

Draft Minutes (to be reviewed and approved at the next meeting)
Tamworth Conservation Commission
December 13,2004

Present: Jim Alt, Bill Batchelder, Ned Beeches. Joe Binsack. Tom Cleveland. Harold Cook. John Mersfelder. Claes Thelemark, Charlie Townsend

Voting: Bill Batchelder was appointed as the voting alternate for this meeting.

Membership:

John handed out a new, updated listing of TCC members; correction to Claes's email: it is: telemark@ncia.net

Minutes of November 4th TCC Meeting: Harold moved. Claes second, approved as written.

Finances:

- John will talk with Anne at the Town Office to have her write a check to Green Mountain Conservation Group for most of the Town's payment for water quality monitoring--as much as we have in our budget still. minus \$25. [This *was done, John reported providing \$800 for this payment.*]
- Selectmen have approved the TCC budget. We are uncertain if we need to meet with the Finance Committee.
- Town report: Bill Batchelder will draft this; Ned will forward minutes to him as needed: Ned and John are available to assist. Due date: January 5th to Town Office.

Coordination with Planning Board:

John suggested that it would be useful to iron out some glitches in permitting processes with the Planning Board by establishing a TCC & PB subcommittee to propose some improvements in processes regarding:

- Special Use Permit (SUP) under the Wetlands Ordinance--timing of notifications. hearing. etc.:
- Conflict between subdivision and wetlands ordinance setbacks:
- As required by new state law. the 1987 manual has to be referenced and used from now on. as of July 1.2005, in the Wetlands Ordinance and other local regulations:
- TCC should be notified of Planning Board decisions on SUPs.

John and Tom will be TCC subcommittee on addressing the above.... Ned will help. Perhaps one other planning Board member (in addition to Tom) will also be involved. Goal is to come up with recommendations for the next TCC meeting. so that if a warrant article for a revision to the ordinance is needed. that can be done in time for March town meeting.

Meeting with new town attorney Rick Sager.

- Rick's office is in Ossipee. on Route 171, behind Hannaford's.
- He represents Wakefield, Ossipee, Tamworth. Jackson ZBA, etc.
- Questions for Rick / legal counsel are to be passed along through the Chair.
- Rate is \$150 per hour. broken into tenths of an hour for the Town.

The Commission asked some questions regarding current issues. to get some guidance:

- Rick agreed that working on Perkins easement issue is best started with direct communication between landowners, coming to agreement with timelines and penalties for not meeting the timelines agreed to by all. Rick could write a letter later, if needed.
- To a general question, Rick noted that towns and town boards have joined private suits when it is in the Town's or board's interest and mission.
- Rick noted that conservation commissions have been more proactive in the past five years,
- Conservation easements are getting very standardized. Monitoring funding is getting to be more common and necessary. Good to get funding from the donee of the easement. to ensure it is well monitored. It was noted that TCC could be more of a facilitator directing donees to other organizations.
- Rick is aware of the proposed motorsports park and said he will get up to speed on the matter. Rick, not Tim Bates, will be the one to deal with this matter if necessary.
- Cassandra has provided Rick with town ordinances.
- If there is an issue the Commission decides to have Rick deal with. send Rick background and our thinking to bring him up to speed.

Wetlands Matters:

- Claes and Ned looked at Aspinall wetlands minimum impact expedited permit application: Ned will sign and get to Terry. Project is to take the runoff from the road culvert that goes under this drive and down the steep hill into a wetland and stabilize the stream and its banks and stop erosion and sedimentation at the bottom of the slope. Ned will write note to the Planning Board and the DES that the Commission approves of this project.
- John reviewed the proposal being put forward by Paul King for reduced setback of a septic system. TCC question: Why not put set septic tank north of the house, so no reduction of setback is necessary (there is probably a good reason).
- Allmendinger application: DES person has a couple of issues and will likely be sending a letter to the applicant (Allmendinger. agent is Joan Richardson of Carroll County Conservation District) asking for more detailed wetlands delineation, etc. David Little met with the state person and brought information from that meeting to the Commission at this meeting.
- DOT plans repairs to Bryant Brook bridge on Route 113 east of Tamworth village (near Barnstormers sign). Road is being undermined on the side. Box culvert needs repair. John had concerns about the procedure for Commission input on DOT projects: was the Commission's sign-off needed, and what weight does the Commission input have. if any? He has asked for clarification from DES.
- Rhodes: the Commission and the state are waiting for further information from the applicant, including final details on the conservation easement along the Bearcamp River to be donated to the town.

Other Business:

- John reported that suit has been brought by Focus:Tamworth against CMI, the developer of a proposed motorsports park, regarding asking for declaratory judgment as to the applicability of three town ordinances, including the wetlands conservation district ordinance.

- Green Mountain Conservation Group: Claes reported on this group's meeting last week on getting area towns to work together in the watershed. People from most of the towns attended. Protecting waters and aquifers is the likely focus.

Conservation Easements:

- At an hour-long meeting prior to this regular meeting (6:30 – 7:30), Ned and John provided information to the Commission on easement monitoring. The following easement monitoring assignments were given out:
 - Alt (9) – John and Chris Conrod, with assistance from Jim Alt
 - Aspinall – Ned
 - Cave – Tom, Joe
 - Freeto – Ned, Jim, Joe
 - Hayfield – Charles
 - Homestead Trust – Claes, with assistance from Harold
 - Irwin – Harold
 - Lindsay – Claes
 - Olton (2) – Harold
 - Perkins – Claes, Ned
- Perkins farm property encroachment from abutter at the south west--rusting heavy equipment. Would be good to have Rudy Carlson talk with him. Should follow up with a letter. Claes will follow up with Monty and let her know that the Commission can assist, as needed, but that the issue should begin to be addressed between the landowners.
- Potential easements: John noted discussions with some people in town who are showing interest in creating conservation easements; John provided information on lawyers who may be able to provide guidance on the tax benefits, as well as referring them to SPNIF and other possible recipients of easements as an alternative to donating to the Town. John will write a letter to people he talked with, noting that the Commission is supportive of the concept and would be willing to assist in whatever way they would like.

Goals for 2005:

- More on easements and monitoring, tighten up the system. update the maps of protected properties in town: have an intern: Claes will talk to a student about this.
- Keeping the interest and energy of the current Commission going and expanding it, if possible.

Adjournment: Harold moved to adjourn. Ned second. All approved at 10:20 p.m.