

**MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
May 11, 2005**

A meeting of the Conway Conservation Commission convened at 6:35 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Chair, Paul Pinkham; Carol Lyman, David Weathers, Chuck Broomhall, Rob Adair, Phil Haynes, and Alternate, Connie Briggs. Also in attendance was Don Johnson. Linda Kearney joined the meeting, having expressed her interest in serving as a member by letter to the Town Office.

The Chair appointed Mr. Briggs as a full voting member.

Approval of Minutes: Motion was made by Mr. Briggs, seconded by Mr. Adair, to approve the April 13th Minutes as submitted. Carried by unanimous vote.

Election of Officers: It was announced that Carol Lyman has volunteered to act as Treasurer.

Public Comment: None.

Reports:

Forester's Report - Mr. Johnson has received a call from Laura Slitt who has a group of volunteers offering to plant 200 white pine seedlings. Mr. Johnson at first considered the Hubbard-Davis lot; however, it did not look feasible, logistically, and that one of the lower clear cuts on the Black Cap site would be a better site. He has sent three men in (six hours not planned in the budget) to make holes for planting the seedlings, and will meet with volunteers to show them how to do the planting on Sat.

Mr. Johnson reported his crew is working on the wildlife openings on Black Cap. Because the cost to do the wildlife work exceeded the estimate, he expects to do half of that area this year, the remainder next year, and complete the next clear cut down totally. This is a grant program which is a good deal and needs to be completed. He noted it is a gorgeous view where the trail goes through and has a diversity of species coming back in. He did not feel there would be much impact of people going in there; some of the bird species might be impacted; however, if it comes back in as thick as he believes it will, the nests could be out of range.

Mr. Johnson also plans to go into Whitaker Woods to stabilize the new trail.

Rock Diggings: Mr. Johnson reported people are digging in an area on the eastern edge of what he referred to as "Don's Gom" cut and are defacing the place – it is out of control. His crew feels someone has been blasting in there. He estimated the area impacted to be an acre, possibly two, and feels they have taken a lot of gems out of that hole. Such stones as amethyst, smoky quartz and some tourmaline have been seen.

Mr. Haynes noted some places put up signs advising that there are certain minerals found on site, but asking that people not mine it. Also it was his opinion that people could not take things from public lands. Ms. Lyman questioned whether a fine can be imposed, but it was felt policing would be an issue. Mr. Weathers pointed out there are laws dating way back about taking hardwood for personal use, but we have no written regulations governing minerals. Mr. Pinkham said we could probably post a sign in the parking lot there. He also suggested inquiry be made of the town as to what governs activity there. **Motion was made by Mr. Briggs, seconded by Mr. Broomhall, that the Commission request the Selectmen to look into the mining of minerals on town lands. Carried by unanimous vote.**

Bicycle Jump: Mr. Johnson reported having found a bicycle jump constructed on the first landing on the Hurricane Mt. Road Trail where someone had made a dirt ramp over a big boulder (10' to 12' tall). When it was suggested policing would be a problem, it was felt it would not be Conservation Commission liability because we do not charge admission; however, Mr. Weathers pointed out the public has no authority to alter the land there. Mr. Adair suggested we might be able to get them to voluntarily take it out. Mr. Pinkham suggested Mr. Weathers discuss this with Town Counsel.

Mr. Weathers questioned whether Mr. Johnson would be able to stay within budget given that the crew is putting in extra time to help with the volunteer tree planting effort and the added work on the wildlife openings on Black Cap. Mr. Johnson acknowledged it was "sort of extra," but said he will work on it and keep the Commission informed. It was Mr. Haynes' opinion that we need to come to a solution to have Mr. Johnson finish the job totally, and if it increases the budget we have to handle it.

