



**CONSERVATION COMMISSION
MEETING**

Thursday, October 20, 2016 6:00 PM
City Hall, Council Chambers, Claremont, NH

**MINUTES
Approved 12/15/2016**

Mrs. Harlow called the meeting to order at 6:05 PM.

I. Roll Call

Present: Dianne Harlow, Gary Dickerman, Steve Wood, Scott Magnuson, Kim Gogan
(arrived at 6:10)

Absent: Eileen Skowronski, Nick Koloski

II. Review of Minutes of Preceding Meeting(s)

a. September 15, 2016

Motion: To accept the minutes of the September 15th meeting as presented.

Made by: Mr. Wood **Second:** Mr. Dickerman

Vote: Unanimous in favor

III. Finance Report

The Commission reviewed the latest financial report. No action was needed or taken.

IV. Public Comment

There was no public comment.

V. Old Business

Mr. Dickerman asked if anyone had followed up with DPW regarding the blocked culvert behind the Marion Phillips apartment building. Mrs. Harlow said she had mentioned it to Scott Sweet, but that she would follow up with an email.

VI. New Business

a. Barry Conservation Camp Sponserees

This item was continued to the next meeting.

(Kim Gogan arrives.)

b. Judy Wells' wall

Mrs. Harlow said that she and Mr. Dickerman had attended a meeting with Ms. Wells, City Planner Mike McCrory and the Planning Department to go over what needed to be done (regarding Ms. Wells' wall). Mr. McCrory had sent her a diagram

of (one way) to fix the wall. She said she had received an email from Ms. Taylor (City Solicitor) after that explaining how that proposal would not be possible.

Mrs. Harlow said the wall has now come down – it is no longer a wall. It is a pile of rock. She then invited Ms. Wells to step up to the podium.

Ms. Wells said the person she had originally contacted 2 or 3 years ago was ready to do the job, but could not do it because of access because of the trail. She talked to two other people – one gave her a quote that was “way too much” for her “to even think about”. The other contractor seemed interested, but he did not follow through despite her leaving multiple messages. The contractor eventually called her back two days ago and said he had gone to the Visitor Center, but didn’t remember who he talked to. He said he “builds the wall” but doesn’t have anyone who can do the engineering plans, which “seems to be what people want if there is going to be a wall there”. She said she had called Mr. McCrory today and he had “asked around the Visitor Center and no one seemed to remember speaking to him”.

She said it is almost winter now and for safety sake she would like to have the cement removed (it is now hanging). She had asked the contractor if he could remove the cement before winter. He said he could and gave her a price. She wanted to know if that was acceptable to do that now while she looks for someone to do the engineering. She said she can’t say whether she is going to build the wall or not until she knows how much it is going to cost. And she won’t know that until someone does the engineering. She said at this point she doesn’t know who to call for the engineering.

Mr. Dickerman asked if it could just be graded with a steeper grade. Ms. Wells said she thought that had been discussed and that someone had said that wasn’t feasible because it would go onto City property. Mrs. Harlow said that Ms. Taylor had said that if the City puts an easement on it, the “Fed issue steps back in and they would have to have repayment.” Ms. Wells said she didn’t know how sturdy the dirt would be once all of the cement is gone – some of it is sand, and some of it is dirt. She said she also knows that no one else has the same build-out behind their house along her street. She said the rest of her yard slopes down.

Ms. Gogan asked about some sort of temporary wall to hold back the dirt for safety reasons and the sake of Ms. Wells’ yard.

Mrs. Harlow asked if a construction or building permit would be needed to remove the cement. Ms. Wells said she didn’t know. Ms. Gogan and Mr. Dickerman said they didn’t think a permit was needed as it wasn’t actual demolition – the wall is already down. Ms. Wells said most of the wall is down, but the two sides still remain. Mrs. Harlow said she (Ms. Wells) should ask Mr. McCrory. She then said that even though the wall is down, it may still be holding back some of the dirt. If the cement is completely removed, will there be erosion with spring rains?

Mr. Dickerman said he didn’t think the Conservation Commission “had much of a say” and that the Planning Department needs to make the determination regarding

what is required. He said even if it is just for the removal of the rubble, that Ms. Wells would still have to accommodate “their wishes” for a safety plan, time estimate, start/stop times, etc.

