

MINUTES (DRAFT)  
TAMWORTH CONSERVATION COMMISSION  
MARCH 8, 2004

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MAR 18 2004  
TAMWORTH SELECTMEN

Meeting was called to order at 7:32 p.m.

Present: Bill Batchelder, Charles Greenhalgh, Charlie Townsend, Jim Alt, John Mersfelder, Lori Lenart, and Ned Beecher

1. Approval of Minutes: change "we" to "he is encroaching" under number 4. Charles moved, Jim seconded; minutes approved unanimously with changes mentioned above.
2. Treasurer's Report: no new info; 2 statements were submitted; Charlie talked to Cassandra and the new person regarding reporting info on our accounts.

3. Land Matters:

- a. Water Fowl Haven Boundaries: Ned said that there was nothing new to report; he has been trying to connect, though. Charles will write a letter to owner after town meeting.
- b. GRANIT database: Charlie talked with the UNH representative about the GRANIT database; John agreed to meet with Charlie about clarifying methods of listing land types.
- c. Monitoring: Ned said paperwork is half done; Lori offered to do the paperwork for the Cave properties.

4. Homestead Trust Easement: Harold Cook was present to discuss easement on his piece of land adjacent to the Bearcamp River; selectmen have not accepted it yet; we need to make recommendations on this easement in order for town to accept it; the precedent is for TCC to recommend and the selectmen to accept it and then sign deeds, there is a recorded deed but IT has not been accepted by the town; one of the main issues is the 250' setback, which we prefer be 300'; the other is that there should be proper access for the public; the easement does not come to roadside, where people can park; Jim wondered if there's a way to help Harold out in terms of amending the easement to comply with the 2003 tax year; according to Charles, the town has not yet accepted the title; Ned asked if we needed to sign it for it to be a legally recorded document, but Charles said that there's only one required signature, the owner's; when asked for his input, Harold Cook said that "gifts are not usually questioned;" "the easement is just to protect the frontage of the river"; he did not want to "love it to death" because that's when it gets ruined; Charles suggested that there is a certain amount of responsibility that goes along with maintaining an easement; Harold thought that this issue has gotten too complicated and that all of this should have been talked about from the beginning; the process was not made known to Harold at the time; Ned suggested that maybe the CC should lay out the procedure on a handout; Jim thought that public access had been discussed; Harold said that he's never had any objections to public access in the past; John mentioned that he thought that we would hear from Harold before this was finalized; Harold responded that we got maps and aerial photos and that that is progress; there is no deeded access to the plot of land between the road and the proposed easement plot, but Harold said that he would not object to people walking to the easement property; it's not posted; John and Ned both agreed that we have easements that are not posted, which implies public access; Charlie asked if there was a perceived danger in this? John said no, but the town has, in the past, requested the right of public access in order to accept an easement; an easement on the George Davies property on Cleveland Hill Rd was not accepted by the town because he did not want public access; ultimately it was given to a different organization; John asked what would happen if the property between the road and the easement plot was sold off, how would we access the property in order to monitor it? Cook said that it's a risk we would have to take; John asked if it was accessible from any other land? Harold said the second piece on which he might give an easement in the future, is adjacent to the Remick property; Charles wondered if the selectmen would accept it if we said that the river access was enough? Harold argued that protection should be the main value of an easement, not just the access to the public; Harold said that yes, he would withdraw the offer of the easement if he had to require there be public access from the road; he insisted on retaining the setback and access requirements as currently outlined in the easement; Harold's next question was what are we going to have to go through next year? Ned noted that the process would not be as difficult because we said we now understand where Harold is coming from; Ned asked if someone could make a motion or do we have to wait until the next meeting? no, we can vote now; John clarified that in the past we have recommended easements, it goes to the selectmen and is then sent off to the attorney for his review, it is then signed after the attorney approves it; John suggested that this procedure be entered into the manual; Ned moved that the CC recommend that the selectmen accept the easement as written once a few other members read it over; Ned suggested that John mention to the selectmen when he presents the easement that it's not posted; Ned added that it's also a high quality property; Jim seconded; it was passed unanimously.

