

Town of Swanzey, New Hampshire
Conservation Commission
Meeting Minutes – December 3, 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. by Robert Goodrich, Vice Chair. Committee Members Present: Richard Dell'Erba, Michael Morrison, Theresa DiLuzio, Robert Goodrich, Vice Chair, Gary Coburn, Jane B. Johnson.

Absent: Deb Crowder, Stephen Stepenuck

Others Present: Sara Carbonneau, Town Planner, Beverly Bernard, Recording Secretary

Approval of Prior Meeting Minutes: The members of the Commission had not received the Minutes for November 5, 2012 to review them, therefore the Minutes were tabled until they are reviewed. The Recording Secretary will email the Minutes to the members for review.

OLD BUSINESS

a. December 13, 2012 Planning Board public hearing re Wilson Pond Setbacks.

Sara Carbonneau, Town Planner, summarized the current status of the Wilson Pond Setbacks situation. Carbonneau reviewed the amendments that are being proposed. Amendments # 1 and #3 are housekeeping items. Amendment #2 reduces the setback on Wilson Pond from 125 feet to 50 feet. If this passes, the setback would follow the State's requirements. There is a limited window for zoning public hearings to take place. If there was an error in procedure or insufficient notice, that would be a reason to postpone the hearing. Carbonneau suggested asking the Chair of the Planning Board (PB) to consider the materials provided to the PB prior to the public hearing on December 13th. At the public hearing, the PB will listen to testimony and then vote on whether they will submit the amendment for a warrant vote.

Dell'Erba asked why the language has already been provided for the 50 foot setback. Johnson said that the amendment being proposed could be amended as well. Someone could move that the setback requirement be 100 feet.

Carbonneau said that if that happened, there would have to be a second public hearing. Morrison brought up the fact that the Town has voted on having the setback requirement set at 125 feet. There was a petition amendment last year to lower it to 50 feet and it was voted down by the residents of the Town.

Carbonneau said that issues keep recurring for the Zoning Board of Adjustment (ZBA) and therefore the PB has to take a look at the situation.

Morrison argued that the entire Town (the majority) voted to keep the setback requirement at 125 feet and that only a small group is demanding to change it to 50 feet. He also suggested that Swanzey Lake residents might want to follow suit.

Carbonneau said that Wilson Pond is very different than Swanzey Lake and the harm that would be caused by moving to a 50 foot setback hasn't been well established for Wilson Pond. Carbonneau said it will be up to the PB to decide if there will be a Warrant. Carbonneau is recommending that they should proceed. There has been no error in procedure or notification as far as she knows. The PB is looking at the interests of the residents of Wilson Pond.

Johnson stated that that a change in the setback requirement would have an impact on the entire Town because she believes Swanzey Lake residents would want the same. DiLuzio said that she thought all the members of the Conservation Commission should stand united. Morrison said that we can't position the Conservation Commission against the Town. It is a small group on Wilson Pond that is fighting the Town, not the Conservation Commission. The people of the Town agreed to give up some options so that land values and quality of water would improve. He suggested that the PB is catering to a small vocal group.

Carbonneau said the ZBA has had continued issues since 1998. Dell'Arba asked how many variances have been filed from residents - he thought none, but Carbonneau said that wasn't correct. Carbonneau continued that it used to be easier to provide variances and now it is very difficult to do so.

Johnson said that houses on Wilson Pond are close to the water and they need to get the proper permits with engineering whether it is a 50 foot setback or 125 foot setback.

Carbonneau pointed out requests for big variances causes more problems than requests for small variances. The greater the variance the more relief is required. So variance requests are more likely to be granted for smaller differences. The PB will listen to public hearing and then they will make a decision as to whether they going to be proposing an amendment.

DiLuzio mentioned the type of pollution could be an issue. Carbonneau said that Wilson Pond is a public water body being used as a beach with no restroom facilities so there are issues about pollution that have nothing to do with the setback requirement.

Carbonneau reminded the members of the Commission that the public hearing is set for the 13th of December of this year. Johnson said that since she is on both the PB and the Conservation Commission, it is difficult for her either way she votes.

b. December 17, 2012 Rehearing on Bosworth' Request for Equitable Waiver of Dimensional Requirements (ZBA at 7:00 p.m. - originally scheduled for November 19th, continued to December 17th).

Carbonneau explained that there were only four (4) members of the PB present on November 19, 2012 meeting of the PB and the preference is for five (5) members for taking a vote on an issue such as this one.

Discussing the emotional aspects of the situation concerning the Bosworth's request and the kinds of comments some people have made at the earlier meetings, Morrison said that there is a Sargeant of Arms who ushers out folks who become disagreeable at meetings at the State level. If this happens here in a Town, it is a problem. He said that everyone needs to be respectful and agree to disagree without using bullying tactics.

