

**MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
September 14, 2005**

A meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Chair, Paul Pinkham; Dan Lucy, Carol Lyman, Rob Adair, David Weathers, Phil Haynes, and Alternate, Linda Kearney. Chuck Broomhall joined the meeting at 6:45 p.m. Also in attendance was Forester, Don Johnson.

The Chair appointed Ms. Kearney as a full voting member.

Approval of Minutes: There was a review of the 8/10/05 Minutes with the following conclusions: We would try to reduce number of trails; Messrs. Adair and Broomhall would come back with a plan for work at Whitaker Woods to be addressed by the Commission, including closing some trails and rebuilding others. Ms. Kearney reported the drainage concern she had noted last month at Rebecca Lane as been resolved. Discussion included railroad crossing being constructed, mining at Black Cap; School Education – Learning Tree Project; attempt to enter into a multi-year contract with Nature Conservancy due to their ruling on projects of less than \$10,000. It was noted there has been nothing new on Kearsarge Brook crossing or Redstone Properties.

There was a correction to the Minutes for 8/10/05, Pg. 5, under Wetlands Applications, road referred to should read **Goshen**, not Gotzen.

Motion was made by Mr. Adair, seconded by Mr. Weathers, to approve the Aug. 10th Minutes as corrected. Carried by unanimous vote.

Public Comment: None.

Reports:

It was noted that Mr. Lougee was not able to be present at the meeting tonight, but next month will return with a new set of maps.

Forester Report: Mr. Johnson has not had an opportunity to discuss the Learning Tree Project with John Fuller School. Mr. Adair reported there has been some activity in that direction as John Fuller 6th grade did have a field trip, trimmed some trees, and took some samples.

(Copies of the budget were distributed.) Mr. Johnson noted that of clear cuts #5 & #10 \$1200 was allocated, actual cost was \$2750, and there was a partial grant of \$1050.

Stabilizing new Lucy Traverse – It was reported that \$1400 was budgeted, actual cost was \$1352; Shedd Woods and the vista - brush saw saplings and clear embankment - was budgeted at \$840, actual was \$960. Green Group tree planting expense was \$375.

Mr. Johnson reported total expenditures of \$5437 thus far, dealing with forest and wetlands management detail; consulting and management was \$2140. He is currently working on files in order to have good record keeping, updating accomplishments, etc. Did not spend the \$2500 budgeted in 2004, but felt it would be comparable. .

Mr. Weathers stated CCC has the highest surplus of any department in the town – 70% of budget left. On Sept. 6th the Finance Director reported \$4742.50 expended. Mr. Pinkham pointed out; however, that includes the \$1050 grant, and taking that out would leave \$4620. Also Mr. Johnson has not submitted his bill for consulting, and we still have planning and implementation for Whitaker Woods trails, and anticipate buying some signs.

As regards the signs, Mr. Broomhall has spoken with Mr. MacKay about students making the signs and he was interested. Mr. Pinkham noted that also Cort Hansen has some materials for stick-on letters on plastic. Ms. Kearney said on the regular recreation trail there are signs that seem to have lasted well, and suggested we could track down recreation trail signs.

Mr. Weathers questioned the \$1,000 allocated for education. Mr. Johnson said he has it zeroed out. Mr. Pinkham reported on his meeting with Selectmen discussing the RSA which says the CCC can retain money from one year to the next. He noted we are volunteer dependent, making us different from a regular town department where work is ordered. Mr. Pinkham stressed the importance of entering into a multi-year contract with Nature Conservancy (at about \$3,000 annually) in that they are doing the work for us, but cannot bill us for amounts less than \$10,000. He noted we need a mechanism in place that would allow us to have the luxury of spending when the time is right.

