

Enfield Conservation Commission – Meeting Minutes
DEPARTMENT OF PUBLIC WORKS
May 12, 2022

CONSERVATION COMMISSION MEMBERS PRESENT: Leigh Davis, Shirley Green, Jerold Theis (Chair), John Welenc

STAFF PRESENT: Whitney Banker-Recording Secretary

GUESTS: None

I. CALL MEETING TO ORDER:

Chair Theis called the meeting to order at 7:00 p.m. and took a “roll call” of members present.

II. NEW BUSINESS:

None.

III. REVIEW MEETING MINUTES: April 7, 2022

Ms. Green MOVED to approve the April 7, 2022, Minutes.

Seconded by Ms. Davis

Roll Call Vote:

Leigh Davis, Shirley Green, Jerold Theis (Chair), John Welenc all voting Yea.

None voted Nay.

None Abstained.

** The Vote on the MOTION was approved (4-0).*

IV. OLD BUSINESS:

A. Wildlife Crossing Signs

Chair Theis said that the wildlife signs when ready would be placed at Kluge Road, Jones Hill Road, Boys Camp Road, and Grafton Pond Road at each end. These roads were suggested by Mr. Jim Taylor, Public Works Director, based on the frequency of sightings and reports of wildlife being hit by vehicles. The signs will be sent to Chair Theis, and he will work with Mr. J. Taylor to get them mounted.

B. 11 Rainier Road

Chair Theis said the landowner had not supplied sufficient information to DES to construct a dock. What he had supplied was not in compliance with [Env-Wt 103.14](#) (“Grandfathered

41 [structure](#)”). A closed file by DES means they have removed considerations for the permit
42 submitted. Requirements for registration will need to be sent again if the landowner wishes to
43 continue to try and build a dock.

45 **C. Tabur Property**

46 Chair Theis said he had received a letter from a DES staff member in charge of the investigation.
47 “The project has not obtained approval from other NH DES programs either including shoreland,
48 sub-surface, or alteration of terrain”. Chair Theis said four different bureaus within DES are
49 involved with this case. Chair Theis said Ms. Davis attended the ZBA meeting on Tuesday, May
50 10 where the Tabur’s requested the fourth continuance. Ms. Davis said they did not mention
51 DES, but only requested the continuance. Pathways consulting requested the continuance and
52 left the meeting. Ms. Davis said the ZBA had a further discussion and would put the case on the
53 agenda for next month, and if they requested another continuance the ZBA planned to leave it
54 off the agenda until the applicants are ready to continue the case hearing. Ms. Davis said Mr.
55 Tim Lenihan (of ZBA) was under the impression that DES probably had not gotten to the case,
56 although Ms. Davis said she thought that they had. Chair Theis said that the evaluation provided
57 to DES by the Conservation Commission was reviewed.

59 Ms. Davis said the ZBA had requested a site visit, however, if enough of them go it is considered
60 a meeting, so they must follow the protocol for this.

62 **D. Other Land Cases**

63 i. Land Use Case Z22-05-01 – Mill Creek (Tax Map 33, Lot 29)

64 Chair Theis asked Ms. Davis if this was the case the ZBA had refused. Ms. Davis said she
65 believed so. This case was denied by the ZBA.

66 ii. Land Use Case – Tax Map 1, Lot 3

67 Chair Theis said that the property owner is planning to put in an equestrian riding academy. She
68 has been living at the property in a camper and requested a variance to do so for more than 6
69 months. Ms. Davis said this was approved for about 1 year she believed.

71 Chair Theis asked if the landowner had a sewage system. Ms. Davis said she did not know, but
72 that she knew Mr. Rob Taylor, Land Use Administrator, was on top of the situation. Chair Theis
73 said his concern is that the small brook begins from a pond that appears in the middle of the
74 property and runs through the property and runs into George Pond about where the Tabur’s
75 property is. Chair Theis said he knows from his personal experience that the accumulation of
76 horses means an accumulation of horse manure. Chair Theis said if the landowner plans to pile
77 manure near the brook, the runoff will have nitrates, phosphates, etc. This was something in the
78 approval of her equestrian center that was not discussed.

