

Candia Conservation Commission

Unapproved Meeting Minutes

June 21, 2011

Present: Susan Wilderman, Dennis Lewis, Betsy Kruse, Ellie Davidson, Dick Snow, Bill Nichols and Pat Larkin. Guests: Jim Franklin and Linda Doucette

Meeting was called to order at 7:05 p.m. followed by the Pledge of Allegiance.

Jim Franklin addressed the Commission and apologized for not following protocol when he requested a signature on an expedited Minor Impact Application. He stated he was at the meeting to observe and understand the correct protocol for this process.

Chair Wilderman explained that two days after the May Conservation Commission meeting, Jim Franklin contacted her to secure a signature on an expedited Minor Impact Application to fill 1,070 square feet of wetlands to allow for the construction of a driveway on Healey Road, Map 406 Lot 48. Since the Commission had just convened, Mr. Franklin was concerned there would not be time to submit his application within the required timeline if he had to wait for the next scheduled conservation meeting on June 21, 2011. Chair Wilderman met with Mr. Franklin, reviewed the application, and seeing nothing that would prohibit the Commission from approving the request, signed the application which allowed Mr. Franklin to file it with the town clerk. It then went to the Planning Board who, upon seeing the signature, assumed the Conservation Commission had reviewed and approved the application. Due to the fact that the application was not complete and there were numerous concerns and questions, the Planning Board continued the Public Hearing to July 6th.

The Commission explained to Mr. Franklin the process of submitting an application and stated that the time allowed by the state for this process has never been an issue. (The process is: the applicant submits the application to the town clerk who submits it to the Conservation Commission to sign at their monthly meeting. The application is then returned to the town clerk who then submits it to DES.) After Chair Wilderman signed the application, the Commission received from adjacent landowner Linda Doucette, correspondence that expressed concerns regarding the application, including the legal validity of the application, the impact of runoff on the surrounding area and agricultural land, and disturbing or eliminating natural resources including plant and animal species. Since it has not been proven that the person submitting the application is the legal owner of the property, it was questioned if the Commission should even consider signing the application. It was determined that these issues are determined by the Planning Board; the Commission, at this time, can only confirm that the minimum impact is accurate.

The Commission reviewed the documentation and determined it would be a minimum impact and there was nothing to prevent the Commission from signing the application but agreed that there are concerns about the runoff and natural resources on the property that need to be addressed to the Planning Board and DES. The decision was made to write a letter to DES and explain that we did not have all the information when it was signed and request advice on what to do. Chair Wilderman will draft a letter and email to the board members to review before it is sent to DES. In addition, she will draft a letter to the Planning Board expressing the Commission's concerns with the application

B. Kruse motioned for Chair Wilderman to draft and send a letter to DES, expressing the Conservation Commissions concerns with the application and additional concerns regarding information received from an abutter. The Commission is asking DES for advice on what to do regarding these concerns and the application. A copy of this letter will be sent to the parties that were copied on the abutters letter (Board of Selectmen, Planning Board, Heritage Commission), in addition to Jim Franklin and Linda Doucette. A copy of the referenced abutter's letter will also be included. Seconded by E. Davidson, all were in favor. Motion carried.

Regular Business

Minutes of the May 17, 2011 meeting were reviewed. **B. Kruse motioned** to accept minutes as written, seconded by E. Davidson. All were in favor. Motion carried.

Conservation Land/Easement Acquisition Status:

D. Snow reported on the following:

- Status of the Critchett Easement:

Mr. Snow took the proposal to the Board of Selectmen (BOS). They inquired why they were being presented with the information prior to the documentation being prepared. It was explained that the CCC did not want to waste their time or money if the easement was not a possibility. There was no response from the BOS.

Mr. Snow received an appraisal contract from M. H. Beecy Appraisal Services which, if agreed, he will take to Wayne Critchett along with an agreement stating that if Mr. Critchett sells the property to anyone besides the Conservation Commission, or decides not to put the property into an easement, he will reimburse the town the cost of the appraisal. If the town makes the decision not to go through with an easement, the CC will pay for the appraisal. The BOS has asked that the Commission get the Appraisal, the easement language, and the Purchase and Sale Agreement completed, and *then* present the information to the BOS. The BOS stated they did not want Bear Paw involved in the easement. **D.**

Snow motioned to authorize Chair Wilderman sign the Appraisal Contract from M. H. Beecy Appraisal Services to conduct an appraisal on the Critchett property pending indication of interest from a viable land trust and with the agreement that Dwayne Critchett will pay the cost of the appraisal if he decides not to do the easement and the town will pay the cost of the appraisal if the town decides not to go forward with the easement, seconded by B. Kruse. All were in favor. Motion carried.