Whitaker Woods Trail Plan: Mr. Adair provided copies of a Trail Management Plan offering both long and short term projects: looking to improve Armstrong Alley down to the power line on the west slope for grooming; brush-in/close Schuss, Quarry Hill, and a steep section of Fuller Trail (Mr. Broomhall commented that Mr. Livingston of White Mt. Milers said they do not object to our closing off Quarry Hill); abandon Hell's Kitchen, No Name Trail from Vista to Wellinghurst in the winter time. Mr. Johnson questioned abandonment versus brushing-in. Mr. Adair explained brushing in consists of putting in barriers and water bars, etc., abandonment: some are using them in the summer time so they would be left as is. Mr. Johnson suggested the use of water bars. He agreed to accompany the committee to look at the situation and decide exactly what it is they want him to do.

Mr. Pinkham has talked with Cort Hansen who has expressed interest in improvements being done to the back side of Perimeter Trail. Mr. Broomhall noted that is in the long range plan. Mr. Lucy stated Perimeter Trail is a major job, there are wetlands issues. He offered to call Mr. Hansen to apprise him of what CCC plans.

Mr. Broomhall, noting there are three sections, suggested doing one section a year, but not to try to do the whole thing in one year. Mr. Adair suggested meeting with Don

Johnson to get a scope of work, so he can figure out what's to be done. Mr. Broomhall felt that from the top of Armstrong to the power line would not take a lot of work. Mr. Johnson does not anticipate starting until late October.

Mr. Haynes noted the first five items on Short Term Projects list are all related [51 loop, improve Armstrong Alley, brush-in/close Schuss, Quarry Hill and steep section west of Fuller Trail, abandon Hell's Kitchen, No Name Trail, reroute eroded section of No Name Trail] but the last two items [Construct railroad crossings at John Fuller and Gradual Trails & Develop gravel on the power lines] could be done this fall. Mr. Weathers stated Selectman Webster says Conway Scenic RR is not planning to be involved. Mr. Johnson stated it is not his forte to do railroad crossings. He reported the gate at Kearsarge is broken. He agreed to put in a new gate.

Mr. Pinkham questioned whether Mr. Adair could find someone to do the railroad crossing, noting there is a plan available. Suggestion was made to hire railroad people to do it. It was noted CCC has not budgeted specifically for the crossings. Mr. Johnson agreed to find someone who would do the railroad crossing and will obtain an estimate. Mr. Adair noted that the necessary approvals should be in place already.

Summary: Short term projects list – Mr. Johnson will meet with the three committee members on Sept. 23rd at 5:00 p.m. and do a walk-through. Mr. Lucy will contact Cort Hansen and see what his sense is. Mr. Pinkham will track down signs. Mr. Adair is pursuing a new map. Mr. Broomhall suggested adding Perimeter Trail (which needs to be rebuilt) to the long term projects list. Mr. Johnson will go through the management plan to see what we need to do for next year. A partial bill for Consulting Forester expenses is to be submitted.

Rules and Regulations: Mr. Johnson questioned item 5 dealing with open fires being permitted by Conservation Commission. It was noted they would still need a burn permit.

Mr. Johnson questioned mining activities at Hurricane Mt. Road. It was reported there is a hole about 12' deep and 4' to 6' in diameter at Black Cap. Town Counsel has advised that because we do not have any rules, there is nothing to enforce – there is no ordinance. Mr. Sires is requesting that the Conservation Commission review rules and regulations and let him know the things we like and do not like.

Item #3 – Mining and excavations – It was the feeling that if someone wants to do a little chipping that is O.K., the CCC would not want to inhibit the hobbyists, but going in with dynamite would be a different matter. Mr. Adair suggested checking with the Forest Service because they have been through this and have had closures, but he is not in favor of completely prohibiting mining. He will check with Forest Service to see what their wording is. It was the consensus that this activity should not be prevented entirely.

#1 – Mr. Adair questioned hours for the public to be able to use conservation areas (presently from one half hour before sunrise until one half hour after sunset), noting that

he, for one, likes to bike late at night. It was agreed item #1 would be changed to read: ***“All people are welcome to enjoy themselves, without charge, in the conservation areas of the Town of Conway.”***

#2 – Change to read: ***No cars, trucks or other powered vehicles or tools except for authorized vehicles and tools, are allowed unless authorized by written permission of the Conway Conservation Commission.***

#3 – [Deals with activities which can and cannot take place on CCC lands, including the statement that “Mining and excavations of any kind are prohibited”.] It was the consensus that it “requires more gentle language with regard to mining.”