80 Mr. Welenc asked are there ways to contain the manure? Chair Theis said there are. He said the
81 accumulated material can cause problems with flies and the need to empty it. He said a

possibility would be to compost and sell the material. Mr. Welenc asked is handling the material properly and what we would want the landowner to do for approval/? Chair Theis said she already has approval, but if issues arose, they would need to bring them to the Selectboard and Mr. R. Taylor.

iii. Map 47, Lot 22A

Ms. Davis said that this case had a very thorough report and the ZBA found no reason to deny it. Chair Theis asked if the abutters made any objections and Ms. Davis said no.

E. Update on Conservation Commission Plan for Preservation of Habitat

Chair Theis said he had gotten the information that Ms. Davis had prepared, and Mr. Welenc would be working on it soon.

Chair Theis had compiled the information that Ms. Green, Ms. Davis, and Mr. Welenc were putting together.

He said there are 100 pieces of property that the Conservation Commission had identified as having the highest-ranked habitat. Using the tax maps, he has identified each parcel in this highest-ranked habitat and made a map of them. He will include this with the letter that is sent to the property owners. Mr. Welenc said that the maps are great, and Ms. Davis agreed. She said a friend of hers in a neighboring town had a surprising turnout of landowners who put their properties into conservation because of similar action.

Mr. Welenc said he had reviewed the content and found it excellent. He will plan to review it a few additional times. Chair Theis said the commission will edit the draft. Once everything is compiled, Chair Theis will provide a complete package to all members. After edits, final approval can be made in July or August. At that time, Chair Theis will know the mailing costs and the commission can vote on it at that meeting. The plan will be to send out the packets to landowners in September.

Chair Theis asked for commission members to write their components in a narrative form, like the introduction. Ms. Davis's section will be Health & Welfare, and Mr. Welenc's will be Open Space. Chair Theis asked for them to site narratively with bullet points about what has been shown to contribute to the health of humans and wildlife. He asked that references be cited.

Chair Theis said that Ms. Struckhoff is a Library Trustee, and he will contact her because the copies of the natural resources inventory are in a location that is not easily apparent to community members. Ms. Green said she noticed there is also only one copy at the Town Offices. Chair Theis said he had also put copies in the lobby at the Mascoma Bank and they appear to be disappearing very fast. Ms. Davis said she has an extra box of copies she will put at the town offices. Ms. Green also suggested putting some in the Department of Public Works meeting room. Chair Theis said he had also put copies at George's and A Farm Girl's Finds. Ms.

Green asked if there were any copies at Jake's, Chair Theis said there were not as the staff members said he would need to speak with the owner who is not there often. Ms. Green said that she will speak with the owner who is very community-minded about getting these out.

F. Payment to Whitney Banker, Recording Secretary

The March bill for minutes was \$127.80 and was approved by Chair Theis. Ms. Banker confirmed she had received this check and did not have an invoice for April 2022 (the next invoice will be May 2022).

V. NEW BUSINESS:

A. New Voluntary Non-Tidal Docking Structures Registration Process announced by DES.

Chair Theis read the write-up of the new process: [New Voluntary Non-Tidal Structures Registration Process](#).

Mr. Welenc asked for the definition of non-tidal. Chair Theis said he believed it was a lake that does not have a shoreline that goes up and down with the tide.

B. Shoreland Impact Permits:

i. Tax Map 26, Lot 13

Ms. Green asked what they want to do. Chair Theis read that the shoreland permit application has been found to meet or exceed RSA requirements. The DES issued the permit. Chair Theis said there is a list of things that the DES has required.

Ms. Green asked the owner, Chair Theis said it is the Parker Family Nominee Trust – W & J & S Parker, Trustees. Chair Theis said the property owner's primary residence is in Massachusetts, so it is likely a property occupied part of the year.

Mr. Welenc asked what some of the impacts are that DES mentions. Chair Theis read a few from the list that included septic requirements, land management for runoff, erosion, etc. Chair Theis said he wondered how the DES would see that these items were properly executed. Ms. Davis agreed there seemed to be a part of the process missing; she asked if the Conservation Commission was the entity to check on this. Chair Theis said they are not allowed to go onto the property but could drive by or go by on a boat to check on compliance.

