



# Gilmanton Conservation Commission

PO Box 550  
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## Minutes of the Meeting February 14, 2012

**Attending Members:** T. Tarr, Chair; D. de Seve, Vice-chair; P. Hackley, Member @ 7:08 pm; Sue Hale-de Seve, Alternate seated in the absence of Member E. Hollingsworth, Member; Desiree Tumas, Administrator; Absent the meeting was Joe Derrick, Member.

**Attending Public:** Joshua Brien of Schauer Environmental Consultants, LLC

### The meeting was called to Order @ 7:05 pm

#### A. Wetland/Shoreland/Biosolid/Intent to Cut Applications

##### 1. New Applications

##### a. Wetland Applications

- **William Joyce, Tax Map 406, Lot 54, Minimum Impact Wetland Application, Josh Brian of Schauer Environmental Consultants will attend to present the project**

T. Tarr recognized Joshua Brien who explained he was a land agent representing William Joyce with his NHDES Minimum Impact Expedited Wetlands Application.

J. Brien went on to explain that the application is broken down into two sections. In the first section, the applicant proposes to construct a permanent logging road for a selective cutting timber operation that is going to take place on the property. Since the landowner has chosen to selectively cut the property instead of clear-cutting it the land can be cut for several years in the future as well. It is their belief that a permanent logging road will be more conducive to the yearly operation planned. This one application will replace the numerous applications that would be required every time the loggers need to access the property as well as limit the amount of wetland resources that are impacted overall by only having the area impacted once instead of numerous times with installation of haul roads and removal of the crossing when the loggers leave for extended durations at the end of the process.

It is proposed to expand on a pre-existing logging road that measures between 8-10 feet in width and make the road a uniform 16 feet in width to allow better access for large forestry machines and haul trucks. Both crossing areas have been designed to more closely comply with RSA 482:A for a minimization of impacts to the wetland resources. We are proposing to use rock and stone retaining walls to limit the amount of fill in the road side slopes so that the widths of the impact area remain under 24' for the road itself.

The outlets of the proposed 18" culverts will have 6-feet of 6"± rip rap armoring on the downstream side to aid in protecting the wetland resources. The first crossing area of the road will have a wetland impact of 567 square feet including the rip rap armoring. An 18" x 24' culvert will be placed in the crossing to allow hydraulic connectivity to remain. In the second crossing, area a total wetland impact of 334 square feet including the rip rap armoring is needed. An 18" x 22' culvert will be placed in this crossing area.

The total watershed for both of these crossings together is 7.45 acres. There is a proposed bridge crossing over an unnamed perennial stream, the stream has a width of approximately 16 feet with a bank-to-bank spread of 19 feet according to the survey performed by JL Green of Loudon. The landowner is proposing to span this stream using a 30-foot bridge with concrete headwalls to access the uplands on the other side for the selective timber harvest. This will keep all impacts outside of the banks of the stream and there will be no impact to this resource. There are no intermittent streams in the area of the proposed impacts.

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The second part of the application proposes to construct a perched beach to the north of the area of the walkway and dock area 2' inland of the bank of Crystal Lake in Gilmanton.

A 6' wide stem access way from the beach to the water will be constructed out of pressure treated wood or cedar and will allow access to the water without disturbance to the banks of the lake. The overall impacts have been minimized on this proposal by keeping the perched beach in an area of upland and constructing the stairs over the bank instead of in the bank. The total wetland impact will be 6 square feet for the stairs that lead into the water.

The proposed perched beach will allow the landowners to take advantage of a portion of the 1,925 linear feet of shoreline that they own along Crystal Lake for recreation. This will enhance their ability to enjoy the waterfront that they own and to take advantage of the recreational opportunities.

The remainder of the shoreline on this property is heavily vegetated with shrubs, saplings. The proposed construction of the perched beach follows NHDES rule Env-Wt 304.08 which states a perched beach cannot exceed more than 20% of the contiguous frontage of the property or more than 50 linear feet and cannot exceed 900 square feet.

The proposed perched beach is 50 linear feet by 10 feet, which is 500 square feet and is less than the rule allows. The beach will have a rock retaining wall that will be buried into the upland 2 feet inland of the bank of Crystal Lake. Shrubs Saplings and Trees in the area will be removed and stumps will be ground to surface level to retain the root source for stabilization.

