



CONSERVATION COMMISSION
Thursday, September 16, 2021, 6:00 p.m.
Council Chambers, City Hall
58 Opera House Square, Claremont NH

AGENDA

- I. Roll Call**
- II. Review of Minutes of preceding meeting(s) – 8/19/21 and 8/27/2021**
- III. Finance Report**
- IV. Public Comment**
- V. Old Business**
 - **Cat Hole Lands**
 - **Stevens Brook**
 - i. **Access – Next steps**
 - ii. **Gate**
 - **Litter Prevention Campaign**
 - **Tree Policy**
 - **TAFW**
 - **Conservation Plan**
 - **Bylaws**
 - **Invasive of the Month**
 - **Monthly Calendar**
 - **Website <https://www.claremontnh.com/environmental-education>**
- VI. New business**
 - **Prime Wetlands**
 - **Implementation of the Whitewater Watershed Plan**
- VII. Communications**
- VIII. Other Business**
- IX. Future Agenda Items**
- X. Adjournment**



CITY OF
CLAREMONT

**CONSERVATION COMMISSION
MEETING**

Thursday, August 19, 2021 6:00 PM
Council Chambers, City Hall
Claremont NH

MINUTES

Mr. Dickerman called the meeting to order at 6:08 PM and asked for a roll call.

I. Roll Call

Present: Gary Dickerman, Steve Wood, Scott Magnuson, John Hurley, James Contois (via telephone)

Absent: Kim Gogan, Eileen Skowronski

II. Review of Minutes of Preceding Meeting(s)

A. July 15, 2021 –

- i. **Correction:** Remove Mr. Wood from the vote to adjourn as he had already left the meeting

Motion: Accept as amended

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

Roll Call Vote: Mr. Dickerman (yes), Mr. Wood (yes), Mr. Magnuson (yes), Mr. Hurley (yes), Mr. Contois (yes)

III. Finance Report – It was noted that the Commission received \$5,000 in land use change taxes in June.

IV. Public Comment - None

Mr. Dickerman asked to rearrange the agenda so as to accommodate Ken Robinson. Mr. Robinson joined the meeting by phone to present the wetland permit application for the Jeep dealership on Charlestown Road.

A. Auto dealership on Charlestown Road – Wetland Permit Application

Mr. Dickerman said the plan for the Ford dealership (on the adjacent parcel) showed 3 24-inch culverts under the access road. The plan for the Jeep dealership shows only 2 culverts. He asked what happened to the third culvert.

Mr. Dickerman said the plan for the Ford dealership shows a 18-inch culvert under the access road on the Ford dealership property at its intersection with Charlestown Road. On the plan for the Jeep dealership, the culvert is shown as 24 inches and it's in the Charlestown Road right-of-way. He asked which is correct.

Mr. Robinson was unable to speak to either question, but said he would look into it.

Commissioners asked Mr. Robinson why the development could not be moved back out of the wet meadow. Mr. Robinson said there are wetlands on Lane Ridge Road that they were trying not to fragment; that the wet meadow in the front is the lowest functioning part of the wetlands; that they needed to accommodate storm water runoff from both lots using best management practices; and that the field in the back is used for cattle pasture, a use they wanted to maintain.

Mr. Dickerman outlined the existing issues this site has had with DES and that there are outstanding issues that go back two years. A field inspection report shows that requested information had not been received. Mr. Robinson said he was not aware of these issues but said he would look into it.

Mr. Contois said these wet meadows are shown on the State WAP map as being highest quality. Mr. Robinson countered that the scale of that map is not applicable to this site making it an inappropriate identification tool. He added that this wet meadow is right next to a state highway, which would be highly unusual for a highest quality wetland.

Mr. Contois said the wet meadows used to be full of cattails that the owner continually mows down. He said he finds the idea of filling the meadows in morally offensive. He also said the grass never grows tall enough to obscure the view of the vehicles on display so why is it necessary to continually mow them down.

Mr. Contois asked to have the record show that he adamantly objects to the project as presented.

