

December 13, 2023

APPROVED

In attendance: Jared Hardner – Chair, Rob Clemens, Peter Lyon – Board of Selectman Ex-Officio, Lee Gilman, Steve Lutz, Mark Bender, John Harvey (alternate), Frank Montesanto, Rich Hart – alternate (remote).
Staff present: Kristan Patenaude – Recording Secretary (remote)

Administrative:

1. Chair Comments

Jared Hardner opened the meeting at 7:00pm.

John Harvey sat for Christian Littlefield.

2. Minutes Approval

Rob Clemens moved to approve the meeting minutes of October 25, 2023. Seconded by Frank Montesanto.

Vote: 7-0-0; motion approved.

Mark Bender moved to approve the meeting minutes of October 11, 2023. Seconded by Steve Lutz.

Vote: 7-0-0; motion approved.

3. Treasurer's Report

Mark Bender presented the Treasurer's Report. The October budget showed expenses of \$2,613 against the budget, leaving a total of \$9,577. The Land Account sat at \$1,078,520 with pending expenses of \$948,845. For November, the budget shows a balance of \$6,418. The Land Account sits at \$1,080,711 with the same pending amounts. The Gift Account has a balance of \$51,827.

Special Topics & Presentations

- **ACC recommendations per RSA 41:14-a Acquisition or Sale of Land, Buildings, or Both:**
 - **Acceptance of nonexclusive drainage easement on Lot 3-60-3**
 - **Acceptance of nonexclusive temporary access easement on Lots 3-60-2 and 3-60-3**
 - **Acceptance of trail easement on Lots 3-60-2 and 3-60-3**

Peter Lyon explained that the Shenks have generously offered three easements across these properties. One easement runs across an old rail bed for trail use and another temporary trail access easement runs across the property to the first mentioned easement. A drainage easement also run across the temporary trail easement. The Board of Selectmen is thankful to the Shenks and interested in moving forward with these proposed easements. The first step in the process is for

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associated boards/commissions in Town to make a recommendation on these easements to the Board, prior to holding a public hearing.

Jared Hardner asked about any associated management responsibilities. Peter Lyon stated that the easement language does not speak to this. The ACC could be one of the management entities, along with the DPW. Steve Lutz stated that the intention is to use part of the easement for rail trail access in the future, which would likely fall under the DPW's purview.

Rob Clemens noted that the Planning Board voted to recommend acceptance of these items.

**John Harvey moved to recommend the proposed nonexclusive drainage easement on Lot 3-60-3, the nonexclusive temporary access easement on Lots 3-60-2 and 3-60-, and the trail easement on Lots 3-60-2 and 3-60-3. Seconded by Rob Clemens.
Vote: 7-0-0; motion approved.**

- **Sale of 32 and 34 West St**

Peter Lyon explained that the Town is considering selling two small parcels of land near Baboosic Lake to an abutting homeowner, the Houveners. This is the result of a civil matter negotiation with the Houveners due to leak in the community septic system. The two parcels have no value to the Town. Much of the area is wetland.

Rob Clemens explained that Bill Widmer had interest in these lots with regard to potential access to Washer Cove. Upon visiting the area, it was determined that the parcels were not viable options for access to the Lake.

**Rob Clemens moved to recommend to the Board of Selectmen that the sale of 32 and 34 West Street proceed. Seconded by Frank Montesanto.
Vote: 7-0-0; motion approved.**

- **Review Non-Residential Site Plan Review Amendment: Map 2, Lot 34-7 – *The Commission took up this item at this time.***

Jared Hardner noted that the Commission previously reviewed this plan, but it is coming back with proposed amendments. The Staff Report for this items noted that the wetland buffer impacts are described as being maintained or slightly reduced in area. The revisions were made to the previously approved plan, potentially due to the original plan being overly ambitious or expensive. Thus, reductions are now proposed.

The Commission noted that it had no concerns regarding the proposed amended plans.

- **Review subdivision application: Map 4, Lots 116, 118, 119, 121, 145 and Map 6, Lot 102**

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Jared Hardner recused himself from this discussion. Rob Clemens sat as Chair.

Rob Clemens stated that the Commission previously heard a presentation regarding these parcels within the proposed Vonderosa development and made a number of comments. Subdivision plans have since been provided to the Community Development Office and forwarded to boards/commissions for comment. These items will be heard by the Planning Board at its meeting on January 3, 2024. While these are being presented as three separate parcels, the Planning Board has previously indicated that it would like to consider the impacts of these items as one.