Ms. Wells referred to the letter from Mr. McCrory that contains the four criteria for allowing use of the trail (for maintenance projects). She said she could only explain the first one (of the four). She said she can’t explain the other three “until I find out who is doing what”. She said it was like going around in circles, and what comes first.

Ms. Wells said that some of the rubble is resting on other pieces of cement or on a fallen tree and she had asked the contractor if he could just “take it down and rest it on the ground for the winter”. She said he could do that. But the price he gave her for that ... and then he’d have to come in again and remove it and she was going to have to pay extra for that.

Ms. Wells said “as far as the bottom part of the wall, it is still in the ground. What was above ground has mostly fallen. Or tried to fall, except other things got in the way. It also took part of the cement patio with it.”

Mrs. Harlow said “it sounds like we still have to defer to the Planning Department”, with which Mr. Dickerman agreed. Ms. Wells said “he said it was your job”. Mr. Dickerman said, “yes, it is our job to say yes, go ahead, which I'd be happy to do”. Ms. Wells said, “You're in charge of the trail and it's the trail part that I need your permission for...or somebody.” Mr. Dickerman said, “so that's a decision ... we need to make so she can go back to planning with that in hand.”

Mrs. Harlow said, “It sounds like we need to give our blessing as far as being able to go down on the trail and following Planning Board's advice to remove the wall, to get the debris out.”

Ms. Wells said she realized the contractor “will have to have a safety plan for when he's ... but I can't get that until I know that he's definitely the one who is going to do the work. I need a time schedule, and again, I don't know that hopefully he'll be able to do that before the snow flies. He said that he could, but, then again...”

Mr. Wood said, “To the extent that we can...acknowledging that this is going to be in several steps. The first part of it is to stabilize what's there now – getting it down, removing it, whatever is the logical step to take for that and following whatever safety considerations need to be made, when would this be done, just that part of it before winter, then essentially if there's more permission from us for that following it would have to be pending whatever arrangements you are able to make an agreement with the contractor to do the work. It has to rest on that. It has to be conditional.”

Ms. Wells asked, if she gets another estimate from someone as high as the one she received from the “other person”, there's “no way I'm building another wall., at least not a tall wall.” Then she asked if there is a reason she has to replace it, “unless

there's a safety issue there.” Mr. Wood said she should consider as many possible options as she could. He suggested building a series of terraces. Ms. Wells said that two 4-ft walls had been suggested to avoid having to get engineering for an 8-ft wall.

Ms. Gogan suggested that Ms. Wells go with her contractor to the Visitor Center so she could ask those questions and hear the answers, too. “And then bring the contractor along to the Planning meeting” so she and the contractor are working together. Ms. Wells said she had attempted to do that with her first contractor – he had been told when to be there, he had said he would be there, and he didn't show up. The contractor she has now is very busy, it's a very busy time of year and it is putting a lot on the contractor to ask them to take time out to go to a meeting to “go talk about whatever”. She expressed concern for the safety of the homeless people who frequent the area and for others who might think it looks inviting to climb on.

Mrs. Harlow said she would entertain a motion as to...authorizing or whatever... her to get the debris out of there of course following Planning Board guidelines.

Motion: To allow Mrs. Wells to proceed with the removal of the wall that's falling down in her back yard conditioned upon the Building Inspector's approval or whomever the responsible authority is and following the steps outlined in Mr. McCrory's letter.

Made by: Mr. Dickerman **Second:** Ms. Gogan

Vote: Unanimous in favor

It was agreed that once the contractor has squared with the Building Inspector, then the means of complying with the four criteria can be passed on to the Chair of the Commission and Ms. Wells would not have to attend another meeting of the Commission. Mrs. Harlow instructed Ms. Wells to find out if a permit is needed to remove the debris and then find out about how the four criteria would be met. Ms. Wells asked if she needed to let someone know what was in place before she goes ahead and has the project done. Ms. Gogan said to get the information to the Commission chair.

