

**MINUTES OF MEETING  
CONWAY CONSERVATION COMMISSION  
June 13, 2012**

The January 11, 2012 meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Members present were: Paul Pinkham (Chair), Carol Lyman, Rob Adair, Karla Allen and C. David Weathers (Selectmen's Representative).

APPROVAL OF MINUTES- MAY 9, 2012

Mr. Adair offered the following amendment to the minutes of May 9, 2012: Under Item 3 Reports, third paragraph, third line it should be corrected from ".....around would have to be flattened." to ".....will have to be relatively flat." **Mr. Adair moved, seconded by Ms. Allen to accept the minutes as amended. The motion carried unanimously.**

PUBLIC COMMENT

There were no public comments or media questions.

REPORTS

Don Johnson/FLI - Mr. Johnson was not present at the meeting. Mr. Pinkham reported that Mr. Johnson did provide a laminated copy of the new Pudding Pond map. Mr. Pinkham presented the map for the Commission members to view. Mr. Pinkham next commented that he also feels that this map should be framed and hung up in Town Hall. Mr. Pinkham further advised that there are paper copies of the map available as well.

Wink Lees/TNC – Mr. Lees was not present. Mr. Pinkham reported that he did get a request from a student conservation group that will be working in the area. Mr. Pinkham advised that he did draft a letter in this regard.

Treasurer's Report – There was no Treasurer's report.

Selectmen's Report – Mr. Weathers advised the town is in the process of doing a Charter review. The Town has been advised that we will have to reduce the membership of the Conservation Commission as it has too many voting members. Mr. Weathers stated that one full time member can become an alternate. Mr. Pinkham stated that he does not feel that the Conservation commission has an incorrect amount of members. Mr. Pinkham pointed out that there are eight members; however Mr. Weathers is the Selectmen's representative to the Conservation Commission. Mr. Pinkham reiterated that he feels that the Commission is okay the way it is now. Mr. Weathers agreed. Mr. Weathers further advised that he would go over this matter again with the Town Manager, Earl Sires. All agreed.

OTHER BUSINESS

USVLT Presentation - Linda Comeau and William Abbott of the Upper Saco Valley Land Trust joined the meeting. Ms. Comeau advised they are here today to update Commission members on where they are in the process of Conservation Easements on the Pudding Pond property that the town owns. Ms. Comeau stated she is glad the Conservation Commission took the step to conserve this land. Ms. Comeau next advised they have identified important conservation guidelines on the property to help Don Johnson with the Forest Management Plan and they have also walked the property. Ms. Comeau next advised that they have walked the land and have drafted a Conservation

Easement and she is asking that Commission members look this over and then we could get together again to discuss same.

Ms. Comeau next advised that from here they will do an easement baseline report and then have the title work done. Also, at some point they will ask for a stewardship program.

Ms. Comeau next advised she would like a copy of the map Don Johnson brought to the meeting tonight. Mr. Pinkham gave Ms. Comeau a copy of the map for her records.

Ms. Comeau next stated that she feels it is good to start with this one easement and then we can move forward with others.

Mr. Abbott stated that an appropriate amount for the stewardship program could be discussed at a later date. Mr. Abbott further stated that recreational use on the property needs to be discussed as well. Right now he thinks it is just limited to mountain biking. Mr. Pinkham stated that right now we don't have any restrictions. Mr. Abbott stated that he feels we should look at this issue. Mr. Pinkham questioned what kind of restrictions. Mr. Abbott stated that mountain biking can cause erosion but would be an okay use, however there are other things such as horseback riding, etc., that need to be looked at. Also, he does not feel that the USVLT should be doing this and it should be done by the Conservation Commission.

Mr. Adair stated he is concerned about limiting mountain biking. Mountain Biking groups have put a lot of work into this area. Mr. Pinkham stated that there also has been no evidence of damage from mountain biking and that we have a good relationship with bicycle groups and he would like to see that continue.

Mr. Abbott stated it was not his intention to limit mountain biking and he feels it does get more people out to use the land. Mr. Abbott next added that he thinks our job should be looking at what the town already prohibits and discuss those issues. Mr. Abbott next advised that at this point they would like to see a conservation easement that is bulletproof.