Mr. Robinson agreed to meet with the Commission at the site to further explain the project. The site visit was scheduled for Friday, August 27th at 2PM. The Commission will finalize its report following the site visit.

Mr. Contois said he believes this site is inappropriate and development of it in this manner conflicts with the Master Plan and the site plan regulations. He said the Planning Board appears not to be up to speed with the authority they have. He asked that the Commission's comments be given to the owner of the Ford dealership.

V. **Old Business**

A. Cat Hole Lands – The next step is to find information on the boundaries of the City-owned lands. Both Mr. Dickerman and Director Merrill are looking into it. Mr. Dickerman walked the area with local landowner Michael Saracino to examine and discuss washout and culvert failure issues. They observed that shooting is still going on there. Mr. Dickerman said these concerns are being addressed by the power company. City Council has given them permission to repair the washout areas.

Mr. Dickerman said once the boundaries of the lots are marked, the Commission will have a much better idea as to whether an easement or a town forest would be best to pursue. He said this will take some time to develop given the wide variety of user groups.

B. Stevens Brook

- i. **Access: Next steps** – City Council has approved the permanent access from North Street. Eric Peabody has marked the 15-ft right of way across the back of the former Haugsrud lot. He will flag the eastern boundary of the 30-ft wide Osgood easement from North Street to the Osgood property line. (This will mark the western edge of the Commission’s footpath from the parking lot.) This should be complete by the end of the month. The Commission will need to thin down the overgrowth so DPW can see where to put the curb cut and the parking area. Some trees will also have to be removed (by the Commission).
- ii. **Gate:** Mr. Dickerman has purchased the gate and two posts to obstruct 4-wheeler traffic through the easement. He hopes to have the gate installed by next week.

C. **Litter Prevention Campaign:** The task force has not met due to 91-A issues that have not yet been resolved.

D. **Tree Policy:** The tree policy was presented to City Council at the July 28th meeting. The Council asked for a few changes. Those changes were presented to the Commission with the following discussion:

i. Definitions:

1. Nuisance – proposed amending by removing the words, “*or threatens public health, safety and welfare*”; adding the words, “*and does not create an immediate threat to public safety or any property.*”
2. Hazard – propose adding this as a new definition stating, “*any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; and is endangering property of or threatens public health, safety and welfare.*”

ii. Section 5 Declaration of Nuisance

1. Proposed amending item (a) to read, “*Any declaration of nuisance made by any Director that calls for the total removal of a tree whose trunk diameter is greater than 12 inches at a height of 4 feet above the ground shall only be made after consultation by said Director with the appropriate authority, e.g., a certified tree arborist, etc.*” The Commission objected to the 12-inch cut-off and asked to have it reduced to 8 inches.
2. Proposed adding a new item (b) to state, “*Any declaration of a tree or portion thereof deemed to be a hazard may be removed at any Director’s sole discretion.*” The Commission asked that this declaration only be made when the declaration is under emergency circumstances as described in Section 2 of the policy.

Following the discussion, the Commission suggested enhancing its public education of the importance of urban trees by adding information about trees to its educational page on the City website and by sponsoring public programs about trees.

E. **TAFW:** Ms. Uyizeye and Mr. Contois will be hosting a program in October.

F. **Conservation Plan:** The plan has been updated, but it is still a work in progress.

G. **Bylaws:** The bylaws have been passed on to the City Manager.

H. **Invasive of the Month:** Garlic mustard is featured on the website. Burning bush will be next.

- I. **Monthly Calendar:** Add the NHACC 50th anniversary celebration on September 11th at bear brook.
- J. **Website:** The education page needs content. Perhaps we should add something about Stevens Brook?

VI. **New Business**

- A. **NH Bioblitz:** Mr. Dickerman had sent information to the Commissioners regarding the Bioblitz program taking place throughout the month of September. The goal is to gather information from each community regarding species on city-owned lands. Citizens can download an app and submit pictures and information on any living thing on city-owned land. It was suggested that this information be shared on the Commission's webpage and Facebook page.