Budget: It was noted \$16,260 was approved at Town Meeting. Mr. Johnson stated small grants will kick in another \$1800 on the wildlife opening clearing of sites #5 & #10. Mr. Pinkham noted also that since Peter Benson's job has changed (he will now be an advocate for getting help for certain groups in the north country) he will ask him to work on our behalf on the Schiavi/State land acquisition. Mr. Briggs said he has talked to Mr. Benson's assistant and he would like to invite him to attend our meetings since Mr. Benson has changed jobs and will no longer be with us. It was noted Mr. Benson's ambition is to have a north country person still be involved.

Treasurer's Report: Mr. Pinkham noted the Hubbard-Davis Trust income appears to be strictly interest; the money is to be used to maintain and improve the Hubbard-Davis property, but can also be used to acquire similar properties.

The CCC Conservation Land Account has a balance of \$113,000+ thus far this year. This account is an accumulation of money appropriated by town warrant and, in recent years, supplemented by revenue from timber sales. The money is intended for use in acquiring additional conservation land.

Another land acquisition account is Conservation Land Account CU. It has a balance in excess of \$224,000. It is made up entirely of Current Use Penalty money. Currently one

half of the penalty goes into this account, the other half goes to the general fund. There was some suggestion to spend that down to below \$100,000 in order to once again be eligible for the full 100% of Current Use penalty monies. The money is intended for use in acquiring additional conservation land.

There is a total of more than \$337,000 currently available in Conservation Land acquisition accounts.

It was felt some criteria would be developed for what would be considered land worthy of becoming conservation land. Mr. Haynes questioned whether the Kennett land behind the High School would be a piece that we would want to look to acquire and whether it is all in floodplain. Mr. Briggs said it is in the process of being acquired by Saco Valley Land Trust, they received a 50% grant this past week. Mr. Haynes suggested then in the future that a meeting among members of all the conservation boards be held in order to know who is pursuing what. Mr. Weathers explained that at one point there was a move to sell that land to the school for recreation land, but it fell through; presently it is being kept open for wildlife habitat. He stated that no matter who owns it, there will be no permanent structures allowed.

Conservation Account - Mr. Pinkham stated this is money appropriated by the town and until recent years was supplemented by timber sale profits. He explained that some years ago the account was up over \$100,000, then it was decided to use this account and reimburse the general fund for CCC expenses. The Selectmen agreed to keep at least one year's worth of expenditures in that account. The town has violated our agreement by letting the account get down to \$7,682. Mr. Weathers noted that this reimbursement scheme resulted in the town getting extra money in the general account and using it somewhere else. He wished to know what happens with the money that is appropriated this year? It was noted the amount approved at Town Meeting was \$16,260. That can then be added to the existing \$7,682 in the account, leaving us a total of \$23,962 which should make us whole. The Selectmen need to acknowledge the change in accounting procedure.

There was some discussion as to the confusion in the names of the accounts and what funds go into which account. It was decided Mr. Pinkham and Ms. Lyman will draft a summary for the language and titling of accounts. Also a meeting will be scheduled with Messrs. Sires, Pinkham, Weathers and Ms. Lyman and Ms. Philbrick to discuss the procedure to be followed for CCC accounting.

Selectmen's Report: Mr. Weathers reported there are two approved DES projects, both are DOT – (1) River Road – 30” diameter culvert and new header, part of the bicycle shoulder; (2) on River Road to do with shaping the scour hole and rip rap on east side of bridge. Both have been approved. There are no new dredge and fill applications for the town. Mr. Broomhall questioned date of completion of River Road projects. Mr. Weathers stated all permits are good for five years.

Mr. Briggs noted where work was done on the edge of the Hussey Field 2 to 3 years ago, one big tree has come down and suggested taking a chain saw in there and cleaning that up. Mr. Weathers agreed that constant removal of any debris is the best maintenance plan and that the Town Engineer was aware of the work that needs to be done.

Barn at Locust Lane – Mr. Weathers stated the CCC was supposed to have been notified before anything was to take place there and we were not. There has been discussion of the possibility of selling the barn and keeping access to the trail.

General Information - Mr. Pinkham stated Cooperative Extension is offering a series of workshops in May for anyone interested.

