

**MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
November 11, 2009**

A meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Paul Pinkham, David Weathers, Conrad Briggs, Chuck Broomhall and Rob Adair. Also present were Forester, Don Johnson, and Tony Federer.

1. Approval of Minutes: 10/14/09 – Motion by Mr. Briggs, second by Mr. Weathers, that the Minutes of the Oct. 14th meeting be approved as circulated. Carried by unanimous vote.

2. Public Comment: None.

3. Reports:

a. Don Johnson – Mr. Johnson reported that he has accomplished all the trail work planned, plus more, and stayed within budgetary constraints. He will send a bill upon receipt of payment from saw logs (about 3 cords of firewood, some pulp, and 3M feet of white pine), which he estimates to yield about \$1100. Mr. Broomhall stated that trail needed that work, it makes it easier to navigate; Mr. Adair agreed that it looks great.

Mr. Johnson reported the monument stone in Shedd Woods is still down. Mr. Pinkham stated he has been in touch with the Parks Dept. who is supposed to put the monument back up and fix the fence.

b. Jeff Lougee – Mr. Lougee was not present.

c. Treasurer's Report – Ms. Lyman was not present.

d. Selectmen's Report – Mr. Weathers reported that on Tuesday a resident called the Town Manager to inquire as to whether there should be a buffer between the start of Thompson Road and entrance to Pudding Pond where Lucas Tree is clear cutting the transmission line. Messrs. Sires and Weathers met with the contractor and it was agreed that a buffer of about 100' would be desirable. Mr. Weathers said it was evident that dirt bikes and ATVs are going in there; he noted also with regard to a bridge on the trail on the north side where the brook crosses is not accessible as it no longer has a deck on it and you cannot get any type of vehicle over there now. Mr. Adair stated that is a bridge built by a private landowner.

4. Other Business:

a. Town Conservation Easements – Mr. Pinkham has discussed with Mr. Sires the conservation lands we have that are not protected and the need to do so. Mr. Sires will arrange a meeting between Town Counsel and Mr. Pinkham.

Mr. Pinkham noted that by the Board of Selectmen designating it as conservation land, gives it some protection; however, Mr. Weathers stated that is not enough. He said because the Board of Selectmen feels it is possible to sell off the properties, that they should be put under easements. Mr. Adair said if the town held it, we would need to do annual monitoring. Mr. Weathers stated in that case, the town would hold the easement on town land - he suggested we would want a third party, the Upper Saco Valley Land Trust.

Mr. Pinkham stated the Society for the Protection of NH Forests has been inspecting the Hubbard-Davis lot. The deed requires that any revenue from that be put back into conservation maintenance - they exercise their responsibility by inspecting it to make sure the Commission maintains it. Upon question of cost, Mr. Adair said that typically the stewardship endowments are about \$3,000.

Mr. Pinkham reported that regarding USVLT, they have finished interviews for the Ecologist/Planner. They had several qualified applicants and plan to sign a contract on Nov. 13th. CCC can expect to be billed for its \$10,000 in support of that contract.

b. Whitaker Orienteering Activity – Tony Federer joined the meeting to offer a proposal and map supporting his orienteering program. He gave a brief overview of his background, explained the sport of orienteering, and provided a detailed map of the area noting there are usually 3 to 7 or 8 different courses from beginners and kids to elite level. The event he is proposing for Whitaker Woods would draw from 20 to 50 people. He stated the advantages are it is a family based sport, it is an educational activity teaching map reading, compass use and physical fitness.

Mr. Weathers questioned how often they would be using Whitaker Woods and what time of year. Mr. Federer said they would be in Whitaker Woods three times – spring, fall, winter (can involve snowshoeing); however it can be year round. He does not anticipate more than 2 to 3 events a year. The event is timed in order to keep track of how many people are out in the woods (maximum of 2-1/2 hours). The courses change for each event; we would not see trails being created, it is basically bushwhacking. He said the only exception would be permanent markers, but he is not asking to put in a permanent course. Mr. Weathers advised him that probably would not be well received here.

Mr. Adair said he strongly supports it, it is a great activity to get people involved, with minimal impact on the woods. **Motion was made by Mr. Briggs, seconded by Mr. Adair, that the Conservation Commission accept the proposal for orienteering so long as no permanent signs are placed and adequate notice is given.**

Mr. Pinkham pointed out they would still have to go through the town's event permitting process, which Mr. Weathers advised should be applied for 90 days prior to the event. Mr. Adair suggested they might be able to do one application for all events in a year. Generally events would be held on a Sat. or Sun. Mr. Federer said he is asking for general approval.

Mr. Federer said the proposal addresses adjacent landowners – Memorial Hospital, a Condominium Assn., and the Lynch property, all of which he will seek permission from. Mr.