Chair Theis said the Conservation Commission may want to consider buying a boat for cases like this. Mr. Welenc said he wondered if any town committee would have a part in this. Ms. Green wondered if Mr. R. Taylor might be involved. Chair Theis said that the regulations are by the state, but there are no regulations in the town for this. He said he could ask Mr. R. Taylor if he can check on this, but he does not believe town employees can go onto the property without the permission of the owner.

Chair Theis explained that if there is a situation where the landowners are suspected to be out of compliance, they can write to DES to investigate. He explained that the Conservation Commission wants to be sure of suspected violations and requirements before they write to DES.

Chair Theis asked for members to invite community members they know to join the Conservation Commission. He suggested thinking about community members with a background that could be helpful, for example, a botanist who might help identify endangered species, etc. Chair Theis suggested also considering an engineer who might be able to evaluate plans sent on development projects to advise the committee on if they are good plans or not. Chair Theis said this would be particularly helpful for dredge & fill permits, as the Conservation Commission is the only one who can pause a project in question for possible dredge & fill issues.

Chair Theis said he has asked Ms. Wendy Huntley, Town Manager, to send a copy of the dredge & fill permits that she signs to him. There were previous problems with the timeliness of the Conservation Commission being made aware of these permits.

ii. Tax Map 26, Lot 12

Chair Theis said DES listed specific requirements applied to the permit. 1406-15C. DES oversees this, and he does not believe the Conservation Commission has any input.

Mr. Welenc said all the Conservation Commission can do is keep an eye on these projects to ensure they comply. Chair Theis said yes. He reiterated that he would like members to consider purchasing a boat for this purpose. He asked members to consider where a boat would be moored, what is the mooring cost, etc. He said the two major lakes of concern would be Crystal Lake and Mascoma Lake.

iii. Tax Map 34, Lot 44

Chair Theis said this was a request for more information previously but has been approved by ZBA. Chair Theis said it appears that the DES is reviewing these and somehow determining if the information is appropriate or not. He does not know if they have a representative locally who reviews these, or if they send someone from Concord to look at them. Mr. Welenc asked if this is the property along the Mascoma River. Chair Theis confirmed it was.

C. Joint Meeting with Canaan Conservation Commission

Chair Theis said he had invited the Canaan Conservation Commission to come to a joint meeting, possibly the June meeting. Ms. Green said she could not make the June meeting. Chair Theis said they might need to move the meeting, as with only four members they must have all members present to hold a meeting.

Chair Theis said one of the things he hopes to speak with Canaan about is that Enfield's habitat extends into the neighboring communities. He would like to speak with them about how they can collaborate in the preservation of the contiguous habitat so that wildlife can move through wildlife corridors between these towns. Chair Theis said for example h would like to know how much land in Canaan in the highest-ranked habitat is under consideration for preservation. Ms. Davis said she believed there was recently a piece of land conserved; Chair Theis said he believed it was Bear Pond. Chair Theis said he would like to see if there is the possibility to get property owners, such as around Bear Pond, together to see about the possibility of a conservation easement.

Chair Theis said that there is a great deal of Canaan and Enfield that contribute to the Mascoma River Watershed. He believed there were well over 200,000-acres, but only 15,000 were conserved. He said this is another area where the Enfield and Canaan Conservation Commissions can get together and consider the extent of preservation of the Mascoma River Watershed.

Ms. Davis suggested bringing snacks for hosting this meeting. Chair Theis said he would plan to bring coffee and donuts.

D. Intent to Cut Permits.

i. Tax Map 9, Lot 56-2 – Oak Hill Road

Chair Theis said this is a small piece of property along Oak Hill Road. Chair Theis said the lot is 5.34-acres and the cut is 5.34-acres; it appears to be a clear cut.

Chair Theis said the areas of concern are drainage, and how the disrupted soil will be handled. They want to cut 64,000 board feet of white pine, and 1030 tons of biochip mass. The property owner, Dennis Sousa is also doing the cutting.

Chair Theis said the Conservation Commission does not have authority over timber cutting, it is a state issue. He said that Oak Hill Road has a large habitat for wildlife, and clear-cutting can alter the wildlife habitat. He said the harvesting of timber is not a problem, but how much is done and where it is done can impact wildlife.