VII. **Communications**

- A. NHDES Emergency authorization verification for making bank repairs on the Sugar River Recreational Trail.

VIII. **Other Business**

- A. Mr. Contois objected to Mr. Robinson's dismissal of the WAP map. Mr. Contois asserted that it is a good tool to use.
- B. Emergency authorization (referenced above) – The Commission was curious as to the exact location of the work.

IX. **Future Agenda Items**

- A. **Kathy Urfer** –The Commission would like Ms. Urfer to provide an update on the relicensing of the dams.

X. **Adjournment**

Motion: To adjourn the meeting

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

Roll Call Vote: Mr. Dickerman (yes), Mr. Wood (yes), Mr. Magnuson (yes), Mr. Hurley (yes), Mr. Contois (yes)

The meeting adjourned at 7:29 PM.

Respectfully submitted,

deForest Bearse



CONSERVATION COMMISSION

SITE VISIT

Friday, August 27, 2021 2:00 PM
17 Lane Ridge Road

MINUTES

Commissioners present: Gary Dickerman, Steve Wood, Scott Magnuson, James Contois, John Hurley

The Commission met with Ken Robinson, certified wetland scientist with Fieldstone Land Consultants, to review the wetland permit plans for the proposed Jeep dealership on the corner of Lane Ridge Road and Charlestown Road. The plan proposes paving over 39,200 SF of wet meadow.

Mr. Robinson pointed out key features such as the edges of the wet meadow to be filled in; the higher-quality wet area near the road that will be left intact; and the highest quality wetland on Lane Ridge Road at the back of the proposed development. This latter will be left undisturbed as well.

Mr. Robinson was unable to speak to questions regarding the reduction of culverts from three to two under the access road or the 18-inch culvert at the end of the driveway that became a 24-inch culvert in the Charlestown Road right-of-way.

Commissioners expressed their disappointment about the loss of so much wet meadow and again asked why the project could not be moved further back so the wet meadow did not have to be filled in. Mr. Robinson said it is primarily due to economics; the fact that the wet meadow has been manipulated by agriculture for many years already; and that it sits adjacent to a main road that is already heavily developed.

Commissioners thanked Mr. Robinson for his time.

Commissioners will send their comments to the Resource Coordination for compilation into the final report to DES.

Respectfully submitted,

deForest Bearse

deForest Bearse

From: Gary Dickerman <gdman411@gmail.com>
Sent: Wednesday, August 25, 2021 11:23 AM
To: Nancy Merrill; Alex Gleeson; Mark Chase; Ed Morris; Charlene Lovett
Cc: deForest Bearse; Steve Wood; Scott Magnuson (scutapie89@yahoo.com); Jrhurjd; Jim Contois
Subject: Stevens Brook Conservation Easement Gate
Attachments: Stevens Brook Gate.jpg

****External email: Use caution****

The Claremont Conservation Commission has installed a gate across an existing trail, as a deterrent to motorized traffic which is not allowed on the easement. The gate is currently monitored with several game cameras. We had hoped that this action would not be required, but continued use by several repeat-offenders gave us no option.

Gary Dickerman
Chairman
Claremont Conservation Commission
243 Winter St..
Claremont, NH 03743
603-477-5139 C



8/25/2021

**SAMPLE MUNICIPAL TREE
ORDINANCE – WITHOUT TREE BOARD**

Be it ordained by the City Council of the City of:

(City) _____

(State) _____

Section 1. Findings

The City of Claremont recognizes the importance of trees to our community and to our environment. Healthy trees reduce air and noise pollution, provide energy-saving shade and cooling, and contribute to the beauty and attractiveness of Claremont.

Our community’s trees present a positive image and contribute to Claremont’s quality of life.

In addition, trees provide habitat for nesting birds, a variety of mammals, insects and other wildlife.

Good tree management strives to keep public areas safe and clear of obstructions while maintaining healthy, vigorous and attractive trees.

