



**CONSERVATION COMMISSION
MEETING**

Thursday, September 20, 2018
City Hall, Council Chambers, Claremont, NH

**MINUTES
Approved 10/23/2018**

Mr. Dickerman called the meeting to order at 6:04 PM and asked for a roll call.

I. Roll Call

Present: Gary Dickerman, Steve Wood, Scott Magnuson, Kim Gogan, Eileen Skowronski

Absent:

II. Sargent Camp Slide Show

Ms. Gogan asked to have this item moved to next month.

III. Review of Minutes of Preceding Meeting(s)

a. August 16, 2018

Corrections: Add “Mr. Wood” to the list of names in paragraph 6; change “Here” to “There” under Item IX Other Business.

Motion: Approve as amended

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

Vote: Unanimous in favor

IV. Finance Report

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

V. Public Comment

There was no public comment.

VI. Old Business

a. Stevens Brook

i. Water Testing

No update was available.

ii. Trail Development

Mr. Dickerman received a scope of design work for trail design within the interior of the easement and a cost estimate of \$950 from SnowHawk. Because the estimate is below the \$1000 threshold of the City’s purchasing policy, this part of the project will not have to go out to bid and can be awarded directly to SnowHawk. Trail construction will no doubt exceed the threshold and will have to go out to bid (with no guarantee that SnowHawk will be awarded).

Motion: To honor the agreement to perform consulting services with SnowHawk as outlined in the scope of work.

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

Vote: Unanimous in favor

Mr. Dickerman will contact the company.

iii. Area 2 – Pine Trees – update

DES had been contacted about removing pine trees from Area 2 because the pine trees were part of the original planting plan for this area. DES asked for time to review the case and consider the request.

Mr. Dickerman said if only Commission members show up for the Source to Sea clean up, that perhaps they could go to Area 2 and remove the invasives. Trash will be removed at the confluence of the brook and the river as well.

Report on Water Sampling in Claremont

Ms. Skowronski visited the Claremont Water Department and spoke with Rob Lauricella. (Mr. Lauricella is the area manager with Utility Partners, the company that contracts with the City to operate the City’s water and wastewater facilities.) Water is tested once a month in ten different areas – they go to five areas in one week and five areas the second week. Samples are sent to Keene for analysis. Water system users can access the water quality reports directly from their computer – the address is given on their water bills. Overall, the water quality in Claremont is good.

Ms. Skowronski also learned there are some money saving things happening with the water system. One is a 20% savings on electricity because of the bank of solar panels they draw from for power. The second is at Whitewater Reservoir. About 4,000 feet of pipe was “rotorooted” and cleared which precludes the need for using river water. This reduces electrical expense.

Ms. Gogan said the wastewater treatment plant does a lot of water quality testing as well.

b. Conservation Plan

The Commission reviewed the revised Plan. There is some final editing that needs to be done to reflect numbering changes.

It was agreed to revisit the Plan and its implementation plan quarterly.

Mr. Wood asked if the amendments should be shown in the final printed version of the plan with each amendment’s corresponding date shown next to it. It was ultimately decided that since this is the Conservation Commission’s working document and earlier versions will be readily available, the amendments will just be incorporated into the printed version (i.e. not shown as amendments).

Motion: To adopt the amended Claremont Conservation Commission *Conservation Plan*.

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

Ms. Skowronski asked where pollinator gardens would fit into the Plan. She also said she was very interested in wildlife corridors and wanted to know where that would fit in the Plan.

Mr. Dickerman asked to have the vote on the motion before addressing Ms. Skowronski's question.

Vote on the motion: Unanimous in favor

Ms. Gogan said that if something isn't specifically mentioned in the Plan it doesn't mean the Commission can't do it. She said the Plan is mainly about goals, whereas pollinator gardens and wildlife corridors are more like activities, each of which might fall under a number of different goals within the Plan.

Ms. Skowronski said she wanted to know when on the agenda she should provide updates when they are not listed on the agenda. Mr. Dickerman said she is welcome to have things added to the agenda before the meeting starts. He then said she could go ahead at this point with whatever updates she needed to share.

