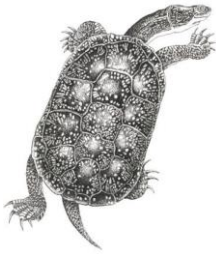


Gilmanton Conservation Commission

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Minutes of October 20, 2020

APPROVED

Call to order: The meeting was called to order at 7:00 p.m. by Chairman Dick de Seve. Those present included Chairman Dick de Seve, Alternate Member Sue Hale-de Seve, Vice Chair Jennifer Baker, Member Stephen Hopkins, Member Ed Bernstine, Member Patrick Hackley, Member Paula Gilman, and Alt. Member Thomas Dombrowski along with the Conservation Commission Clerk Bre Daigneault. There were 18 members of the public attending. Due to the COVID-19 emergency order, this meeting was held virtually by utilizing the Zoom platform.

A. Minutes

September 8, 2020

Member Hopkins did not feel the minutes reflected the concerns of residents as presented in their letters. It was clarified the resident's letters were addressed at the August meeting.

Member Bernstine made the motion to accept the minutes of September 8, 2020 as written.

Member Hackley seconded. **Motion passed 6-0**

September 14, 2020

Member Hackley made the motion to accept the minutes of September 14, 2020 as written. Alt.

Member Hale-de Seve seconded. **Motion passed 4-0**

B. Correspondence/Announcements

C. Conservation Easements, Monitoring and Stewardship

Alt. Member Hale-de Seve has been working on revising the list of properties that need monitoring. Chair de Seve explained to members of the public the process for monitoring properties with conservation easements.

D. Wetlands/Shorelands/Biosolid/Intent-to-Cut/Forestry Notifications/Applications

An Intent to Cut was reviewed for the Boy Scout Camp. The forester was to remove trees that had been infected.

Chair de Seve will be following up on a neighboring property. He will update the GCC on what he finds.

Member Hackley wanted to address members of the public. The GCC looks for help with easement monitoring. He put out an open invitation to anyone willing to donate their time.

Two residents did show interest in monitoring.

E. Review of Invoices/Cost/Budget

Admin. Daigneault had received the invoice for the 2021 membership dues to the NH Association of Conservation Commissions. Chair de Seve recommended discussing this at the January meeting.

F. Planning Board/Zoning Board Applications

Admin. Daigneault updated the GCC on the denial of the cell tower proposed on the Bosiak farm property. The Planning Board felt this location did not meet the conditional use criteria and

would adversely affect the neighborhood. There was another application to amend a conditionally approved subdivision.

Chair de Seve took time to update members on the progress of receiving quotes on the barn roof. Member Hopkins clarified for the public, they were discussing the Twigg barn on Meeting House Rd. Member Hopkins had also reached out to another contractor for a quote.

G. Complaints/Violations/Concerns

H. New Business

Chair de Seve had been approached by John and Ursula Allen regarding donating a 189-acre parcel to the GCC. A map of the property and abutting Betty Smithers Town Forest was viewed. Member Hackley recommended requesting a copy of the deed, a survey (if they have one), and a title policy. Members felt this was a good opportunity.

I. Old Business

Frisky Hill- Member Hackley reviewed the latest proposal. The proposal is based on a meeting Member Hackley had at the sight with Fuzz Freese. He described the layout, as the sketch was shared on the screen for attendees to view. The location is in the south east corner to the property. There is an existing gravel pad and farmer's ramp. The ramp would be maintained with either a no access sign or chain across to prevent people from pulling onto the field. The parking area would extend 45' from the property line and would allow for a handicap access aisle, based on ADA specifications. There would be a 10' wide space on either side of the aisle. Boulders would be placed around the proximity. An area would be laid out to place the recognition plaque and the peak identifier sign. There would be an area to allow cars to back into, turn around, and head back onto 107 perpendicularly. There currently exists a concrete retaining wall that may need to be extended to hold in the gravel. The entire area is approximately 45' deep by 65' wide. The existing gravel pad would be the basis for this location. It is also contained within the building envelope as presented in the conservation deed. Member Bernstine inquired about how far from the tree line this would be. Member Hackley said it does not come close to the tree line; approximately 80 yards away. Chair de Seve remarked a member from 5 Rivers Conservation Trust would be monitoring the property at the end of the week. Mr. O'Connor inquired if the slope of the area would compromise the view. Member Hackley stated it would be similar in grade to the road; less than 10% and probably closer to 5%. Ms. Kardinal inquired how many cars could be parked there at its max and wouldn't that block the people's views from across the street. Member Hackley responded the area is designed for 2 vehicles with the ADA area between and the turn around area. It would be level with the road. He does not feel the view would be impacted. Ms. Kardinal wondered if this would be seasonal. Member Hackley confirmed, they would not be maintaining the area in the winter months. Mr. Lisk inquired if this was to be the same size as the previously proposed parking area. Member Hackley stated it would be smaller. Though it was previously for two vehicles, it was to go into the field further. NHDOT would not approve just widening the shoulder. Mr. Lisk inquired if there would be setbacks that need to be adhered to. Admin. Daigneault clarified there are no setbacks for a driveway. A few of the chats coming through the Zoom feed were read. Concern was given with the view across the street now being a parking lot. How does this benefit Gilmanton. Member Hackley stated this was a 45' distance of a linear view. He felt you would be driving by the area before looking out to the view or seeing the view well before the parking area in the other direction. Mr. Lisk felt this would not deter people from parking along the road side. Member Hackley has, himself, pulled over on the shoulder to obtain cell service. The intent is to provide a safe reasonable space for people to get off the shoulder and enjoy this property; get out of their cars and walk onto the field. They are trying to be proactive before accidents happen, not waiting until they happen. The town has a police department, it can be policed. Another concern addressed was with garbage. Member Hackley felt littering comes, unfortunately, with a public road, he does not feel a parking area would

