



**CONSERVATION COMMISSION
MEETING**

Thursday, February 16, 2017 6:00 PM
City Hall, Council Chambers, Claremont, NH

**MINUTES
Approved 3/7/2017**

Mrs. Harlow called the meeting to order at 6:03 PM.

I. Roll Call

Present: Steve Wood, Gary Dickerman, Dianne Harlow, Kimberly Gogan

Absent: Eileen Skowronski, Nicholas Koloski, Scott Magnuson

II. Review of Minutes of Preceding Meeting(s)

a. January 19, 2017

Corrections/additions/deletions:

Page 3 – 1st paragraph under item B – change the word “extent” to “extend”

Motion: To accept the minutes of the January 19, 2017 meeting as corrected

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

Vote: Unanimous in favor

III. Finance Report

There was no finance report.

IV. Public Comment

There was no public comment.

V. Old Business

a. RFP for survey of rail trail

There was no update on the RFP. Mrs. Harlow will contact Nancy Merrill about it.

Ms. Gogan said she still wasn't certain as to why a survey needs to be done. Mrs. Harlow explained that the trail is there; it cannot be used by motorized vehicles; one of the options (from Federal Highway) is to provide a separate trail for the motorized vehicles along that section of the trail. In order to do that, the location of the right-of-way needs to be known – where the boundaries are – to see if another trail can be put beside it for the motorized vehicles. The survey is also part of the rail trail master plan.

Ms. Gogan said that we already know where there is encroachment. She said doing a survey would “open a can of worms”.

Mrs. Harlow repeated that the rail trail master plan calls for a survey to be done, but she said she wasn't certain “what that's supposed to entail” or what the survey is supposed to accomplish. She said there are two things going on that are separate but similar – the master plan and a separate trail for wheeled vehicles. The ATV Club is willing to use that section of the trail where there is no

encroachment. The survey that the ATV Club is willing to do is the section from the Market Basket traffic light to Home Depot. (The Club is willing to do fund-raising to pay all or part of the survey.) For the rail trail master plan, the survey would cover the entire trail.

Ms. Gogan said she was having a hard time figuring out what the ATV Club should be responsible for versus the Conservation Commission and the City. She said it seems a bit muddy.

Mr. Dickerman concurred that it is very muddy and said that this had turned into a longer process than anyone ever thought it would. He said he thought the Commission needs to decide whether or not to parse this out to the ATV Club. He said the Commission has balked at the City's expectation that the Commission will pay for the survey on the grounds that the trail is owned by the City and normally the owner of the property pays for surveys.

Ms. Gogan agreed that the Commission is only the steward of the trail, not its owner.

Mr. Dickerman agreed and said the Commission needs to talk about that role. He said he has been told that throughout the state, Conservation Commissions are stewards of rail trails. He asked for someone to define that stewardship, because he said he has a hard time considering a trail as a natural resource. He said the Commission is responsible for the natural resources in the City of Claremont – rivers, ponds, forests, etc. – but not necessarily a trail. He said oversight of the trail had been given to the Commission at some point, but felt the Commission needed to have a “serious conversation” about what to do with that oversight.

Mrs. Harlow said that if the trail is considered “open space” that may be why it was given to the Commission. Mr. Dickerman said that the bullpen is open space, too, but the Commission is not responsible for it. Ms. Gogan said she could see how the trail might be considered as a park and in that way, it would make sense for it to fall under the Commissions domain – it involves open space, recreation, aesthetics, being a nature trail and it's not something that falls under the jurisdiction of the Parks & Rec department because of its limited, restrictive uses. She agreed that the stewardship piece needs to be more fully understood.

Ms. Gogan said she still didn't understand what paying for the survey will provide to the Commission. She said she understood why the ATV Club wants to survey the section they do, because that would be for the ATV Club's benefit. As to the rest of the trail, she said the Commission already knows a lot of the information based on previous field trips – she said they have found the lines and the pins and we know there is encroachment. So, what will the Commission do with the information (from a survey) except to verify what the Commission already knows and create a lot of strife. She did not think that some of the people who are encroaching will readily agree to move. She said it is a lot of money to spend without knowing what the benefit will be to the Commission.

Mrs. Harlow said she wasn't sure what a rail trail master plan is going to produce. She said no one has taken responsibility for maintaining the rail trail – any part of it. If one wants to do something on the trail, from whom does one seek permission? No one has specifically defined what the Commission's job is – taking care of the trees, making sure the base is walkable/drivable, addressing drainage– this has been a gray area and this may be where the master plan came in (about ten years ago) – to address these issues. Bobby Woodman used to take care of it.