Ms. Wells asked the Commission if they wanted her to explain why the project is necessary (criterion #1) now or should she submit it in writing when she submits the other 3 criteria. Mr. Wood said that “given that the project at this point does not involve building a new wall, it's removing what's there now so that it's no longer a hazard or a potential hazard” or an attractive nuisance. He said the 2nd section doesn't apply because she is not building the wall. The scope of work is just removal of debris. Ms. Gogan said the biggest thing is the contractor's safety plan. Mrs. Harlow said it didn't need to be in writing. Ms. Wells clarified criterion #1 – she said the question is why it's necessary to access the project from the rail trail, not why the project is necessary. Mrs. Harlow said the Commission already knows that. For this phase of the project, there is no design. Mrs. Harlow said that Ms. Wells should just contact her as soon as she knows the start/stop dates for the project. Ms. Wells asked what if the contractor says he'll get to it sometime before the snow flies. Mrs. Harlow said that the criterion says “general”, so if the contractor says “before snow flies”, then that means “between now and December 1st”. Ms. Gogan said the

contractor could give a projected date and if he gets delayed, then Ms. Wells could so inform Mrs. Harlow. Keeping open lines of communication is what's important.

Ms. Wells said she also needs to get permission from Elyse to use the access to the trail. Mrs. Harlow thought that the City wanted the contractor to come in from the Chestnut Street side. Ms. Wells said that she had looked at that entrance and that it is much narrower than the other (entrance). Mrs. Harlow assured her she could get a truck down there. Ms. Wells said it's much further to drive as well. She said it would be much less wear and tear on the trail to go from the other end. Mrs. Harlow had conversed with Elyse and said Elyse was concerned about liability if something happened on the access. She said she thought that was why Mike was suggesting coming in from the other side – because the Commission could give permission to come in from the Chestnut Street side. Mr. Dickerman said he thought the opposite. Mrs. Harlow suggested Ms. Wells speak to Ms. Crossman.

Mrs. Harlow said she thought that Ms. Wells had given the Commission all of the information that she can. She asked Ms. Wells to keep the Commission informed.

c. DES Source Water Protection Grant

No one was present to present the item.

d. NHACC Membership

Motion: To expend \$419 for the annual membership to the NHACC.

Made by: Mr. Magnuson **Second:** Ms. Gogan

Vote: Unanimous in favor

e. NHACC Annual Meeting & Conference

Scheduled for November 12th.

VII. Communications

a. Forest Management Protocols – letter from Planning, DPW and Parks & Rec to Dennis McKenney.

Mrs. Harlow said there was some confusion about the forest cuts as laid out by the Forest Management Plan and “the last say on what is done”. The forester had sent an email asking that question because he had gotten mixed messages about who was “in charge of him”. The department heads - DPW, Parks and Rec, and the Planning Department – and she and Mr. Dickerman met to “get the clouds away”. The letter explains how it will be done in the future (based on the discussions at the meeting). She said that any logging done on “water property” is under DPW (Whitewater, Dole & Rice Reservoirs); Arrowhead and Moody Park are under Parks & Rec; Winter Street, Cat Hole and the Industrial area fall under the Planning Department. There is one particular department head that oversees what's happening with each particular property. When it first started, all three department heads met together, discussed what was going on, the forester would tell them what he was cutting, what was going to happen, what the forester was attempting to do; then a go-ahead was given, the cut was made. The information was brought to the Conservation Commission before the cut was made saying what was planned. Things “got a little cloudy with positions being filled by new people” and the former process was unknown, so now the protocol

has been established in the letter. The three department heads will meet before each cut; “we’ll decide what’s going to be done with the forester”; then the Conservation Commission will be advised by either the forester or a City representative who will attend a Commission meeting. The Commission will review and comment on the proposal. Then it will go back to the department heads for a review of the Commission’s comments. The department heads will then “say yes, go ahead or no, don’t do it”. Mrs. Harlow wasn’t certain if it comes back to the Commission after that and said there are still “some rough edges”, but “basically everyone will know what’s going on instead one department” being in charge and the Commission “being in the dark as to what’s happening.” Mrs. Harlow said she was very pleased with the way the meeting went. She said the Commission can now request walk-throughs if the Commission has any concerns and have the parties explain what’s happening.

The Natural Resources Inventory will be incorporated into the Forest Management Plan soon.

VIII. **Other Business**

a. **Free Tire Disposal Day**

Mr. Wood said that November 5th is free tire disposal day at the transfer station from 8 AM – 4 PM. There is a limit on the tire size. More information is available on the City website.

b. **Natural Resources Chapter Subcommittee**

A meeting of the subcommittee was scheduled for November 1st at 5:30 PM at the Visitor Center to discuss recommendations from the Steering Committee.

IX. **Adjournment**

Motion: To adjourn the meeting

Made by: Mr. Dickerman **Second:** Mr. Magnuson

Vote: Unanimous in favor

The meeting adjourned at 7:07 PM.

Respectfully submitted,

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