exaggerate this. Mr. Tonneson requested to comment. He lives in the Parsonage house in an area of town very similar to Frisky Hill. His home overlooks a field across the street with views. There is a flat area that many people tend to pull off. That area has a big problem with garbage. A parking area would attract visitors, but not the type of visitors they would like. Based on his experience, he would recommend going with the GLT opinion to place the markers and leave the land alone. Ms. Kardinal agreed. She has problems with people accessing her property and does see a great deal of garbage. Mr. O'Connor feels the area would have more people there than intended and people will end up camping there. Chair de Seve called the meeting back to order as to prevent people from talking over each other. He stated the purpose of the easement is to allow for recreation and education purposes. It is meant for people to get out and walk around that property. They have the responsibility to make that happen. Under ADA requirements, they have a legal obligation to make that area accessible. He requested Member Hackley finish the presentation, then allow for each member of the public to add their comments in an orderly manner. A photo summary of the area was viewed. Member Hackley described the photos and the current condition of the area. The proposal would not encroach upon the mowed area. There would be a slight downward slope to prevent water pooling. This parking area has very little affects to the aesthetics of the area. There is a narrative Member Hackley had written that accompanies the photos and sketch. This basically surmises what he has discussed. The GCC have heard the abutter's concerns and have tried to change the parking area to accommodate those concerns. He addressed some concerns from Member Hopkins, at the previous meeting, for written support of the commission's responsibility to provide the parking area. Member Hackley referred to page 10 of the conservation deed under section C: Structures and Improvements; section K: motorized vehicular use (excerpts attached). It is mentioned twice in the deed language. He further referred to the building envelopes A and B. For example, the town has the permission to add a structure in the middle of the field area. That is not something the GCC would look to add, but it is allowable. He feels the residents have all brought up valid concerns. Many residents have brought up problems they've had in the area, but the police chief has stated he hasn't received any calls. They are trying to provide a safe place for residents to open a car door to utilize the area. Chair de Seve requested Admin. Daigneault to call on each resident on the meeting one at a time to give them the opportunity to state their comments. He asked of the residents to try not to be repetitive and to be respectful. The comments in the chat could be printed and added to the minutes. Admin. Daigneault called on each resident:

Ron O'Connor: He lives in the area. He has had a hard time pulling out of his driveway, he cannot imagine someone trying to pull out of a parking lot. They can see pretty good both ways, however the speed of vehicles is a problem. He requested the area be staked to give a better visual. He agrees with a prior comment, the State messed up the shoulder of the road when they re-did it. It no longer allows for people to pull off the shoulder.

Louise Sawyer: Pulling in and out of the driveway is difficult. It looks like a straight road but it is not. By the time you can pull into the road, the cars are going 50 MPH. She has almost been picked off numerous times. In fact, her husband has been hit pulling into their driveway. There have been no issues with people pulling to the side of the road. She is deadly against it.

Mark Sawyer: Has one major concern, the liability aspects of it. Chair de Seve responded it is Town owned property, so the town's liability insurance would take care of it.

Doug Towle: He appreciates all those who are volunteering on the committee. He has lived on Frisky Hill for a good many years. He had once owned the land on Frisky Hill, as well as the house across the street, and the house Glenn (Tonneson) resides in. He knows the area very well. He sees the trash on Frisky Hill daily. Cars come by there very quickly. He is against having parking or a pull-off in the area. He doesn't believe he has ever seen people walking in the field or picnic in the field. He would be happy to go out and get a couple hundred signatures of people in town to prove residents are against a parking area.