Ms. Gogan said she can understand the master plan idea and the role of the Commission in it, but she still could not “wrap her head around” the survey, because the stewardship that the Commission needs to do – whether it's overseeing or promoting (like Friends of Moody Park); getting groups to

the trail; or using the Commission's money to maintain the trail or promote it, "or whatever it is we need to do as stewards" (which felt they weren't clear on) – why is paying for a survey necessary to do that stewardship work.. Mrs. Harlow said she didn't know. Ms. Gogan said she couldn't support spending any money until the Commission knew what they would get out of it. Mrs. Harlow agreed.

Mr. Dickerman felt that the survey could fill in wherever there is no monumentation. He wasn't sure how this would benefit the Commission, but felt it would be a "good thing" for the City. Ms. Gogan said it would be a good thing for the City if the City wants to pay for it. She said this still doesn't change how the Commission will be stewards. Mrs. Harlow and Mr. Dickerman agreed. Mrs. Harlow asked if Monumentation is needed. Mr. Dickerman said once you start to create what isn't there, that's when the problem of encroachment begins to "rear its ugly head". Ms. Gogan asked if it would be better for the Commission to be stewards of what's currently there in terms of it being a functional trail that's already in existence.

Mr. Dickerman thought the Commission should research what other commissions do as stewards of rail trails to get a better idea of which way to go. Mrs. Harlow said her idea of stewardship means resolving drainage issues, replacing culverts, removing fallen or hazard trees. Ms. Gogan said it could include putting appropriate surface materials on the trail to allow people to ride their bikes on it instead of the sand that's on there now.

Mr. Dickerman said that previously the ATV Club or the snowmobile club would take care of these types of issues. Mrs. Harlow said this was because the Conservation Commission didn't have the equipment with which to do the work. When Bobby Woodman was alive, he would take his tractor and take care of the culverts and the drainage along the sides of the trail; he would bring in the fill or whatever was needed.

Ms. Gogan said, "So then my job is to be running a tractor?" Mrs. Harlow echoed the question with, "Are we 'hands on'? Do we want to be 'hands on' or do we want to spend the money to have someone else come in and do the work?"

Mr. Dickerman asked if being stewards of the trail meant maintaining it or paying for the maintenance of it. Mrs. Harlow said this has always been a grey area. It belongs to the City, so shouldn't DPW take care of it.

Ms. Gogan asked if stewards are the ones who make the decisions about what needs to be done, but not the ones actually doing the work. Mr. Dickerman said if that were the case, to whom should the Commission go to request the work be done. He said DPW will say that it's not in their budget.

It was agreed that following some research, the Commission needs to define and clarify its role. Mrs. Harlow that that may be where the master plan comes in.

The discussion returned to the need (or not) for a survey. Mr. Dickerman said to set that aside and look again at the seven additional items Federal Highway is seeking in addition to providing a separate trail for motorized vehicles –

- environmental impacts of OHRV use (because that was not considered in the original trail corridor acquisition). This is something RPC may help with, but how long will it take?
- Evaluate pedestrian and bicycle use at various locations along the trail – this goes to segmentation, notably the portion from Market Basket to the state gate
- Evaluate how motorized vehicles will affect accessible and comfortable pedestrian and bicycle use along the trail corridor – everyone asked how this is to be done. Mrs. Harlow said that Jonathan Edwards from RPC had said he could use grant funds to help with bicycle

counts and the environmental impact study and other tasks. She said this work only needs to be done on the section from the Market Basket lights to the gate. Mr. Dickerman said this work would be done just to get the motorized vehicles back on the trail. Ms. Gogan said that doesn't seem like it should fall on the Commission to do. Mrs. Harlow agreed that it doesn't.

Mr. Dickerman said he thought the ATV Club had done a terrific job maintaining the trail in the past – they were the reason it got maintained. Now the Club is dedicated to getting the waiver through, no matter the length of time it may take. Mrs. Harlow agreed this was so.

It was agreed to:

- look into what other commissions do as stewards of their rail trails;
- appoint Mrs. Harlow as a member of the Conservation Commission as “go-between” with the ATV Club and what progress they have made or are working on; (NOTE: Jane said absolutely NOT to this idea for conflict-of-interest reasons)
- help coordinate with RPC. It was agreed that the survey from Market Basket to the gate should be done before any of the other evaluations are undertaken.