Chair Theis said the Fish and Wildlife Service has indicated in the past that some diversifying of habitat is important. Cutting periodically can open the territory and has scrub and brush etc. which can result in a wider variety of wildlife. Chair Theis said the planned clear-cut would not eliminate wildlife but would change its variety of it in this way. Mr. Welenc and Ms. Davis agreed with this.

ii. Tax Map 10, Lot 4 – Route 4A

Chair Theis said that this is within the conservation district, it appears within the Upper Valley Land Trust and Department of Fish and Game land. Mr. Welenc said this was being done by the

state he had recently been through and seen this. Ms. Davis said this was part of their regular cutting. Chair Theis said yes this appeared to be part of the opening of the habitat discussed earlier.

iii. Tax Map 17, Lot 2 – Choate Road

Chair Theis said this is the lot that is off Lockhaven Road, Chair Theis said it is Choate Road.

Chair Theis said there are hydric soils and prime farmland. The acreage is 24 and they plan to cut 10.

E. Inspection of Smith Pond Dam

Ms. Davis said a few years ago when she was on the Conservation Commission this same thing happened. It is a privately owned dam, and the big question is who pays for it and what happens if/when it breaks.

Chair Theis said in the DES report that was sent to Mr. Jason Bernard of Upper Valley Land Trust that he should implement the following recommendations aimed at improving the conditions of the dam and extending its longevity.

The dam safety engineer listed from DES was James R. Weber.

Chair Theis said that there are some pictures as well, but the dam is in good shape. Mr. Welenc said the dam is in good shape, he believed the owner paid for the previous maintenance. Ms. Davis said she agreed she believed he did.

Chair Theis said reviewing the map if the dam were to break it would cause issues toward downtown or potentially the Lakeview community.

Chair Theis said one of the things to be mindful of is if the people who are responsible for the dam put the property up for sale. The dam is a significant responsibility and a considerable cost in maintenance if it needs to be replaced. Chair Theis said he believed a large portion of the dam was dirt. Mr. Welenc said he believed it was more concrete than depicted in the photos.

VI. CORRESPONDENCE:

A. Invasive Species Inventory and Management Plan

Chair Theis said that this will be presented to the Selectboard on May 16, 2022, by Dubois and King. Attendance by Conservation Commission members is encouraged.

Chair Theis said he has written to Mr. Ed Morris, Town Manager about this. The plan originally considered was that an inventory was to be done on the town-owned property, however the presence of Japanese knotweed on private property also needs to be evaluated. Chair Theis raised the following points to Mr. Morris:

286 -Not taking inventory of private property with Japanese knotweed is a problem.

287 -Getting property owners to remove it may be an issue.

288 -The insecticide/herbicide they plan to use has varying degrees of its toxicity. The FDA says it is
289 not cancer-causing, but private organizations that have investigated it says it is cancer-causing
290 for wildlife.

291
292 Chair Theis said he would like members to look at these ideas and research the herbicide to be
293 used. He will email members the name of the herbicide as he did not have it written down for the
294 meeting.

295
296 Chair Theis said it would be good to have representation from the Conservation Commission at
297 this meeting. Ms. Green said she is planning to attend.

298
299 **B. New Hampshire Senate and House pass Landfill Setback Bill 1454**

300 Chair Theis said he received notice that this bill recently passed following some compromises.
301 This is to replace the one-size-fits-all setback with a site-specific setback. The landfill setback
302 now must be related to the ability of the soil to screen out pollutants. This applies to all landfills
303 in New Hampshire.

304
305 Chair Theis said that the dumpster for trash at the Enfield recycling center goes to the landfill,
306 and the Lebanon Landfill has about two years of space left to take this. According to Casella,
307 after this, it will need to be taken to Bethlehem. The cost of disposing of the trash will increase
308 likely due to this increased removal. Chair Theis said that an increase in population would also
309 increase service costs like this. He said the carrying cost of a community is important and the
310 current cost of living in Enfield seems to be driving out long-term residents. It is important for
311 community members to understand the impact of fragmentation on roads, houses, etc. and that
312 this affects wildlife movement.