Joe Cotton: He has lived here almost all his life. It was unfortunate when they did the improvements on 107. Any property from Bunker Lane to the top of the hill, the access had been changed dramatically. They changed the grade anywhere from 8-13 inches. On the other side, they had to come back and fill in the shoulder. This no longer allows people to pull off the side of the road.

Tracy Lemoine: She concurs with what everyone else has said. She is formally and vehemently against this. They are underestimating the after dark activities that will take place after you create any parking situation. Not just the beer bottles, but the drug paraphernalia.

Amanda Bauman: She really thinks this will not be a good idea. There are too many young people living in the area with the drug paraphernalia this would cause.

Alan Bauman: The tax money that comes out of the area are very high. This town has had enough problems with lawsuits, why do we need more.

David Knibbs: He disagrees with everything. They do not need this and if it was beside your house, you wouldn't want it either. He sat there yesterday waiting to pull out of his driveway for 6 ½ minutes and had to back up five times. People that do not live here do not understand.

Glenn Tonneson: Had no further remarks, he just feels it is not a good idea.

Heidi Walton: She concurs with everyone. She is adamantly against it and feels it would cause more problems. The aesthetic look would not benefit Gilmanton in any way and it would be dangerous.

Dawne McNutt: She agrees it is a bad idea. She lives just down the road. Coming out of her driveway, she cannot get enough speed going before people are right on her bumper and passing her on the hill. She agrees the road changes caused problems and made the road more dangerous.

Keith McNutt: Concurs.

Bill Roebuck: He concurs with everybody. They (the GCC) need to look what the people are saying that live there. Why cause more of a problem. He is 100% against this.

Bob Lisk: Pointing to the easement or the authority the commission has; because the authority is available doesn't mean it is the right thing to do to put extra parking up there. He does not feel this was in the spirit of the original work. The majority of the users of the land are viewers only. They have seen very few people access the field. The trails behind the property are typically utilized by hunters or game trails. He feels more people allowed to wander back there would cause more people to wander in their backyards or into the horses. He is not in support of addition of this; the land is good just the way it is.

Laurel Roebuck: She agrees with everyone else. They do not live in the area. She suggested a wider shoulder would solve the problem without all the money.

Ernie Gillan: Everyone seems to have the same concerns around drugs, paraphernalia, and what it (the parking area) would invite. It would be foolish to think night time activities would be anything but negative in any parking area. If it was open, why wouldn't it encourage people to pitch a tent. Whether allowed to or not. It is pretty clear from a public standpoint that everyone concurs this is not a good idea. Abutters are in full agreement to establish a monument to the land trust donors and a map identifying the Belknap Mountains is a good idea in the area that is there right now. The more he hears the inside comments, he is concerned there may be some kind of hidden agenda. He doesn't feel the conservation commission would put a parking lot on all conservation lands and maintain it. It is time for the commission to listen to what the public is saying. They are well represented tonight. Just because you have the provision to put in a parking lot that supports agricultural, doesn't mean it's the right thing to do in this view area. He believes the people that donated to the land trust to purchase this were donating to preserve the view not complicate it with a parking lot and change what you are looking at. He wants the conservation commission to take into consideration that everyone that has spoken to this are against it.

Katie Kardinal: Would like to piggy back on what some of the other people have said. She feels for the people that want handicap accessible places, but she thinks the intent for conservation is to prevent houses on there. She feels the integrity of the land would be ruined. The people in

that area have contributed in a positive way to the community and it is offensive to jeopardize their view, peacefulness, and tranquility. She would like the commission to drill down in the future to people donating to conservation whether there be an accessible area on their property. She does not believe that was the intent of this easement. As a large land owner herself in Gilmanton, she is disappointed in what she has learned about the conservation committee. As a result of this process, she will never put her land in conservation. She feels that, as of right now, her wishes would not be honored the way she would want them to be. She has problems on her own property, trying to police it, with the trash and the disrespect. She has people arrested for trespassing on her property quite often; there is no respect for her property. She does not feel this is a good idea.

There were no further public comments.

Chair de Seve closed the public input portion of the meeting. He wished to hear from members of the commission.

Vice Chair Jennifer Baker: She understands and hears what everyone is saying. They cannot put a wider shoulder in, that is not possible. She feels they should put in access where ever possible for handicap citizens. She thanked Member Hackley for his hard work.

Member Ed Bernstine: Would like to address the moral issue which they are debating. Because you have the right to do something, should you do it. He feels no. It is clear the commission has the right to do this, which leads to the question- should we do it. His personal answer: the commission is designed to serve the needs of the residents of Gilmanton. It is difficult to imagine an argument that is stronger than the views of the lives that would be most affected by the change- the abutters. He has this constant din of negativity from the abutters that he cannot disrespect. As well as the view expressed by Mrs. Twigg, who sold the land. He is convinced the strength and number of objections of individual abutters flies in the face.

