

Town of Swanzey, New Hampshire  
**Conservation Commission**  
Meeting Minutes – November 5, 2012

*Note: Minutes are not final until reviewed and approved by the Board. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Board.*

The regular meeting of the Swanzey Conservation Commission was called to order at 4:05 p.m.  
Committee Members Present: Deb Crowder- Chair, Richard Dell'Erba, Michael Morrison, Theresa DiLuzio, Robert Goodrich, and Jane B. Johnson.

**Absent:** Stephen Stepenuck, Gary Coburn

**Others Present:** Police Chief, Tom De Angelis

**Approval of Prior Meeting Minutes:** The minutes were not available.

**Review of Current Projects: -**

- 1. Anti-Littering Ordinance Considerations** - Chief Tom De Angelis was present to discuss the anti-littering ordinance that the Conservation Commission is considering. Town Planner, Sara Carbonneau has said that a new Town ordinance would not have to go through the Warrant process, but instead would probably have to go through a Public Hearing. Chief De Angelis said that the Town doesn't need to go through a Town ordinance. The State statute has a sufficient coverage for littering. The Town instituted a Noise ordinance because the State statute wasn't sufficient. It didn't empower the police to take action. The Swanzey Police Department doesn't get a lot of complaints for littering. Dumping is different. They have more complaints about dumping, especially construction debris. Folks will dump on Route 10 off of Sawyer's Crossing and at other areas about Town. DiLuzio asked what number is best to reach police when they see dumping going on. Chief De Angelis responded that 355-2000 is the best number to use. This number goes to Cheshire County police dispatch in Keene. If a driver observes littering from a vehicle, the observer can call police and report it. Sometimes a motor vehicle stop can lead to other actions by the police, like arresting the driver for other activity. A motor vehicle stop puts that driver into the system. It helps police follow through with networking with other police departments. Chief De Angelis repeated that he thinks the State statute for littering is sufficient for the Town's purposes. However the fine levied against the perpetrator won't come back to Town unless it is a Town ordinance. Our biggest problem is dumping, truck loads of debris. Chief De Angelis suggested: use the state statute, but post signs in town about penalties that go with it. Dumping is covered by the littering statute. Police can track who is dumping because people put receipts in their trash. Police can arrest folks who dump. DiLuzio asked if it has to be a certain sign with information about the fines. Some fines can be \$250 ticket and misdemeanor charge could be as much as \$1000 fine. Crowder suggested that the money isn't the issue; deterrent for littering is the issue. Chief De Angelis suggested using the Town website to educate residents. Police have a website too. It will have the ability for residents to file complaints online. Folks can remain anonymous if they want to. General information form to fill out. This is brand new. The form gets sent to the police department. That generates email

to police folks. The complaint gets approved or disapproved and then if approved gets assigned officer. Originator will get email response from the police. Chief De Angelis will need to check if littering is one of the complaints that is already on the form. Dell'Erba asked if there is much hazardous waste involved in the dumping. Chief De Angelis said "yes". Trash, appliances, furniture, diapers anything that folks have to pay something to dump at the dump is often left on backcountry roads. Crowder stated that the Conservation Commission would like to see the Town receive the money from fines. In that case, according to Chief De Angelis, the Town needs an ordinance. Crowder has looked at State statute under State of New Hampshire Department of Safety. Morrison asked what would make the ordinance easier to enforce (for the police). Chief De Angelis stated that he prefers the State ordinance. Crowder asked about the kinds of penalties that would be assessed. De Angelis responded that anything from directing teens to pick up trash to fines for adults. He gave an example of a \$500 fine that is deferred. The Court tells the perpetrator that he has 5 days to clean up the mess. The fine is then suspended based on good behavior within a particular timeframe. If the person repeats the offense, the fine can be stacked up onto the old fine. Morrison asked about enhanced penalties. De Angelis is willing to look up information/language pertinent to the statute and get back to the committee. Crowder stated that she thinks it is worth trying to get the word out that it is a problem in the Town. There is a need to educate the public on ramifications of littering. Morrison suggested that some of the trash is right on the river that can lead to water pollution. Chief De Angelis confirmed his email address for Chair Crowder: [tdeangelis@swanzeypd.com](mailto:tdeangelis@swanzeypd.com). Chief De Angelis left at 4:50 PM.

2. **Swanzy Conservation Commission letter in support of wetlands setback ordinance** Crowder passed around the letter from the Conservation Commission with comments and support for sustaining the wetlands setback ordinance. The letter was signed by those present and given to Sara Carbonneau, Town Planner. (Jane Johnson abstained from signing)
3. **Ashuelot River Local Advisory Committee (ARLAC) - Report on South Branch testing completed on 9/11/2012 by EAI Analytical Labs** - Crowder passed report to Morrison to interpret the data. Morrison and Steve Stepenuck tested South Branch River on 9-13 for E-coli and phosphorous counts. Test results were within acceptable limits.