Pollinator Update

Ms. Skowronski said, "I have a plan for the pollinator. It will probably be most effective to begin the information for people in the spring, so I would plan late winter that we can recognize the fact that there are long tapes out there that are available from Hanover and we can plan to show those on our CCTV to get people primed. And then the pollinator garden that I've started is a pollinator in progress. It requires more work (not expense, just work). It's not ready for pictures. But there are other areas in the City that I'll be taking pictures of. I will keep you up to date."

Wildlife Corridors

Ms. Skowronski said that 64% (of survey responders) were interested in preservation of wildlife corridors. She said she would like to find out how other people do it and what might be appropriate for Claremont. Mr. Dickerman said he understood it to mean the movement of animals and preserving large areas of contiguous land to accommodate that migration. Ms. Gogan said the Commission might look at the migration of turtles. Mr. Dickerman said he welcomed Ms. Skowronski's interest. Ms. Gogan suggested she check with Dawn Dextrase and perhaps the park ranger at St. Gaudens.

VII. New Business

a. Unnamed Conservation Easement

This topic had already been discussed at a previous meeting. The Commission will need to see if there are any boundaries marked and order boundary signs.

Mr. Dickerman said this is a small piece that is only accessible via the rail trail and wondered how high a priority this should be for the Commission. Ms. Gogan asked how the easement might best be utilized. Mr. Dickerman thought there may be value in having the easement signs visible to passersby on the rail trail. Mr. Magnuson felt the

least the Commission should do is get the borders marked. And the Commission needs to come up with a name for it. A survey of the property has not yet been located.

Mr. Dickerman asked that boundary signs be ordered. Activity restrictions on this easement are different from the Stevens Brook easement. There was no sign of off-road vehicle use on the property when Mr. Dickerman viewed it with Mr. Sweet.

Mr. Dickerman asked everyone to try and think of a name for the easement.

VIII. **Communications**

- Notification of the **NHACC** annual meeting
- Note from **UVLT** – they are hosting a workshop in Charlestown on October 6th about controlling invasive plant species. The workshop is free of charge. Ms. Gogan will put this on Facebook.

IX. **Other Business**

155-157 Charlestown Road

Mr. Dickerman said that Nancy Merrill had sent an email to Mr. Gomes asking about mowing the grass in the wetland. Mr. Gomes had responded that part of his site plan approval required him to maintain his landscaping. He claimed he had been asked specifically to mow the grass. He further stated that DES had found him to be in compliance and that it was okay for him to mow the grass in the wetlands area. He said he did not understand who was complaining or why they were doing so as he was just trying to beautify the property. He welcomed a conversation and gave his cell phone number.

In the interim, the Commission sent their letter to DES. The letter was shared with Mr. Gomes. This prompted a phone call to Mr. McCrory (from Mr. Gomes). A copy of Mr. McCrory's email to Mr. Dickerman was included in the meeting packet.

Ms. Gogan asked to see the letter that the Commission had sent.

Mr. Dickerman said that Mr. Gomes was “not happy about the letter”. Mr. Dickerman read from Mr. McCrory's email that Mr. Gomes' chief complaint was that no one contacted him directly about mowing in the wetlands, and that while he is unhappy about the way he feels the City has treated him, he is willing to talk about the matter. Mr. Gomes further stated that he was following DES instructions regarding the mowing and that he has not mowed since receiving the letter. Mr. McCrory wondered if the letter had been received after the last mowing had taken place.

Mr. Dickerman said there definitely needed to be a conversation with Mr. Gomes and asked to discuss how the Commission should proceed.

Ms. Skowronksi said, “The problem is the statements are too nebulous. In his mind he thinks he knows what attractive is or what the property should look like. To other people who have seen that property before when it was untouched, that's the way those people want it to look. ... I think he just needs to know that most likely you don't touch it at all so that it comes back to natural looking. I'm not sure it will affect the business at all. I'm not sure when there's tracks

and mud and an uneven look to it that that's attractive." She felt that the natural vegetation was better.

Mr. Dickerman said, "At this point that's what the public, I think, and what the Commission would like; to just let it grow back."

Ms. Skowronski said, "I'm not sure that it's up to the public to go up to the business and say, 'I don't like way that looks.' I think the public did what they needed to do. ... He shouldn't be offended by that, because that's the way you do it."