Adair questioned why they would want to go outside the bounds of Whitaker Woods. Mr. Federer said to make it well bounded so that when someone gets lost they would have a boundary to help them find their way back through a geographical feature.

Liability insurance and sponsorship – Mr. Federer said they can do it under the umbrella of Up North Orienteers or White Mt. Milers, and can get certificates of insurance. He referred to RSA 508:14 which addresses an owner, occupant, or lessee of land who without charge permits any person to use land for recreational purposes shall not be held liable, and felt in that light, the certificate of insurance is redundant, as long as the town says there is no charge for that event. Mr. Weathers advised it is part of the permitting process.

Unofficial Trails – Mr. Federer said he is aware we are trying to close some unofficial trails; however, if there is a trail on the ground they need to see it on the map. He offered to use special symbols for unofficial trails, asking that orienteers not use them, and after each event when people finish, could collect the map handed out and give them one that does not have those trails on it. Mr. Pinkham explained we have some erosion problems, have tried to block some trails only to have them become unblocked. He stated we want people to go where they want to go, but want to discourage the regular use of abandoned trails. He acknowledged it has to be on the map if the trail is there. Mr. Adair said he feels the map handles it pretty well with designation of paths, and the legend designates indistinct paths. Mr. Pinkham said we want to be as general and liberal as we can. General agreement was that the Commission is “O.K.” with the designation that is on there now.

Mr. Federer said he is not averse to allowing this map to go out to the general public if the CCC wishes to use it and is willing to officially give it to the town. He stated it is easy to simplify the map if it appears too complicated for the general public.

The general consensus was that the CCC supports use of Whitaker Woods for orienteering activities. When Mr. Federer questioned parking he was referred to the Recreation Dept.

Motion carried by unanimous vote.

Member Roundtable: Mr. Pinkham reported we have been recertified through the year 2015 as an American Tree Farm Town by the American Forest Foundation.

Wetland Applications – Mr. Weathers reported the Arnold Shea Trust in Kearsarge has received forestry notification.

Thomas Stanton is putting in a new 240 sf storage shed within the shore land impact area off Mudgett Road in Center Conway.

Wetlands application - new cell tower – Messrs. Sires and Weathers attended the second ZBA hearing. Because they changed the access so as not to directly impact on the wetlands area, they had to go through the process a second time. The town asked to have another citing with the balloon going up (as was conducted the first time); however, the ZBA voted against doing that test a second time. They did provide a photo (computer generated) showing where they thought it could be viewed from within the town. He noted it does not

impact any wetlands. Mr. Pinkham noted part of the application process is to assure that they have looked at other locations and questions whether that was the case here. Mr. Weathers said they are going ahead with the tower. It is not going to be on the ridge line, and not in view like the one at Libby Mt.

Wetlands Application – Conway Scenic Railroad - Mr. Weathers reported notification has gone in under Conway Scenic Railroad for a project for two large arch-type culverts under the railroad and realigning the river channel. One culvert is located near the Todd Marshall property, the other on the Kennett Middle School site. Mr. Weathers said they are going to remove the existing gravel bar. He said filling in the floodplain and narrowing it up will increase the velocity.

Mr. Weathers stated they want to use vegetation on the side slopes, but noted his experience with that steep a gradient is that vegetation does not stay. He said the problem also is they provided no design information - he does not feel the culverts will make a great deal of difference. Mr. Broomhall questioned if it is not done right, can they be stopped? Mr. Weathers stated he is not a hydraulic engineer, he can only rely on his years of experience. He acknowledged it is designed by a professional engineer. Mr. Adair suggested it may improve the situation as regards scouring the abutments. Mr. Weathers stated if the two abutters do not give their blessing it is not going to go. Mr. Adair said he would be concerned with future scouring events if he were either of the landowners.

Mr. Weathers said he has a lot of reservations about the project, but does not have an engineering title. He noted notification to CCC is not as an abutter, we cannot challenge it. The State had all the information as of Oct. 21st, but has not started the review process as yet. Mr. Pinkham said we could express concern in a communication. Mr. Weathers offered to draft a letter expressing concern based on work he has done in the last 36 years, having found that vegetation does not hold up; also he did not see anything in the proposal to allow maintenance, long term. Mr. Briggs suggested Mr. Weathers draft a letter for Mr. Pinkham's review and send it out.

As regards the remainder of the agenda, Mr. Pinkham noted the budget process continues, there is nothing further on the Abenaki situation, we need to attend to Walker's Pond maintenance in the near future.

5. Next Meeting – It was agreed that unless something unforeseen comes up that will require the attention of the Commission, it would not be necessary to hold a December meeting; therefore, the next regular meeting will be held on **January 13, 2010**.

6. Adjourn: Motion was made by Mr. Weathers, seconded by Mr. Broomhall and carried, that the meeting be adjourned at 7:50 p.m.

Respectfully submitted,
Gail T. Currier, Recording Secretary