The area has enough vegetation to exceed the NHDES shoreland 50-point requirement in this zone even with the needed vegetation removal. Sand fill for the beach area will be placed on the ground to a depth of 6 inches (9.25 cubic yards). A wooden stair access way to the water will be constructed on the land to not disturb or regrade the land and allow access from the perched beach to the water for the family.

Spoils will be removed from the waterfront buffer, seeded and hayed for stabilization if left on site. No silt fence will be cut into the bank, as it would constitute a greater impact. All construction to be performed in the dry season during low or no flow to allow for minimal wetland impacts. Schauer Environmental Consultants will supervise the construction of the beach.

The total wetland impact for this project is 907 square feet.

**Project Need:**

The need for the first aspect of this project is to allow the rightful access to areas of the property for the selective timber harvesting in a manner that follows RSA 482.A. This proposal has been designed and planned to minimize all impacts to wetlands while also using previously impacted areas instead of impacting untouched resources. Where the applicant is proposing a selective cutting operation on a portion of the 192 acres, it is planned that the operation will be done in small amounts each year.

The permitting of a permanent logging road will eliminate the need for installing and removing the crossings each time the logging operations enter the property after extended time or exit the property for an extended time. This permanent road will reduce the overall impacts in the long run to the wetland resources by allowing the crossing areas to become stabilized and used in the future without worry.

The perennial stream crossing has also been designed to avoid all impacts with the stream and its banks. The bank-to-bank width of 19 feet will be spanned by using a 30 foot bridge for the haul road so that no wetland, bank or stream impacts will occur for this area.

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The need for the second aspect of this project is to allow the rightful access to the shoreline located on the applicant's property. Unfortunately, there is no other option on the property to access the waterfront and dock without impacting additional wetlands. The applicant owns approximately 192 acres of land with 1,925 linear feet of water frontage on Crystal Lake and wishes for themselves and their family to be able to access the lake for recreation and enjoyment.

The current frontage along the waterfront is heavily vegetated and unable to be used for any kind of recreation activity. By constructing the perched beach, all family members will be able to have an area to relax and enjoy the waterfront while also providing access to the water.

This will enhance their ability to enjoy the property without endangerment to them or damage to the wetland system or the shoreline. The applicants parents are elderly and have a difficulty walking over the uneven ground, this has caused repeated issues this past couple of years. By constructing a perched beach, it will give them an area to relax along the waterfront and recreate with the rest of the family.

P. Hackley noted that he had posted the subject property. Commission Members discussed P. Hackley association with the proposed project and consensus of the Commission was that there is no conflict of interest.

T. Tarr called for a motion; ***D. de Seve moved that P. Hackley's association with the project as explained does not create a conflict of interest, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

Commission Members went on to discussed the need for a site walk and T. Tarr called for a motion.

***D. de Seve moved that a site walk and/or sign off were not required, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

**b. Shoreland Applications**

NH DES approved Brandon Deschuiteneer's Restoration Plan.

**c. Intent-to-Cut application**

(414-95) Barbara Gault Gantz of 181 Joe Jones Road  
(408-27) Maria Hufschmid of 282 Mountain Road

**d. Forestry Notifications**

(414-43) Daryl Hoitt of 16 Heritage Lane – Notice Sufficient to Start Work.

**2. Procedure for Wetland Application Review**

Following discussions, Commission Members decided that lesser impact applications (PBN) could be signed off and discussed at the next meeting following receipt of the application. Standard and Expedited Applications would be reviewed.

**B. Review of January 11, 2012 Minutes**

***D. de Seve moved to approve the January 11, 2012, Minutes of the Meeting as amended, P. Hackley seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

**C. Review of February 2, 2012 Minutes**

*D. de Seve moved to approve the February 2, 2012, Minutes of the Meeting as submitted, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.*

**D. Review of February 6, 2012 Minutes**

Having only three of the attending Members seated, approval of the February 6, 2012, Minutes of the Meeting was deferred until the March 14, 2012, regular meeting.