The Commission discussed the proposed plans.

John Harvey noted that some of the buffer lines are not correctly drawn on the plans, such as on Lot 116-2.

Mark Bender stated that he would like the developer to avoid the wetland impact for the shared driveway proposed.

There was discussion regarding what will be allowed on the proposed conservation lots.

John Harvey noted that no vernal pools are shown on the lots. He suggested that the Planning Board should be made aware that these lots could have many issues potentially impacting wetlands and vernal pools. The Planning Board should have a third-party expert read the original CAD drawings to interpret them.

The Commission agreed to compile its comments and send them along to the Planning Board.

- **Review and approve ACC Property Services Agreement**

The Commission reviewed the ACC Property Services Agreement document. This is being considered for the contractors which the ACC has used in the past and had leases with. Mark Bender explained that the document has been reviewed by Town Counsel. The agreement is written for approximate three-year terms.

Lee Gilman stated that any soil testing done as part of this agreement should be submitted to the ACC for review.

The Commission agreed to review a revised draft of this document at a future meeting.

4. Other Business

- **Land acquisition warrant article update**

Rob Clemens explained that the ACC recommended a certain warrant article to the Board of Selectmen. He made a presentation recently to the Board regarding the article and its proposed

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costs. There was a general agreement from the Board that this is not a good year to propose this item due to other budget costs. Rob Clemens recommended that the ACC take a year off from requesting this article and considering its acquisition approach moving forward.

The Commission agreed to take a year off from the article and consider how best to move forward with land acquisitions.

Peter Lyon explained that the Board is still interested in supporting land acquisition and conservation, but the budget costs this year make things difficult.

Mark Bender moved to table the reference to the ACC warrant article for proposed land acquisition. Seconded by Rob Clemens.

Vote: 7-0-0; motion approved.

- **Boutelle forest harvest**

Jared Hardner explained that the Forester, Charlie Koch, has recommended a harvest at the Boutelle property at this time. The timber at the site has been marked. If the ground freezes this winter, the intention will be to bring in a logger through an adjacent property. A nearby resident has given permission to cross her property for this work.

- **Curran property trail planning**

Jared Hardner noted that he was approached by a Souhegan High School student regarding a potential project helping with these trails. There seems to be a large number of informal trails already in this area. The Commission reviewed some potential trail areas for the property. Commissioners agreed to visit the site and consider the potential trail locations.

- **Ash tree treatment plan**

Lee Gilman explained that therapeutic treatments are showing good results for ash trees. The large tree at PMEC has been being treated on two-year intervals. The current plan is to treat the tree again in August. He would like to review the interval, timing, and dosage of the treatment prior to that time.

- **Earth Day cleanup plans**

Steve Lutz stated that the plan is to time Cleanup Day with Earth Day, April 21, 2024, this year. The intention is to have it on both days of that weekend, to identify more areas for potential cleanup in Town, and to expand the number of sponsors. This could also be timed with an educational event for Earth Day. He suggested creating wooden sandwich board signs to be placed around Town, advertising the event. Peter Lyon noted that there are two at Town Hall that could be used.

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**Rob Clemens moved to expend \$450 from the Educational Outreach line for signage and supplies for Cleanup Day/Earth Day. Seconded by Frank Montesanto.
Vote: 7-0-0; motion approved.**

- **Lindabury Orchard barn**

Frank Montesanto reviewed work completed at the Lindabury Orchard barn. The Commission considered what could be done with the barn, if improved.

- **Agricultural contract**

This was previously addressed.

- **B&M trail hut**

Will Ludt, Chair of the Heritage Commission, explained that he has been searching for a new location along the trail to place the proposed trail hut due to nearby wetlands. There was a proposal to place the hut across the trail from the original hut location, away from the wetlands. He will discuss this proposal with the abutter. He asked the Commissioners to review the proposed location. The NRPC TTAC group voted to approve moving up the rail trail B&M 10-Year State project, including 80/20 funding to the Town with a match.

**Frank Montesanto moved to adjourn at 9:45pm. Seconded by Steve Lutz.
Vote: 7-0-0; motion approved.**

The meeting adjourned at 9:45pm.

*Respectfully submitted,
Kristan Patenaude*