Section 2. Purpose.

The City has a statutory obligation to maintain its streets and highways. As part of this obligation, the public right-of-way must be kept clear of obstructions, not only in the interests of safe passage for the traveling public, but also for the operation of below-ground public utilities such as water, sewer, and storm water systems.

The City intends to preserve the health of its trees to the extent possible. This policy outlines the procedure and practices to be used in routine protection, maintenance, management, control, and removal, as may be necessary, of vegetation, including trees, in, on, below and over the City’s:

1. public streets and sidewalks;
2. cemeteries; and
3. parks and recreation areas.

This policy is not applicable to removal of vegetation as a result of, or associated with, emergencies resulting from such events as snow or ice storms, wind, lightening, floods, or other such natural occurrences.

Section 3. Authority and power.

(a) *Delegation of authority and responsibility.* Full authority and responsibility for implementation of this policy shall be delegated as follows:

1. City Center trees shall be overseen by the Director of the Planning and Development Department;

2. Trees in or upon municipal streets and rights-of-ways outside of the City Center, and trees in public cemeteries shall be overseen by the Director of the Public Works Department;
3. Trees in City parks and within the Rail Trail right-of-way shall be overseen by the Director of the Parks and Recreation Department;
4. Trees in the City's designated forests shall be the combined responsibility of the Directors of the Public Works, Planning and Development, and Parks and Recreation Departments with guidance from the Forest Management Plan.

(b) *Appropriate Remedial Action.* This authority shall include taking the appropriate remedial action toward trees that:

- Have been declared a nuisance or hazard;
- Threaten any:
 - electrical or telephone lines;
 - municipal water or sewer line;
 - municipal sidewalk;
- Pose an imminent threat to headstones in a public cemetery;
- Are affected by fungus, insects, or other pest disease.

“Appropriate remedial action” may include the removal of a tree or trees. It also includes the removal of invasive trees within the authority’s jurisdiction.

(c) *Interference.* No person shall hinder, prevent, delay, or interfere with the Directors or their agents while engaged in carrying out the execution or enforcement of this Ordinance.

Section 4. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Hazard – any tree, or limb thereof, that is:

- affected by fungus, insects or other pest disease,
 - dead or dying
- AND
- is endangering property or
 - threatens public health, safety and welfare.

Nuisance – any tree, or limb thereof, that:

- obstructs
 - the view of traffic signs OR
 - the free passage of pedestrians or vehicles.

Limbs extending into a City-owned right-of-way at a height of less than 14 feet shall be considered a nuisance. Provisions of RSA 236:39 may also apply.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property. Trees within a publicly-owned right-of-way belong to the underlying property owner and are not considered public trees within the context of this policy.

Right-of-way – The right-of-way typically encompasses both the paved/graveled areas for use of vehicles plus strips of land along each side where shoulders, curbs, sidewalks or drainage swales exist. These strips of land which abut the traveled portion of the road may appear to be private property, but in fact are regulated by the City in the interests of public health and safety.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Section 5. Declaration of Hazard or Nuisance.

- (a) Nuisance limbs can be removed at the sole discretion of any Director.
- (b) Nuisance trees with a trunk diameter of 8 inches or greater at a point 4 feet above the ground cannot be removed in their entirety without prior consultation with a certified arborist.
 - a. The consulting arborist shall not be the same party that would be engaged to remove the tree, if removal is ultimately required.
 - b. Abutting property owners shall be notified prior to the tree's removal except when the delay entailed by such notice would pose an imminent threat to public safety (see 5d)
 - c. Notice will be sent by certified mail to the abutting landowner(s), who has/have 30 days to appeal the matter if they disagree with the proposed removal and who has/have the option of hiring a tree warden to prove otherwise.
 - d. The Conservation Commission shall also be notified.
- (c) Nuisance trees with a trunk diameter of less than 8 inches at a point 4 feet above the ground do not require prior consultation with an arborist prior to their removal.
 - a. Removal of these trees does not require advanced notice to abutters, but the City must receive written permission from abutter(s) who may have planted any protective shrubbery, shade or fruit trees before removing them, unless dead, damaged beyond recovery, diseased, or considered a public safety hazard (see 5d).
- (d) Hazard limbs and trees may be removed in an emergency at the sole discretion of the Director. Emergency is taken to mean snow or ice storms, wind, lightning or other such natural occurrences, or isolated incidents such as vehicle impact to a tree.
- (e) Private property owners have the duty, at their own expense, to remove nuisance trees or to treat hazard trees on their property. The City may remove such trees at the owner's expense