**E. Update on Land Protection Projects**

**1. Twigg Land Conservation Project – Public Hearing and Project Update**

T. Tarr had discussions with Members of the Gilmanton Land Trust and Five Rivers Conservation Trust, it was determined that the easement language would be reviewed by the GCC for comment once draft language was created by GLT & Five Rivers Conservation Trust. Draft language is expected the end of March.

- The “Barn” will only be used for agricultural/educational purposes.
- Five Rivers will have final approval of the easement language.
- Structural and historical information on the “Barn” will be forthcoming.
- GCC will schedule an additional meeting other than the regular meeting night, to review the proposed easement language.
- GCC can use the hazardous waste research provided by GLT or have another assessment completed.
  - Commission Members agree the assessment report provided by GLT would be sufficient

T. Tarr called for further discussion, hearing none; discussions concluded.

**2. Bartlett Easement – Newspaper Article**

T. Tarr and E. Hollingsworth will compose a write-up for the newspaper.

**3. Possible trails on Smithers Town Forest, community service project**

There is no new information available at this time.

**4. Update on Conservation/Education Outreach**

There is no new information available at this time.

**5. Review of Ongoing Easement Monitoring**

There is no new information available at this time.

**F. Thompson Town Forest**

In light of the pending budget cuts, the 2012 timber harvesting will be postponed. Further information will be discussed when available.

**G. Update on Suncook River Nomination Committee**

River Classification is expected at the next committee meeting. T. Tarr and E. Hollingsworth plan to meet with the Board of Selectmen and David Jeffers of the Lakes Region Planning Commission to discuss the classification.

It is agreed that there is an overall benefit to working on a regional level. Members went on to discuss the commissions support of the nomination process of the Suncook River and would like to write a letter of support.

***P. Hackley moved to send a letter of support to the Suncook River Nomination Committee, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

#### **H. 2012 Conservation Commission Budget**

Members briefly discussed the cuts proposed by the Budget Committee and want to discuss the importance of the Town Forest line item.

However, upon further review, Members would prefer to cut the Town Forest line item to \$500.

T. Tarr will discuss the proposed cuts with the BOS.

#### **I. Review of Invoices/Costs**

##### **1. NHACC Dues**

***D. de Seve moved to approve the payment of the NHACC Membership dues for \$235.00, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

##### **2. Mileage Reimbursement**

***P. Hackley moved to approve the mileage reimbursement for \$29.97, for travel to and from the Belknap County Registry of Deeds to complete the title search and record the Bartlett Easement, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

##### **3. Copy Charges**

***S. Hale-de Seve moved to approve the copy charges to print a copy of the Bartlett Easement for the Assessing Department, D. de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

##### **4. LCHIP Reimbursement – Bartlett Easement Plan Recording**

***P. Hackley moved to approve the LCHIP reimbursement to record the Bartlett Easement Plan, D. de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

##### **5. Belknap County Registry of Deeds – Bartlett Easement document & Plan Recording**

***D. de Seve moved to approve the payment for the recording costs of the documents and plan for the Bartlett Easement, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

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It was noted that Nanci Mitchell was due reimbursement for ink cartridges that had not been paid.

T. Tarr entertained a motion to approve the reimbursement for up to \$60.00.

***D. de Seve moved to approve an expenditure up to \$60.00 to reimburse the cost of ink cartridges used to print GCC documents, maps and other information pertaining to the business of the GCC, S. Hale-de Seve seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

**J. Planning Board/Zoning Board applications**

**1. Danielle Bellerose, applicant, Mackenzie Trust, owner; special exception request from Zoning Ordinance Article IV for a 150 site family campground**

T. Tarr noted that an abutter had contacted her regarding the proposed campground on NH Route 140, near Sawtooth Road.

Additionally, Paula Gilman and Nanci Mitchell expressed concerns regarding the proposal.

- The subject parcel overlay of a tier 2-habitat.
- Unfragmented land status.
- ZBA Standards do not have clear environmental controls.
- Density concerns – 83.75 acres.
- Maximize buffers to the pond.
- Trails okay.
- Campsites not close to wetlands, streams and pond.
- Intensity of use concerns.

D. Tumas explained to the Commission, there has been an ongoing issue of the ZBA placing land use conditions on approvals that are classified as “land use” and are covered under the purview of the PB.