Dell'Erba said that there was someone sitting behind Deb Crowder giving her grief during the last PB meeting. Johnson said that Deb wasn't allowed to speak again, while someone else was allowed to speak. Carbonneau was at the meeting being discussed and said that Mr. Bouffard was asking a question for clarification. She also said her impression of what happened at that meeting was that nothing was done that was disrespectful to Crowder.

Johnson suggested it might be helpful to have a policeman in attendance. Carbonneau pointed out that emotional meetings are part of dealing with the public. Johnson suggested using a recorder to keep folks civil at meetings. Carbonneau said that doesn't work because you can't identify who is speaking with a recorder unless people always give their names and they don't do that. DiLuzio made a comment that she hopes whatever comes out of the public hearing and subsequent actions will finally put the issue of the wetland setbacks to rest.

Morrison said he would go to Sarah Sumner to make a list of reasons as to why the 125 foot setback requirement is a good idea. He will gather the facts that the Conservation Commission has learned in the past and bring them to the public hearing. He is willing to be a spokesman for the Conservation Commission, but would welcome other members accompanying him to the hearing.

NEW BUSINESS

a. Notification of Wetlands Permit - Rail Trail improvements (stone box culvert).

Carbonneau reported that Bruce Bohanon received the notification for the wetlands permit. Repairs to the stone box culvert were to start today. DiLuzio asked if it would be rolled over again since the rock seems loose. Carbonneau explained that the rock was laid down when it was wet and will be packed down again.

b. Dealing with mail and other correspondence? Who will take care of this in Deb's absence?

Goodrich asked about the mail that was being handled by Crowder. Dell'Erba asked what he would do with the mail if he picked it up. Goodrich said that Dell'Erba would pass the mail onto Goodrich and it didn't make sense for Goodrich to pick up, so that he would do so. The current mail was reviewed by Goodrich and Johnson pointed out that much of it was November mail.

c. Reports from ARLAC, Open Space Committee, and SWRPC Natural Resources Committee

DiLuzio reported on the benches being provided by the Open Space Committee (OSC). She reported that there is one on Mt. Cresson and one on Honey Hill. The logger asked if the Commission would be interested in having trees cut in order to open up the view on both hills. **Motion** to have the logger cut trees to open up the view by DiLuzio and Morrison seconded. Discussion: Johnson asked about erosion. DiLuzio said the logger will pile up the brush, but won't remove the trees. The logger estimates the cost

at \$500 per day for each site. Goodrich asked about insurance. DiLuzio said she would have to find out about the logger having insurance. DiLuzio said the logger would prefer working in the springtime. Goodrich asked if we needed to get permission for Honey Hill to cut trees, but DiLuzio reported that Victoria Barlow said it would be okay. The group said that they thought \$500 per day to cut down a number of trees and remove shrubs was a reasonable price. DiLuzio said the logger didn't think it would take longer than one day. A decision was made to table the idea for now and re-open in the spring when it would be easier for the logger to do the work. The members did agree to go on a site walk to decide which trees should be removed and to mark them as such. Morrison and Goodrich will go to Mt. Cresson on Friday, December 7th to perform that task.

Coburn reported that teenage boys are using dirt bikes behind his house, and someone is cutting trees on conservation land to increase the area for the dirt bikes. He heard a chain saw cutting trees on conservation land so he walked over to the area and saw that the trees being cut were on conservation land.

Morrison reported that the Southwest Regional Planning Commission has moved their headquarters to Ashuelot Street.

Dell'Arba asked about approaching Michael Day to return to the Committee. Goodrich asked if there is an open slot on the committee. Johnson suggested that the members are in no hurry to add new members at this point in time. The members agreed to table the idea for now.

Johnson brought up the firing of guns in neighborhoods, especially during hunting season. Johnson says that maybe we need to do something about hunting on land between Route 10 and Route 32. She said that there are people everywhere, people walking, biking, rail trail being used. DiLuzio suggested the only way to control the situation is to talk to Yale Forest folks. Coburn suggested "safety zone signs". DiLuzio suggested a letter be written to Yale Forest owners from the Conservation Commission regarding putting up "safety zone signs". Johnson suggested that the Commission wait until some research is done. She is going to Concord this week, and she will research and bring what she finds back to the group. Morrison suggested Johnson talk to Marty Garabedian who is in charge of law enforcement. Morrison also suggested the Conservation Commission and Open Space Committee members attend a class on hunter education to learn about the emphasis on safety taught to hunters.

Regarding the PB public hearing for December 13, 2012, Johnson will be at that meeting, and Goodrich is planning to attend.

Adjournment – Move to adjourn by Morrison, seconded by Johnson. All in favor. ***Motion passed.***
Adjournment at 5:20 p.m.

Respectfully Submitted,
Beverly Bernard, Recording Secretary