#### **Old Business**

1. **River clean-up** on 10/6/2012 delivered close to 200 pounds of trash. Crowder looking for suggestions for better take-out site for canoes in the area of the Thompson Bridge.
2. **Trail boxes** – trail boxes have been attached to the Mt. Cresson trail-head with map guides, on a tree—Crowder decided to not install another post to replace the stolen one. The entrance to the Loop Trail was more clearly marked with flags. Crowder sent email to Lee Dunham to inform him that the driveway is showing some signs of erosion.
3. **Herbicide contractor** – this action is postponed until next spring. Crowder will suggest to the Board of Selectmen or Department of Public Works that a Town employee become trained as a certified herbicide applicator.
4. **Airport tree obstruction hearing held by the City of Keene** – Oct. 17: report from Crowder; she was there representing SCC. A video was shown from the perspective of flying into airport over large trees. The trees are large white pines and are a hazard, but they shield the local Edgewood neighborhood in Keene from noise and visual pollution. Crowder suggested to city officials the options of topping trees, protecting the peat bog from cutting, and thanked them for managing the former Swanzy Large Tree, the Swamp white Oak on former Bolewski property. This was a public hearing—many Edgewood residents commented. The City of Keene is taking in all the

comments and will be holding another public hearing as well. (experienced earthquake in Heberton Hall).

5. **Plan NH Charrette** - Crowder will be attending the Charrette on Friday afternoon. Supper will be at Cutler School. Crowder suggested that the members of the Commission should attend.
6. **Planning Board Public Hearing on Carl Ripken Ball-field proposed modifications** – Crowder urged attendance by the Commission on Thursday to Swanzey Planning Board meeting which will address issues around how modifications to the ball-field will impact the slope of the field and effects on erosion.
7. **Removal of vegetation on river banks** – Crowder reported receiving email from Barbara Skuly with copy of email from Mark Kern of the EPA regarding stream bank cuttings in Keene and Ash Swamp Brook in Swanzey. Crowder stated that Kern agrees it makes no sense to cut vegetation on the banks, which serves to buffer water absorption during flood stages.
8. **New Hampshire Department of Transportation- Major Project/application for bridge repair**, Route 32, Martin Brook, where it turns at Swanzey Lake Road. Crowder has the application for bridge repair if anyone wants to read it. Previously reviewed and approved.
9. **Department of Environmental Services (DES) Restoration Plan Approval** - Violation reports to DES – assume that Code Enforcement Officer (Chet Greenwood) issued the complaint report. Crowder to request that SCC should be getting copies of violation complaints to DES. The Restoration plan approval required for Robert & Stacy Goodell at TML 32/19-26, 26 Highland Circle is needed as DES enforcement action for Alteration of Terrain, Water Quality and Wetland Violations (cutting and stumping area greater than 100,000 square feet without a permit, improperly installed culverts, 133,104 contiguous square feet (3.06 acres) disturbance, 3 areas of unpermitted wetlands disturbance, siltation and erosion of adjacent stream channel. Crowder will contact Greenwood about the situation. When logging, they have to have a restoration plan. DiLuzio asked if the Board of Selectmen (BOS) is informed before logging permits are issued. Logging notifications comes from the State. Selectmen get notice. DiLuzio wanted to know if the BOS has to approve the logging—the State issues the logging notifications to the towns.

**Reports:**

1. **Trail Benches** - Gate at Mt. Caesar is not locked just has a pin and DiLuzio reported it is all set for benches to be placed up on the trail. Morrison suggested using 4 stones as foundation for the bench to be placed on Mt. Cresson summit so that they don't rot as fast. Crowder suggested putting the benches on ledge, at summit. DiLuzio will ask if the bench can be put up by the beacon at Mt. Cresson. DiLuzio will check with the logger who has volunteered to get the benches up on the trails. Domina family does not want bench at Tippin Rock.

**Other Matters:**

2. Therrien Trail, off Forest Ave. Crowder asked if anyone knew about this trail and showed board newspaper clipping from 1970's announcing it. Morrison asked if it joins the Horatio Colony trail. Crowder said "yes". The committee should go exploring this trail.

**MINUTES** from October: taken by Vice-Chair Bob Goodrich; he had not submitted them

**Adjournment by Chairman Crowder at 5:40 pm.**

Respectfully Submitted,  
Beverly Bernard, Recording Secretary