if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

Section 6. Adjacent owner rights and responsibilities.

(a) No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent parkway to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard or nuisance. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

(b) Landowners have a legal duty to maintain trees and bushes on their property so that they do not pose an unreasonable risk of harm to others. However, the City also has a duty to maintain its streets and sidewalks in as safe a manner as possible. The City may not remove trees and bushes located on private property outside of the right-of-way unless they pose a safety hazard to the public or impede the ability to maintain the right-of-way; however, the City may cut any limbs in the air or roots on or under the ground that intrude into the right-of-way, even if the trunk of the tree is outside the right-of-way if such growth creates a public nuisance by way or damage to City improvements on or under the right-of-way or creates a safety hazard.

(c) If a tree located on private property abutting the public right-of-way is determined to be a hazard to the public, the City may contact the property owner to discuss resolution of the issue.

(d) The owner of abutting property will be given the “right of first refusal” for the wood from such cutting on or abutting the property.

(e) If a tree is located in the right-of-way, but is not a public nuisance or a safety hazard, then the municipality is under no obligation to remove it, even if the abutter requests removal. However, should an abutter determine that a tree located in the right-of-way is a safety hazard to the abutter’s property, the abutter may be permitted to remove such tree at the abutter’s sole cost with the advance written permission of Public Works and a release of all City liability for the removal.

(f) If a tree straddles the boundary between the right-of-way and private property, the City and the property owner may negotiate a division of the cost of removal, but in no circumstances shall the City be obligated to pay more than one-half of the removal cost.

Section 7. Prohibition against harming public trees.

(a) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.

(b) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any tree on public property.

(c) It shall be unlawful for any person, firm or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

Section 8.

The City of Claremont will maintain the trees in the right-of-way to the best of its ability, manpower, and budget considerations permitting; but it cannot be responsible for the consequences of “Acts of God”, or emergencies, unpredictable hazards, and/or extreme weather events. The City maintains **many** miles of public roads, most of which have trees along them. Communication and cooperation between the City and Claremont’s landowners are essential for preserving and maintaining roadside trees and other vegetation, which provide us with a protective canopy that helps make Claremont a safe, healthy, and attractive place to live.

P:\Resource Coordinator\Conservation Commission\TREE POLICY\Tree Policy_8 24 21.docx

August 2021

September 2021

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19 Regular Monthly Meeting 6:00 PM	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	

September 2021

TAFW Program; Source-to-Sea Cleanup

October 2021

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
5	6 Labor Day	7	8	9	10	11 NHACC 50 th Anniversary Celebration
12 Grandparents Day	13 Work with Heidi Holman in Beek Garden 10:30 AM	14	15	16 Regular Monthly Meeting 6:00 PM	17	18
19	20	21	22	23	24	25 Ashley Ferry Boat Launch 9-12
26	27	28	29	30	1	

October 2021 *TAFW Program*

November 2021

Su	Mo	Tu	We	Th	Fr	Sa	
31	1	2	3	4	5	6	
7	8	9	10	11	12	13	
14	15	16	17	18	19	20	
21	22	23	24	25	26	27	
28	29	30	Saturday				3

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11 Columbus Day	12	13	14	15	16
17	18	19	20	21 Regular Monthly Meeting 6:00 PM	22	23
24	25	26	27	28	29	30
31 Halloween	1 All Saints' Day	2	3	4	5	