5. Dredge and Fill Application from Valley Motorsports (VM): John suggested setting up a plan to address the application; the CC's role is to comment upon the application; the CC also has the opportunity to intervene in the process; John read his letter of intervention sent to Craig Rennie (NHDES) (see attached); we have 40 days to respond to the permit application; John said that we need to have a site visit; in the letter, John suggested we visit along with the Army Corp of Engineers; with weather constrictions, we may not have an opportunity to visit within the 40 days; John suggested that we get an agreement with VM so that we can get access to the property; John said there was no mention of vernal pools on the property; the report said that woodfrogs were observed on the property, which are indicator species of vernal pools; Charlie suggested we do the assessment on March 26, the same day we're supposed to walk the Havelock property; John said that we need to have a smaller group that gets together to examine the application

to **determine** if there are questions we need to raise: we need to have a public hearing so that we can ask those questions: it needs to be a public hearing where people can ask questions that are pertinent to the application: at our April meeting, we need to have everything put together to send out the next day: Ned asked if we could ask to have any of the engineers present to discuss how they put this together: **John** suggested calling a special meeting during which the engineers **would** make a presentation to the CC on the day of a public hearing: this **would** be a special meeting, just not our regularly scheduled meeting; Ned **suggested** we put together a task force to include **members** of the public, including any specialists or scientists that would be pertinent to the issue: Charles **read** from the handbook, saying that we have the ability to appoint advisory **members** who do not have voting privileges but can provide input: discussion ensued about hiring a wetlands scientist to help us: Ned suggested a former CC member from Concord, but **John** and Charles thought there might be a conflict of interest: Ned suggested hiring **maybe** more than one: the formation of a group was discussed: money could come from the conservation fund to **hire** the wetland scientist, as it was approved by all; we should establish a cap; John suggested **someone** make a motion to set up a committee that would 1) select a wetland scientist by March 15th and hire them, and to 2) begin review of the **documents** of the permit by March 15th; an announcement needs to be posted for the working session of the committee: the committee would meet on the **15th, 22nd** and 29th: the public hearing should take place on April 5 or 6 at **6:30 p.m.** between the commission and VM representatives at **8:00 p.m.** for the public hearing: the site visit needs to be before the 8th of April and after the 15th of March: Charles said that we should suggest a time period between March 20 to March **31** for the proposed site visit: John will write the **letter** to Mr. Condodemetraky and CC the wetland scientist of VM; Charles will call Susan Duprey to let her know our intentions but that we have a short time period in which we have to work and that we need access to the land; Ned, Lori, and John will be on the working committee: public citizens are also invited to participate; Will Farnum suggested we **write** a letter to DES requesting an extension, given the weather conditions and the abilities of a volunteer group and that we **were** denied access earlier; **committee** participants: they don't **have** to be from Tamworth but it would be helpful; VM does mention the preferred project of the four provided and lists them from the least amount of wetlands impact to the greatest amount of impact: Will Farnum asked what is the status of the **subdivision** of the Davis property and what is the impact on the application if the proposed lease on the Davis land which is not yet complete? Will also mentioned having seen a pool of standing water on the upper end of the property that was isolated from any other body of water: Will also asked about the nature of the lines on one of the maps, which look like property lines and why they were on the map? Ned suggested that in the letter the CC request access during the late afternoon and into the early evening to hear the wood frogs that would be coming out in early April: John wondered if they had **determined** where their well would be and sites for septic: the well site has been determined although it was a very general map: the **septic/sewer** was not shown but on the subdivision plan: Ned wondered if BMP's were outlined: meeting announcement will be posted on the doors of the town offices, the south Tamworth, Tamworth, and the Chocorua post offices and the Tamworth village store bulletin board.

6. Other business: we got another draft of the Havelock easement: they're willing to come into a meeting (Doug Hill and Laura): some members walked the property last fall, but Ned offered to walk it again: March 26 at 5 pm was the agreed upon time: meet at Ned's house.

Meeting was adjourned 9:40 p.m.

*Draft minutes, to be finalized and approved at the next meeting. Respectfully submitted by Lori Lenart, March 11, 2004*