Mr. Weathers questioned what happens down the road if the town, under someone's request, wants to put up wind turbines, etc. Ms. Comeau stated that typically these structures are prohibited. Mr. Abbott stated that conservation easements can be silent on the issue of renewable energy. Also a conservation easement can be amended in the future, however this could be expensive. Mr. Weathers questioned who would have the say if this happens. Ms. Comeau explained there is an amendment clause in their Conservation Easements. Mr. Weathers stated that he does not agree with someone saying what the town can and can't do. Ms. Comeau stated the amendment clause is included as we can't see all possible things that can come up in the future. Ms. Comeau advised the amendment clause is Item 18 in the Conservation Easement. Mr. Weathers again asked who makes this decision. Ms. Comeau stated it looks like it would be both the USVLT and the Town.

Mr. Weathers next stated that he is wondering why we are going through all this as we already have been managing the town lands all along. He is having trouble figuring out why we are doing the Conservation Easements. We have deed restrictions now and he can't think of something in his mind as to why we have to do this. Further if the town were ever in dire straits and needed the land in the future to liquidate we would not be able to. He doesn't see why we have to go through these steps. Mr. Abbott stated that if this Commission would like to see a clause that amendments would have to be put to a vote, then now is the time to have that conversation. Mr. Weathers stated he is only one of five and the Board would have to have the conversation. After a short discussion, Mr. Abbott stated that Mr. Weathers' point of discussion is well worth having before moving forward. Mr. Weathers pointed out that the matter also has not been discussed with the full Board yet. Mr. Pinkham suggested that discussion on this matter take place with the USVLT soon.

Red Jersey Mountain Bike Race – Whitaker Woods – Carl Iacozili of Red Jersey Cyclery and Paul DegliAngeli were present for discussion. Mr. Pinkham read aloud an email he received requesting the use of Whitaker Woods for a six (6) week racing series. They would like to hold one race per week starting on June 28, 2012

Mr. Pinkham stated that most events are one day events and this proposed event would require regular use of the Whitaker Woods area. Further, the White Mountain Milers want to use the area once per week and, also, the Town has received a call from another group who would like to use Whitaker Woods. Mr. Pinkham next stated the question is –how much do we want to lock this area up with special events. The Conservation Commission has had discussions in the past about blocking off uses such as this on the property as there are others using the property to walk dogs, etc. Mr. Pinkham next stated that the Commission had discussion with the White Mountain Milers about this in the past. The runners felt it wouldn't bother people; however, now this is a bike race proposed and this will impact walkers, etc, in Whitaker Woods. Mr. Pinkham next added that he thought it best to bring this to the attention of the Commission members. Ms. Allen asked if this event was just one night per week. Mr. Iacozili advised it is one night per week and is a six week series. Mr. Iacozili further added that the trails would not be closed for the event and that each race would last for about an hour and a half to two hours. Mr. DegliAngeli stated that it was his understanding the race was to be held for eight weeks. Mr. Iacozili stated that he filled out the application for the race to start the last week in June; however, it may be too late now as this has to still go before the Board of Selectmen and other reasons and so now they can start the event in July instead. Mr. Weathers asked about the donation being made. Mr. Iacozili stated this is to make it worth it for the Mount Washington Valley Ski Touring Association (MWVSTA) and the Conservation Commission. Mr. Weathers asked if this is a race. Mr. Iacozili explained this is a mass start race. Mr. DegliAngeli next explained that the Red Jersey Cyclery just relocated and, also, joined the MWVSTA and Mr. Iacozili stated he would take part of the proceeds of the event and give them to the MWVSTA. Mr. Pinkham suggested that the money instead be put back to the Conservation Commission for trail maintenance. Mr. Adair stated that the Summer Race Series has used Whitaker Woods weekly now for several years and they have not had any issues with damage or with the promoter going in and cleaning up the area. Mr. Adair stated that he is fully in favor of this event and feels any way to get people off the couch is a good thing. Mr. Adair further added that people walking on the paths can also alter their paths during the race.

Mr. Pinkham next stated he thinks there was discussion around 2006 that we should develop a policy for the future and to put some restrictions on how many events, etc., are held in Whitaker Woods. Mr. Pinkham stated that unless there is a difference of opinion from the Commission members then we can discuss the matter of developing a policy in the future. Mr. Weathers stated he feels that an hour to one and a half hour event is not a big deal. He feels maybe it should be posted to give others in Whitaker Woods a heads up of what is going on in the area. Mr. Iacozili stated they do normally use tape that a trail is closed for a race but they could add signs.

**Mr. Adair moved, seconded by Ms. Allen to grant the cycling folks their permit.** There was next a review of the race dates and that this race may be able to start by the end of June if approved by the Board of Selectmen at their next meeting. Ms. Lyman suggested that the signs be put up that the trails are closed for a mountain bike race and all agreed to same. **The motion carried unanimously.**

N/S Road Lot – Mr. Pinkham stated the last he heard about the North-South Road lot was that there was a letter from the Town to the State saying we would be buying this lot. Mr. Pinkham next added that it is his understanding that there may be funding available from the Connie Davis Watson Foundation for this purchase. Mr. Pinkham added he is not sure if we can get the funds but he did hear there may be an opportunity to be reimbursed for the purchase.

