWORTH CONSERVATION COMMISSION, Draft Minutes

OCTOBER  
~~September~~ 10, 1994

PRESENT: John Mersfelder, Chris Conrod, Ned Beecher, Lori Gerard, Betty Steele

1. Minutes of last meeting were accepted as written. However there was considerable discussion as to the wording of the minutes. John reported that Paul King, consultant engineer for the Valentine subdivision, wrote TCC as he was disturbed that he had not been contacted before TCC discussed the proposed subdivision. John wrote a letter to Paul, a copy of which is attached as part of these minutes.

It was agreed that in the future it should be stated in the minutes that they were draft minutes subject to final approval at the next meeting on (date).

TCC suggests that in the future official communications from the Planning Board to TCC should go through the chairman.

2. Septic in relation to subdivision. This was a continuation of the above discussion. Chris reported that this matter had been discussed at the last Master Plan Committee meeting, which he and John had attended. He had stated then that the comment in the TCC September minutes was not a formal recommendation, merely an opinion, because the matter had been brought up in such an informal manner. It was felt there should be further review of the subdivision plans after a site inspection which will take place on Wednesday, October 11th, at 6 p.m. John and Chris plan to be there; Chris will try to get there a bit early to look at it while the light is still good. The final decision might include hiring a soil scientist for the delineation of the wetland, as this can be complex, especially for marginal soils.
3. Hemenway - special use permit, which expires at the end of this year. John had written Carter, of DRED, who said maybe TCC would like to consider a two year permit, which could be granted more expeditiously as it did not require signature of Governor and Council. This would not be a disadvantage to TCC as DRED has authority now to cancel the special use permit on 30 days notice. VOTE I - That TCC request a two year permit. (Moved by Chris, seconded by Lori, and voted unanimously.)

It was agreed to check possibility of erosion near the steps below the registration box, and near the top of the trail as it climbs the river terrace.

4. Black Spruce Ponds - DRED has notified TCC, as abutters to the wood road on the west side of Town land, that a special use permit had been granted to Harold Cook to use this road for trucking out logs as it is the only access to his property, but with some conditions stated as part of the approval. TCC members did not foresee any problems for it as abutters.
5. Wetlands Board - minimum impact, Mertinooke property on Cleveland Hill Road, Peter Farrell forester. John reported on this application, of which he had a copy.
6. Great Hill Tower. Work to paint tower and replace cables had been advertised for bids, but there were no bids for the work at the sum as voted in Town Meeting for it. There were several suggestions - David Bowles might advise on this as to further funding needed; and TCC might get an estimate from a company, such as Nelson Communications, which is involved in this type of work. John had already talked with this company last spring for an estimate

on cost of cable. John will talk with the Selectmen.

7. N. H. Association of Conservation Commissions Annual Meeting, November 5th. Betty will go, Ned might be able to, and John will check with Charlie Townsend in hopes he could go. John will send in the registration form along with the check.

NHACC is compiling a data base of Conservation Commission information, and has asked for suggestions as to what TCC would like to know about other Commissions. The following ideas were proposed:

- What commissions have been involved with litigation in regard to enforcement.
- Violations of easements and how dealt with.
- What percentage of town land is under easement managed by conservation commissions.
- What are priorities of commissions
- Profile of commission members including length of service, professional background, gender.
- What professional resources have commissions employed and for what purposes, e.g. wetland scientists, regional planning agencies.
- How many commissions have By-Laws.

A ballot was enclosed with the meeting notice. It was agreed that discussion at the meeting could throw further light on this and Betty could use her discretion as to the TCC vote. But unless there was further information TCC should vote Yes on item A incorporating sections of Shoreland Act affecting subsurface and site specific programs into RSA 485-A. On Item B to support legislation to prohibit Strategic Lawsuits Against Public Participation suits, it was agreed to abstain, as there was not information on wording of proposed legislation. It was suggested that priority for attending a workshop would be that on Shoreland Protection, and for a field trip that on Vernal Pools. Betty requested that John specify on the registration form that she wanted to be included on the field trip for Vernal Pools, as pre-registration was requested. If Charles Townsend attended he would probably want to go to the session for new members.

8. Hemenway - John reported a letter received from an out of state man most impressed with the size of the Big Pines.
9. Dump. Charlie Townsend called in to report he had talked with Eric Meador of Conway, who would meet with TCC members. Charlie will set this up, and Ned will try to go to this. TCC will continue to research this whole matter of the dump.
10. Law Lectures on Easement. Ned reported he was attending these and spoke of some of the legal technicalities involved, especially in regard to executive interest.

Betty Steele

These are Draft Minutes, subject to final approval at the meeting of the commission on November 14th.

Dear Paul,

I received your letter addressed to the Conservation Commission dated, September 23.

The Commission is keenly aware of the need for good communications in carrying out its responsibilities. On behalf of the Commission I regret that we may have been deficient in this instance.

I would like to respond to and clarify a few other points.

To the best of my recollection, there was communication with Willie Farnum on only two occasions: when he first suggested that we might examine the Valentine Farm subdivision and when I called him during our September meeting in order to confirm that he had brought the matter to our attention at the request of the Planning Board, not as a personal concern. This was verified in a subsequent conversation with Nat Steele.

The phrase in the minutes "Not a good design" should be given broad interpretation. In fact, it was an excellent design within the established parameters. The real concern is that there seems to be a certain lack of logic in the rules which govern lot sizing.

As you will note from the enclosed agenda, the matter came up from the floor of the meeting, not as a planned item and, because of the informal manner in which the Conservation Commission was informed of the matter, the Commission proceeded cautiously and made an informal "suggestion" that additional information be obtained rather than a more formal and conclusive "recommendation".

Nevertheless, the spirit of good communications suggests that we could have let you know that we were discussing the plan. The point is well taken.

In the same spirit of good communication, it is suggested that you might wish to consider communicating with us when designing in areas sensitive to our mission of protecting wetlands.

We may also want to consider that the Planning Board formally notify us, in a timely manner, of plans for subdivisions which they receive so that we can establish and follow process in the interests of all parties and make recommendations when appropriate.

Thank you for bringing this to our attention.

Sincerely,

John L. Mersfelder  
Chairman

September 28, 1994