Conservation Commission of Fitzwilliam NH has started an ATV Watch.com site because of concern over ATVs and the damage they do.

Educational Services Program – American Tree Farm system has come up with a project Learning Tree to get kids out in the forest for an educational opportunity. Mr. Pinkham suggested it may be less expensive than what we had looked into and may be more appropriate and more suited to our uses. Mr. Johnson will be asked to look into this program.

Mr. Pinkham noted when we began a tree farm farmer group we were given a year's membership to the Society for Protection of NH Forests. We are now being asked to renew our membership at our own cost. He noted they are also into the easement business and questioned whether the Commission wants to spend \$50 to maintain membership. There was no interest expressed.

Mr. Adair reported the Red Tail Trail was named by Mt. Bike Magazine as one of the 50 best trails in America.

Pudding Pond – Mr. Adair stated the Recreational Trails Program grant application has been approved to replace the bridge from the Locust Lane entry. It will be constructed of steel stringers and cedar railings. He is trying to avoid using pressure treated wood.

It was reported that volunteers ages 10 to 55 have been working on Pudding Pond mountain bike trail which was approved last fall. Some of the kids have asked Mr. Adair about putting little ramps in there, and it was suggested that some slabs be put there. One suggestion has been a teeter-totter designed for riding bikes on. Mr. Haynes stated the more you put in, the more liability – he saw no problem with slabs on the ground, but said if we start putting things in for little tricks, it may be a problem. Mr. Pinkham suggested a policy of “if it lives there use it, if you have to bring it in, do not do it.”

Mr. Adair requested permission to bring in a small Kubota tractor to move some stone around since he has to do some maintenance work in that area (rebuilding a switchback for the town) and would like to get all the spots that would require the use of a tractor done at the same time. **Motion was made by Mr. Briggs, seconded Mr. Haynes, that**

the Commission authorize Mr. Adair to go forward with proposed work at Pudding Pond bridge. Carried by unanimous vote.

Work in Shedd Woods: Ms. Lyman questioned what the State is doing with the Shedd Woods property. Mr. Pinkham said there is a drainage pipe which goes underneath from across the street by the hospital. The work is to replace the drainage to correct a problem they had there. Mr. Weathers will check with the Town Engineer to make sure there is some screening that goes back through there.

Hope was expressed that they will include an evergreen screen there. Mr. Pinkham noted also we could have used the revenue from the trees they have taken out of there; that we could have taken it down before they took it and there is no way this should come out of the town. Mr. Weathers will check to see what is stated on the plans. Mr. Pinkham questioned also whether the State will curb where the picnic tables were as we want to keep the ability to be able to park off the road there. Mr. Adair commented that they should also restore the trail which we built there, when they put the new drainage in.

Mr. Pinkham reported Linda Kearney has submitted a letter to the town requesting appointment to the CCC. Regarding appointment of Phil Haynes as a full voting member, Mr. Weathers said it was discussed at the Selectmen's meeting, but he is not sure of the outcome. Mr. Pinkham suggested we request a response. **Motion was made by Mr. Haynes, seconded by Mr. Weathers, that Linda Kearney be appointed as an Alternate on the Conservation Commission. Carried by unanimous vote.**

Election of Officers:

Motion was made by Mr. Weathers, seconded by Ms. Lyman and carried by unanimous vote, that Paul Pinkham be elected Chairman for the ensuing year.

Motion was made by Mr. Adair, seconded by Mr. Weathers and carried by unanimous vote, that Dan Lucy be appointed Vice Chair for the ensuing year.

Motion was made by Mr. Haynes, seconded by Mr. Broomhall and carried by unanimous vote, that Carol Lyman be appointed Treasurer for the ensuing year.

Motion was made by Mr. Weathers, seconded by Mr. Haynes and carried, that the meeting be adjourned at 8:00 p.m.

Respectfully submitted,

Gail T. Carrier, Recording Secretary