313
314 **C. Budget for CC:**

315 As of April 30, 2022, there is 91.19% remaining in our budget allocation of \$2,725.00
316

317 **D. From Negative Population Growth: Paper on Why Open Spaces are Important**

318 Chair Theis said he recently read a paper from the [Negative Population Growth organization](#) that
319 the issue of open spaces is being researched. He suggested members may wish to review this
320 information and see what could be useful to the Conservation Commission.

321
322 **E. From Yale Environment 360: Article on Unnatural Barriers: How the Boom in Fences is**
323 **Harming Wildlife**

324 Chair Theis shared that he recently read the article [Unnatural Barriers: How the Boom in Fences](#)
325 [is Harming Wildlife](#) from Yale Environment 360. Chair Theis said this is regarding
326 fragmentation through fencing. The article is mostly related to Africa, but the idea is still

relevant to Enfield. Building fences in the area is not common, however, roads are a similar fragmentation issue. Chair Theis said the wildlife signs he hopes will remind community members to drive carefully. He said he recently was provided photos along Bog Road of a young moose in the area. He said moose do not have a tapetum lucidum underneath the retina of their eye that reflects light. This makes them harder to see at night.

Chair Theis said community members need to be made aware of things like this, particularly those who are coming from urban communities and may not be familiar with wildlife. Chair Theis said there is no way for wildlife to safely get from the larger portion of Enfield to the section on the other side of I89. He had written to the NH DOT and pointed out between Exit 14 and Exit 16 are one of the most common areas for bear, deer, and other large game being run into; he suggested this area may benefit from a wildlife passage under the highway. He has not heard if they are considering this. Chair Theis said the area that is along Smith Pond Road is very well open and is maintained by several owners of large properties. There is also a wildlife preservation area, the [Henry Laramie Wildlife Management Area](#), that extends into Plainfield. He says he hopes that this area will stay open and continue to provide passage to wildlife.

F. Agenda for 2022 Spring Roundtable for NHACC

Chair Theis said that there is a group of granting agencies that provide funding for Conservation Commissions to carry out projects.

Chair Theis said previously they never had to get permission from the Board of Selectmen to accept a grant. He is going to check with Ms. Meredith Smith about this, and if it is not required the Conservation Commission can review these grants and see if there are projects they might want to do and apply for the grants associated.

Chair Theis said he would like to get the Conservation Commission as autonomous from political intervention as possible. Per RSA's they can buy land, and have total control over the trust fund, etc. Chair Theis would like to find out to what extent the commission can accept grant money without approval; he wants to be sure the commission can do the things they feel are important.

Chair Theis said he would look over the grant agencies to see if one might help with the purchase of a boat.

VII. OTHER BUSINESS:

A. Trail Master – Alan Strickland

Chair Theis said nothing more had been done with the recent hiring of a recreation director. He would like to work with recreation regarding times of the year when higher trail traffic is problematic for wildlife.

Chair Theis said he would also like to see if they can make the trail master position paid because of the work involved. He would like to meet with the recreation director first to gauge interest in collaboration.

Chair Theis said Mr. Strickland would be a good example of someone with the knowledge to do this. He had spoken with Mr. Strickland who said he would be willing to accept the position.

B. Cat Buxton's presentation at Old Home Days

A previous meeting discussion involved inviting [Ms. Cat Buxton to present](#) at Old Home Days. Ms. Buxton had done a presentation for the Eastman Charitable Foundation that Ms. Davis had attended and felt would be a good fit for Old Home Days.

Ms. Davis said the only space available for Ms. Buxton to present during Old Home Days would be on a Sunday, September 25, however, Ms. Buxton said she would be available on a Friday.

Ms. Green asked if this presentation would be instead of the hike, and Ms. Davis said yes.

Ms. Davis said she would contact Ms. Buxton about her availability

V. NEXT MEETING: June 2, 2022

VI. ADJOURNMENT:

Mr. Welenc MOVED to adjourn the meeting at 8:53 p.m.

Seconded by Ms. Green

Roll Call Vote:

Leigh Davis, Shirley Green, Jerold Theis (Chair), John Welenc all voting Yea.

None voted Nay.

None Abstained.

**** The Vote on the MOTION was approved (4-0).***

Respectfully submitted,

Whitney Banker

Recording Secretary