Member Paula Gilman: Her and Thomie had submitted a letter in June or July against this. They grew up here and they always loved the view. For the public listening in, she and Thomie were major donors for this project and they are completely against this. If it ain't broke don't fix it. This is not broken.

Alt. Member Thom Dombrowski: One of the tag lines when getting donations for the property was "save the view". He does not feel that having a parking area, as small as it may be, is saving the view. He understands the intent but he is against it.

Alt. Member Sue Hale-de Seve: She found it very interesting listening to all the complaints. She is sorry they feel this way, but does not feel that adding a parking area for two cars would ruin the view. "People have been parking there all along", but the handicap people cannot. She has lived here for 20 years and has never been able to stop and look at the view. She wouldn't be able to stop and read the sign.

Member Stephen Hopkins: He is opposed to the parking area that is being described. He believes authority does not equate to responsibility or obligation. The documentation shows it is possible but does not believe it is something they need to do. Both his personal experience living there and everyone who knows it as well as they do, he feels this idea should be dropped.

Chair Dick de Seve: Encourages people to read the easement. The people who donated the property, wrote the easement. They put the language in the easement and signed it. They worked with lawyers on it and understood what it meant. They provided for public access to the property to be used for education and recreation and enjoyment, as well as agriculture. They knew quite well what they were asking for and what it was to be used for. Someone asked if we would put parking areas for other town properties. Yes, they have and they will do it in the future. Many town forests have them. He would like to reiterate because it is public land, ADA requires they make it as accessible as possible. Gilmanton Land Trust made a big deal that this property was for "everyone" not just a select few. It is their responsibility to make it for "everyone". Several years ago, they held a very large meeting where this easement was explained to everyone including the parking provisions. During the public comments, not one

person stood up and opposed any portion of this easement. The commission then reached consensus to move forward with a parking area. What they are doing now is re-opening the decision that was made over 7 years ago. Several issues that have been brought up are police matters. If things happen, they need to be addressed by the authority. This is provided in the easement and they need to make it happen. The issue of camping is purely speculative. The commission can work on setting a schedule to clean the area. They cannot help that people throw trash out of car windows. He wishes to take a vote on the matter and move forward. There are two people who will be recusing themselves from the vote and the two alternate members would not be needed. Member Bernstine inquired as to the reasoning for the recusal. Chair de Seve explained the petition that was submitted came well after the initial board had made their decision. People had signed the petition prior to joining the board. It was clarified Stephen (Hopkins) and Paula (Gilman) would be recusing. Member Bernstine inquired if Chair de Seve himself had any prejudgment. Chair clarified he was on the commission at the time of the acquisition and original decision. He did not need to bring this forward again and could have looked at it as an untimely appeal. Member Bernstine feels the commission is asking themselves to make the decision without knowing how this will be paid; there are no estimates. Member Hackley stated they had previously reviewed the monies in the conservation fund. They could not receive a quote until they agreed on a configuration. Chair again requested a motion on the issue. Member Hackley stated at this point does not feel like going against such a vocal group. He wants it clarified the GCC did purchase this property, it was not strictly donated. It was discussed 7 years ago. Member Hackley stated the GLT had said "when you get the parking lot put up, we'll put the donor plaque there". It was done through a public process. The public had time- 7 years to make their voice heard. Maybe two of the current residents did oppose it back then. He personally does not have the energy going forward. His heart is breaking for those with mobility issues that cannot get out and enjoy this area safely. He does not feel they are doing themselves any favors going against such a vocal minority. They are not obligated to recognize anybody on the hill, as far as the boulder goes. Chair, again, requests for a motion. Chair de Seve requested a vote of those in favor of moving forward with the latest proposal for the parking area. Vice Chair Baker and Chair de Seve voted Aye; Member Hackley and Member Bernstine voted Nay. **Motion did not carry 2-2**

Chair de Seve stated the GLT, among others, wants the recognition of donors and the horizon sign but feels this can only be done with improvements. The Commission has other things to do, if the GLT wants to place those somewhere. Member Hopkins suggested placing it in front of town hall. Chair de Seve stated the purpose of the plaque is for people to stop there (Frisky Hill) be able to recognize the people who helped pay for it. Member Bernstine suggested having a comprehensive discussion regarding the issue of accessibility. He hopes to form a policy for future projects.

J. Upcoming Dates-

The next meeting of the Conservation Commission will be on **Tuesday, November 10, 2020.**

Adjournment

Vice Chair Baker made the motion to adjourn. It was seconded by Member Hackley. All in favor 6-0.

Respectfully Submitted,

Bre Daigneault, Conservation Admin.

Attested by: _____ on _____

Dick de Seve, Chair

Date