Mr. Dickerman said everyone had gotten educated about wet meadows and the process. He said, "He's a business man and I think he would be open to our suggestion."

Mr. Wood said, "In as much as ... we on the Conservation Commission are not in the enforcement end of this whole scenario here. DES is. They're the ones who are supposed to enforce whatever regulations there are on the books regarding specifically wetlands in this point. My feeling is we need to have DES communicate with him and us so we know what's transpired between them and him exactly what he can and can't do per the regulations of ... regardless of who – him, us, the public, anybody – thinks about what is attractive or not. Sure, that's going to influence individual people's minds as far as what's being done, but as of right now at least it isn't illegal to do something ... just because it's unattractive. It's a matter of whether it affects the environment – and hopefully that's clarified well enough in the regulations ... for whatever regulations are on the books regarding that. ... What I would want to see would be a resolution of this between the two parties most directly involved – Mr. Gomes and the DES. If there are regulations on the books that say 'this is what you can and can't do', that's what he needs to go by. If it's attractive, fine. If it's not, well ... That's what any law-abiding citizen in the state ought to be adhering to."

Ms. Gogan said, "I'm not sure I agree. I think that to me that might be a second step if we couldn't come to agreement with him. My feeling is in reading what he's writing is that he just may not have understood that by doing this he was disturbing the roots. It could just be a misunderstanding and he is saying, 'look I'm willing to talk'. He's not saying 'don't come to my door' or not responding. I feel like he's making an effort and he's also talking about how he feels he has been mistreated by the City because no one has come to him directly. Our best interest as a Conservation Commission is to have a conversation with him in an effort to just educate him on the interpretation as we saw it when we wrote on it and what we thought was going to happen which might be different than his understanding but to see if we can come to some agreement. Now if things go awry and he continues not to then I would think that we could get DES involved. But if we can clarify it locally by getting involved and doing part of what is in our Conservation Plan – encouraging stewardship and education – then I do see that as more of a Conservation role – as an intermediary in terms of going about the right steps – that we would get involved and say, 'Hey come have a conversation – we did approve this – we thought this was great – we just wanted to see it left. Maybe his idea of what was said is that it's mowed when that's not our idea. It just needs some clarification of what was intended."

Ms. Skowronski asked about the Commission's meeting with Mr. Gomes before the development occurred and asked who had attended (Mr. Dickerman, Mr. Wood, Mr. Magnuson and Mrs. Bearse met with Mr. Gomes and Mr. Gomes' engineer). She asked how DES got

involved with this (the meeting was to review the wetlands permit application and so sign off on it if the Commission agreed with the plans). She asked who initially discussed cutting (the grass) (cutting the grass was not discussed at the meeting with the Commission, the engineer, and Mr. Gomes).

Mr. Dickerman said that Mr. Gomes said that he was told to mow the grass by the Planning Board as part of his site plan approval. The Planning Board had discussed landscaping during their review, but there was no clarification of what was meant by landscaping.

Mr. Dickerman said, “Originally when this was brought to the attention of DES by citizens, they responded with a description of what this is (a wet meadow) and what is allowed. Mowing is allowed as long as there is no rutting and the root system of the plants is not disturbed. Which was clearly the case as evidenced by photographs. And so he received that letter. So there it is – this is what you can and cannot do. He continued to mow. The second round of pictures, which included some I took, and David Messier and another citizen, Jim Contois, who brought it to my attention ‘way back’, those were sent, more photos were sent, and the response from DES this time was that they found there was no violation. Which made no sense at all. Which prompted a conversation at the Planning Department between myself and deForest and Nancy Merrill and that’s when Nancy wrote Chris (Gomes) an email and we decided we would write DES a letter. So that’s an overview of it. This is all well documented. Mike McCrory has offered to have a conversation. I would like to be at the table or at least someone from the Conservation Commission – if not even have him come to a meeting. The problem is, this has been going on and on – he hasn’t mowed recently – it’s been way too wet to mow – but I’d hate to see another round of mowing before fall if we can’t settle this out or come to some agreement.”