#4 – [Deals with business/sales on Conservation lands] Approved as is.

#5 – Last sentence to be changed to read: ***“Open fires are allowed by written permit of the Conway Conservation Commission and the local fire warden.”***

#6 – [No alcoholic beverages] Approved as is.

#7 – [Deals with trash and litter generated by users] Approved as is.

#8 – Hunting – needs verification.

#9 – Fines for violations: Needs review and wording to make fines consistent.

Treasurer’s Report: Ms. Lyman provided copies of an up to date report showing the totals and changes for the Commission’s three accounts. The Conservation Land Acquisition account added \$49,841 in Current Use penalty revenue, plus \$5,483 in interest, bringing the total to \$390,842. The Hubbard Davis account grew by \$231.96 to \$14,517.76. The Conservation account earned \$238.15 in interest, but reimbursed the Town’s General Fund for Commission expenses in 2004. That amount was \$16,262.41. The account total to date is \$7,756.63.

Mr. Haynes suggested the CCC consider setting up a contingency fund, i.e. \$50,000 to be set aside to buy land to be included on the town warrant. Mr. Weathers felt it would be a hard sell when we already have \$300,000 set aside. Mr. Adair suggested CCC donate to the land trust. Mr. Pinkham stated we can do that – we do not have it writing as yet.

Wetlands Applications:

Application to replace culvert - Mr. Weathers reported a “minimum impact” application has been received from DOT to replace a culvert on East Conway Road.

Dredge & Fill Application by Gary Sylvester - Mr. Weathers stated he is not comfortable signing off on this particular application without running it by the CCC. (He noted a version of this was approved in 1989.) It is for a 32 acre lot on East Conway Road, a

road and two culverts crossing the 100 year floodplain. He stated the road they are proposing to build will create a dam; the Town Engineer has stated it is also going to affect the back water coming off the Saco River. He said he would like to see a letter from CCC to DOT setting forth the points that the Town Planner and Town Engineer are not in favor of it, and requested a vote from CCC explaining our reasons for not approving it. Mr. Weathers said he has discussed this with Thorne Surveys who is supposed to get more information for him. He has attempted to find out why they are proposing this. Suggestion has been made that it may be a planned subdivision. Ms. Kearney, an abutter, noted the original proposed plan had three home sites. She is under the impression that the owner wants to build just one home.

Mr. Weathers said as regards the road itself, if the new road is built at the same grade as now, we would not have much of a leg to stand on to oppose it, but with the lack of engineering design for the culverts and the proposed increase in fill 2' to 3' above the existing grade, it results in a dam or levee effect.

Motion was made by Mr. Adair, seconded by Mr. Broomhall, that the Conway Conservation Commission does not approve the application as submitted by Gary Sylvester, because it is incomplete as regards design information for the culvert application, and there are concerns with the roadway elevation as concerns the 100 year floodplain. Motion carried with 7 affirmative votes and Ms. Kearney abstaining.

Sticks & Stones Trail - Mr. Adair reported there are some technical rock features there. Mr. Sires has ridden in there and reports there are ways to maneuver around if a rider so chooses. Mr. Adair said he intends to have signs made up saying “use this trail at your own risk.” It was the consensus that it is a very nice trail and the CCC is “O.K. with the trail there.”

Motion was made by Mr. Broomhall, seconded by Mr. Weathers, that the Conway Conservation Commission is in agreement with the Sticks and Stones Trail. The motion carried with 6 votes in the affirmative and Messrs. Weathers and Broomhall abstaining.

Ms. Lyman noted Bog Bridges on the trail around the pond are in real bad shape. Mr. Pinkham will bring that to the attention of The Nature Conservancy.

The next meeting will be held on October 12th.

Motion was made by Mr. Weathers, seconded by Ms. Lyman and carried, that the meeting be adjourned at 8:15 p.m.

Respectfully submitted,

Gail Currier, Recording Secretary