D. Tumas requested that discussion or concerns regarding the land use be directed to the PB so not to cause additional issues between the ZBA and PB. Also explained was that the LGC weighed in on the subject and the RSA clearly indicates what each board is responsible for.

Per the LGC letter from Staff Attorney Paul Sanderson, dated, August 25, 2011: “When considering a request for relief, a ZBA should not attempt to exercise authority in areas of review assigned by statute to planning boards, such as conditions of subdivision approval or conditions of a site review approval. Nor should they attempt to exercise authority in the province of the code enforcement officials or governing body, who act to implement and enforce the provisions of the zoning ordinance. Each land use board and officials has limited authority under state statute, which is why the statutes encourage joint meetings of the boards in RSA 676:2, so that each may exercise its jurisdiction based upon a common set of facts as presented by an applicant or by those opposed to an application.”

It was noted the plan depicted the stream as a single line. The Commission would like to see the width of the stream accurately depicted on the plan.

D. Tumas explained the ZBA does not require such detail and it is required to be depicted on the plan submitted to the PB for site review.

Member Hackley stated it was good to know of the proposed development and he felt it was a little early to comment but when the time came the concerns of the residents should be addressed. It was suggested that the Commission continue to monitor the proposal and revisit when more information is available.

### **K. Zoning District Regulations – Permitted Uses and Special Exceptions**

D. Tumas explained the change from Special Exception to Conditional Use Permit would be applicable to uses that classify for approval under the Site Plan Review process. The intent is to streamline the approval process and would be a two-step application process that would be heard the same night. First the PB would address the conditional use permit and determine if the proposed use is suitable for the location and then if determined to be approved the public hearing for the site review would begin following a motion of approval for the use permit.

By combining both reviews under the PB purview, it would streamline the process and make it easier for the applicants to navigate through the land use approval process.

The PB will also conduct a work session following the regular meeting and will be reviewing the Table of Uses. The plan is to increase the number of uses allowed and in what zone they would be permitted. The PB would like to receive comment from other municipal boards. Once completed, the amended Table of Uses would be subject to a public hearing and on the Ballot for a vote in March 2013.

Having completed revision of the subdivision regulations, the PB will be moving on to the site plan regulations and the GCC as well as other Boards will be notified when discussions are scheduled to provide comment.

### **L. Preparation for Town Meeting**

A presentation display will be provided for the residents attending Town Meeting. T. Tarr has information from N. Mitchell to find out the process for approval to have a table in the school hall the day of town meeting. The Commission will also try to gain the interest of residents to serve on the commission. N. Mitchell has indicated that she will update the land maps before Town Meeting, if time permits.

### **M. Notice of Expiring Terms**

S. Hale-de Seve has already submitted a letter of interest.

T. Tarr will submit a letter of intent.

### **N. Complaints/Violations/Concerns**

No new complaints/violations or concerns came before the Commission.

### **O. New Business**

Concerns were expressed by two Members who were under the impression that only the sealed Non-public Minutes would be addressed at the February 2, 2012, meeting. The 2-Members were a bit taken back by the length of time needed to review the minutes and other business that was on the Agenda.

It was noted that the Agenda was posted and included review of the easement checklist for the public hearing with the BOS. It was thought to be in the best interest of the Commission to review the checklist before the public hearing.

### **P. Old Business**

No Old Business came before the Commission

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**Q. Correspondence/Announcements**

No Correspondence/Announcements came before the Commission

**R. Upcoming Dates for informational purposes**

- 1. Suncook River Nomination Committee Meeting, Wednesday, February 15, 2012, 6:30 pm, Epsom Town Library**
- 2. Meeting with the Selectmen – Review of the Suncook River Nomination Process, Monday, February 27, 2012, 6:30 pm**
- 3. Next Regular Conservation Commission Meeting, Wednesday, March 14, 2012, 7:00 pm**  
**Note: The meeting will be held on Wednesday to avoid a conflict with voting.**
- 4. Town Meeting, Saturday, March 17, 2012**

T. Tarr called for further business to come before the Commission, hearing none; entertained a motion to adjourn the meeting at 9:15 pm.

***D. de-Seve moved to adjourn the meeting at 9:15 pm, P. Hackley seconded the motion as stated; the motion passed with a 4-0 favorable vote.***

Respectfully submitted,

Desiree Tumas  
Administrator