Mr. Wood said he keeps returning to ownership of the trail – who has the ability to sell it? He said it's not the Conservation Commission. The Commission represents the City in some of its interest in that property, but the Commission does not own it. He said the Commission does not benefit from any positives there might be – value, whatever – and likewise the Commission does not need to be obliged to accept the burdens of it either. He said the Commission's role is to advise and make recommendations – “This is what we see, this is what we think, this is what we are suggesting.” It is up to the owners to take the appropriate actions (or not). He said it is the landowner's responsibility to know where his boundaries are. He said if the owner can prove encroachment, then the owner can take the appropriate action. Ms. Gogan said there are squatters' rights to consider – if the owner has not taken action to remove or block a squatter for a certain amount of time, they may lose their right to do so. Mr. Wood said that, if this fact is confirmed, it could be something that the Commission passes on to the landowner. Mrs. Harlow said she would check with Jane Taylor on this.

Once again it was agreed that the Commission needs to determine what the City expects from the Commission before the Commission goes further. And again, it was agreed that the master plan could be used to define the Commission's role as stewards of the trail.

VI. New Business

a. Pollinator Gardens – information session with Erin Graf & Barbara McIlroy

Erin Graf, Claremont resident and member of the Hanover Garden Club, said she and the club would like to help introduce more pollinator-friendly plants into the Town gardens and flower boxes. Ms. Graf is also on another committee that focuses on increasing the number of bee-friendly plants in Hanover. They have 14 flower beds that they tend each year. As a Claremont resident, she wanted to extend the same idea for Claremont. She is an avid gardener and bee-keeper.

Mr. Dickerman asked if there is a Claremont garden club? Ms. Graf said the group is not as strong as it used to be. She said she like to help them grow.

Mrs. Harlow thought Ms. Graf would be helpful to the Commission as far as what to put in the pollinator garden.

Ms. Graf asked about who is in charge of the garden in the bullpen. It is unknown who has claimed responsibility since Dave Messier retired.

Ms. Graf also mentioned:

- Creating more low-maintenance plantings (i.e. using perennials instead of annuals)
- Creating a local club that could do fund-raising combined with membership dues that could be put into a fund to purchase the new plants
- Hosting plant swaps

It was suggested that Ms. Graf contact Mark Brislin, Director of Parks and Recreation, who, in turn, could connect Ms. Graf with the gardener that is hired by Parks and Recreation to tend the parks' gardens.

Ms. Graf also asked about getting school students involved. Ms. Gogan, who is the Curriculum Specialist at the middle school, offered to assist with a variety of options. Mrs. Harlow suggested the volunteer community service day coming up in April as another means of involving the students, perhaps to put in the pollinator garden in Moody Park.

Barbara McIlroy joined the discussion. She said they are currently growing about twenty different varieties of plants with the goal of getting them into the schools to get students' parents to think about putting in pollinator gardens at home. The seedlings are currently germinating at the Dartmouth College greenhouse. They will be moved to schools that have greenhouse windows during the week following school vacation.

The Commission offered to assist with publicizing a proposed guest speaker program.

The Commission will assist in coordinating the gardening activity for the upcoming spring. They thanked Ms. Graf and Ms. McIlroy for their presentations.

VII. **Communications**

a. **Letter from DES regarding a possible violation at 356 Winter Street**

Mr. Dickerman asked Jane Taylor if the Commission is authorized to contact the DES Compliance Specialist to determine the status of the violation. Ms. Taylor had said yes, but that the Commission should check with the Planning Department first to be sure they had not already done so. Mrs. Harlow asked if it had even gone to the Planning Committee as they are not cc'd on the letter. Since it appeared that the Planning Department did not receive it, Mr. Dickerman said he would make the call. Ms. Gogan asked that DES be encouraged to follow through with enforcement "in the interest of the natural resources of our City".

b. **Cat Hole Road Culvert Replacement – Wetland Notification**

This was discussed at the last meeting – that the ATV Club was planning to do this project and discovered it was something the City could do under its "Routine Roadway and Railway Maintenance Activities Notification". The City has done that and it has been approved. The culvert will be replaced in the spring.

VIII. **Other Business**

a. **Reschedule strategic planning meeting**

This meeting was scheduled for March 7, 2017 at 6:00 PM at the Visitor Center.

- b. Ron Rhodes, North Country River Steward with the Connecticut River Watershed Council, has offered to meet with the Commission to discuss river clean-ups. It was agreed that he should be invited to attend the March 16th Commission meeting.

IX. **Adjournment**

Motion: To adjourn the meeting

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

Vote: Unanimous in favor

The meeting adjourned at 7:43 PM.

Respectfully submitted,

de Forest Bearse