Fitness Trail at Memorial Hospital – Mr. Pinkham reported the Wellness Committee at Memorial Hospital contacted him regarding the fitness trail on the hospital property. They want to see if we can have a co-clean up day. Mr. Adair reiterated the point that this trail is on hospital property. Mr. Adair further added that the property is overgrown, etc. Mr. Pinkham next reviewed the email he received from Memorial Hospital explaining the work they need done. Mr. Weathers stated that we don't own any part of that trail system. Mr. Pinkham stated that he would hate to just say sorry this is yours and asked the Commission members for any ideas he could offer them such as issuing a press release for a get together to clean the trail, etc. Ms. Lyman stated she doesn't think we should do this as we are not connected to it and, also, we do not have the manpower. Mr. Pinkham further pointed out that we also do not have the budget for this either. Ms. Lyman stated the Hospital should get volunteers to do this work. Mr. Pinkham advised that he would politely decline although we do support their effort to clean up the trail. All agreed.

Saco River Committee – Mr. Weathers stated that as of the last meeting of the Selectmen the Board voted to grant a two year trial for the launch area. The NHDOT would not allow a horseshoe design and so now it will be a lollipop shaped driveway. This work will not be done until the fall; however, for now, they will mark off an area. The canoe liveries will pay for police officers on Saturday and Sunday and they will also pay for signage.

Mr. Weathers further advised that, to his knowledge, the liveries haven't contacted Joe Berry or the Shartner's about using a piece of their property. Mr. Weather further advised that Sheila Duane of River Run Properties stated that they are in favor of the present design.

Ms. Lyman questioned how far they will go into the field. Mr. Weathers stated approximately 100 yards –enough to complete the turnaround.

Ms. Lyman asked about impacts to the area. Mr. Weathers advised they will be installing a new material this fall to help with erosion issues. Also, the fencing will come out at the end of the season and will go up again next year.

Mr. Pinkham stated that up until now, we have focused on the land area and not where the canoes, etc., get into water. Now they will be paddling through the designated swimming area and he feels this may be a problem. Mr. Weathers stated that we do not have any say once they are in the water. Mr. Pinkham stated he feels this is a conflict of use and that someone could get hurt and that this needs to be looked at further in the future. Mr. Weathers suggested putting up "Caution – Swimmers Ahead" signs.

Town Conservation Easements – There was no discussion under this agenda item.

Membership – There was no discussion under this agenda item.

Whitaker Trail Plan – There was no discussion on this agenda item.

Whitaker Video - There was no discussion under this agenda item.

Wetland Applications – Mr. Weathers reported that there will be a re-dredge at Hussey Field and the slope will be fixed. This is due to the damage from Tropical Storm Irene.

Mr. Weathers next reported on an expedited application received for a property located on Skimobile Road regarding Kearsarge Brook. The applicant received substantial damage from Tropical Storm Irene and they lost part of the abutment on the northwest side. They are going to put up a new wing wall and, also, upstream they will put in rip rap, etc.

Mr. Weathers next reported that notification was received that Kelly and William Martin, III, from Conway had put in a permit to NHDES to do work on their property on Mudgett Road. They want to replace the existing cottage and septic and put in a new driveway.

Mr. Weathers next reported a letter was received advising the Town of Albany bought land in Conway and they are doing forestry work on the land now. Don Johnson is the Forester doing the work.

Member Roundtable – Mr. Adair reported that trail maintenance work was done in the Red Tail area recently. The repairs were mostly due to Tropical Storm Irene. Mr. Adair next stated that it looks pretty good now after about 64 hours of work.

Mr. Weathers reported he met with Don Johnson at the Scenic Overlook in Conway to go over which trees he felt should be removed. There are trees that interfere with the view and Don Johnson will be doing this work.

#### NEXT MEETING

July 11, 2012 – The Commission members agreed to cancel the meeting scheduled for July 11, 2012. It was agreed the next meeting would be held on August 8, 2012. It was further agreed that if anything is needed before the next meeting in August that Commission members could be polled on any issues and then ratify same at the next meeting.

#### ADJOURN

At 7:45 p.m., **Mr. Weathers moved, seconded by Ms. Lyman, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J Hallowell  
Executive Secretary