Mr. Dickerman asked if the Commission should be involved in the contact or should the Commission let Mr. McCrory do it. Ms. Skowronski felt it should be a combination of Mr. Dickerman and Mr. McCrory because of the Commission’s involvement with the issue and Mr. Dickerman’s personal knowledge of the conversations. She said Mr. Dickerman should represent the Commission’s point of view. She said the wetlands should not be disturbed in her opinion.

Mr. Wood said, “To the extent that we can spell that out as unambiguously as we can – to say ‘this is what our concern is’ – specifically what our concern is. Rutting of the soil – it says not to disturb the roots and all that – but what it means is you don’t rut the soil – you don’t impact the soil. If you can do it when it’s perfectly dry, it’s not impacting the soil.”

Ms. Gogan said, “It sounds like he can mow as long as there aren’t ruts, so as much as we would like to have that left in its natural state then – and maybe it’s a matter of asking him if he would be willing to leave it – ‘per the Commission’s request’ – not a mandate so that – maybe you can’t tell when it’s wet, when you’re going to leave ruts before you do it. We would prefer, and when we did it we didn’t think there would be disturbance of that wet meadow – is it a big deal to just leave it? Or does he feel it’s necessary?”

Mr. Dickerman said, “He thinks he needs to do this because of an obligation to his site plan on the landscaping end of it – maybe that just needs to be cleared up – maybe that wasn’t the

intent.” Everyone agreed that clarification of what the Planning Board meant by landscaping was what was most needed.

Ms. Skowronski said that her recollection of the undisturbed vegetation was that it would not be so high that it would block visibility of the business – they are well above the height of the vegetation. Mr. Dickerman agreed.

Ms. Skowronski asked how many times the roots can be disturbed before it effects the vegetation. Mr. Wood said that was basically what he was trying to get at as far as to communicate – “You’re impacting the soil – whatever grows on it is going to get impacted.” He said it’s not a matter of picking and choosing what to cut and what not to cut. If you are impacting the soil, if it’s wet or soggy, I don’t know how you are going to get over it unless you have some kind of hover craft that can float over the surface ...”

Ms. Skowronski said that what she “visualized” when she drove by the site was nothing growing in the puddle, the marks from the mower. Mr. Dickerman said it seems like grass is growing back in where there used to be reeds and cattails. He said that was the shame of it to him.

Mr. Dickerman again asked the Commission to make a plan. Mr. Wood suggested summarizing what has happened as the Commission sees it and what the Commission’s main concern is, is impacting the soil and that for a number of months a year, that soil is going to be impacted if one gets out on it with equipment. He said that is what the issue is. He said DES has made the wetland “off-limits” to using heavy equipment when the soil is soggy. He said that part was not negotiable to him. Mr. Wood did not object to Mr. Gomes introducing new plants to the site (preferably not invasives) in order to improve the aesthetic appeal of the site. But getting in with the equipment and essentially “violating the regulation regarding ... you don’t mess around in here ...”.

Mr. Magnuson and Ms. Gogan were in agreement with Mr. Dickerman meeting with Mr. McCrory and Mr. Gomes, “more as a matter of education”; to let Mr. Gomes know what the Commission’s concern is. Ms. Gogan thought a face-to-face “is a great idea” and to convey the Commission’s desire to see the wetland left in its natural state, even though the Commission acknowledges Mr. Gomes’ right to mow under certain circumstances. Ask Mr. Gomes how he feels about that and if he insists that he wants to mow it then ask him to make sure it’s not going to impact the soil.

Ms. Skowronski said there are four parties that will all have opinions on this (the Commission, Mr. McCrory, Mr. Gomes and DES) and that the Commission must anticipate four different opinions.

Mr. Dickerman said he would contact Mr. McCrory.

There has not been a response from DES to the Commission’s letter. Ms. Gogan suggested including DES via speaker phone in the meeting.

Source-to-Sea

Mr. Dickerman will take the Eversource volunteers down the rail trail to pick up trash on September 28th.

X. **Future Agenda Items**

XI. **Adjournment**

Motion: To adjourn the meeting

Made by: Ms. Gogan **Second:** Ms. Skowronski

Vote: Unanimous in favor

The meeting adjourned at 7:18 PM.

Respectfully submitted,

de Forest Bearse