A binding document needs to be drafted stating the above agreement regarding the cost of the appraisal. D. Lewis reported that in a private conversation following the BOS meeting, Selectman Carleton Robie requested that all easement proposals be submitted to him prior to presenting them to the BOS. D. Lewis told him that the CCC would continue to follow proper procedure when submitting an easement proposal which is to present to the entire BOS at the same time.

- Kinnicum Pond: Two additional pieces of property were brought up by South East Land Trust; Lots 410-100 and 410-101. These parcels are owned by Dick Fitz. D. Snow will contact Mr. Fitz for more information.
- Holly Green at NHDES – regarding her email about grants. These grant applications are due by Sept. 1. D. Snow will contact her and invite her to the next CCC meeting so the Commission can get more information.

Wetlands Permit Applications: No additional permits were received.

Land Use, Wetlands, Enforcement Issues, and Planning Board: S. Wilderman reported on the following:

- Andy Mun received permission for his Eagle Scout project and has begun working on the trail.
- Received from DES two notifications of *Routine Roadway and Railway Maintenance Activities*; this referred to culvert maintenance that has been completed.
- D. Snow reported on the Candia Sand and Gravel who is going through the process to restore or rebuild the excavation operation on the Candia side. Mr. Snow had suggested to the BOS that a site walk be conducted to investigate changes that may have occurred at the site the past few years. He asked if any Commission members would be interested in joining them if this occurs. It currently stands that the BOS made a decision that they do not want it restored or rebuilt. A letter from town council stating this has been sent and they are waiting for a response from Candia Sand and Gravel.

Correspondence: The following items were available for review:

- Emailed question regarding the new groundwater protection regulation and how it will impact the Mill Pond and surrounding area on Main Street. S Wilderman suggested they inquire at the Land Use office for this information.
- From Bear-Paw; the Monitoring Reports for the Clay Pond, Deerfield Road, Fowler, and Lindsey easements.
- From DES: Correspondence regarding the formation of a new advisory committee through the “New Hampshire Rivers Management and Protection Programs” for the (local) Piscataqua and Lamprey Rivers. They are looking for members of area Conservation Commissions to volunteer. D. Snow will look into it further.
D. Snow reported that they are in the process of creating a Water Management Plan for the Lamprey River. It implies that all of the upstream towns must be able to provide unpolluted water to the downstream towns. When the plan is complete, there will be in-stream regulations, one of which states that a certain amount of water has to come downstream from Candia. Pawtuckaway is concerned because there was discussion about taking water away from Pawtuckaway if there is not enough flow downstream. He learned that there is a statute that states if Raymond needs water, Candia gives it to them.
- *Great Bay Matters* summer newsletter.
- A variety of other newsletters and pamphlets.

Budget Update/Approval of Outstanding Payments/Invoices: There was nothing new to report.

Conservation Commission Website: S. Wilderman reported that Joe Miele suggested she speak with Catherine Sangillo about updating the website.

Lamprey River Watershed Association: D. Snow reported they are looking for volunteers to test water.

Old Business

Bear-Paw Status Report: B. Kruse reported: A dragonfly workshop is scheduled for August.

Forest Management / Management Plans for Town Land: D. Snow reported that Charlie Moreno is willing to wait for payment from the timber cut.

Commission Properties Access Planning and Requests: There were no other requests submitted.

Stewardship of Properties: There was nothing new to report.

Other Business:

- B. Kruse will email the previously discussed revisions to the NRI to Jeff Littleton.
- The Planning Board is thinking about accepting the Open Space Plan as a viable tool if it can be modified to reflect a more passive approach to land conservation. They will set a date for a meeting where they will work on making these revisions.
- E. Davidson attended the Raymond Round Table and reported that six towns participated. They discussed grants and how to get them. She brought back a suggestion that the CCC create a spreadsheet that list projects from which the Scouts can choose.

D. Lewis motioned to adjourn at 9:10 pm, seconded by B. Kruse. All were in favor. Motion carried.