

Enfield Conservation Commission
March 7, 2019 Minutes

Members Present: Alan Strickland, Shirley Green, Terry Terry, Sue Hagerman, Dolores Struckhoff, Jerold Theis

Excused: Jay Welenc

Public present: Kurt Gotthardt

Alan Strickland called the meeting to order at 7:03 pm.

Mr. Strickland introduced Ms. Alice Kennedy as the new minute taker.

Introduction of Terry Terry:

Mr. Terry brings many years of related experience to the Commission. He related to the group that he has spent time as civil engineer, performing building and construction all over the world. He has spent significant time in the Army Corps of engineers, and as a professional engineer has performed building and home inspection. He is also a ski instructor at the Dartmouth Skiway, specializing in adaptive skiing. Mr. Strickland welcomed Mr. Terry and stressed that the Commission needs an engineer.

Mr. Jerold Thies agreed with Mr. Strickland, remarking that Mr. Terry sounds like a successful engineer who knows the business and he is happy Mr. Terry is willing to serve!

Mr. Terry is signed up with the Commission until 2022.

Approval of February 7th minutes:

Changes requested: page 2 please change 'parking look' to 'parking lot'

Sue Hagerman moved to accept the minutes of February as corrected with Shirley Green seconding. The vote was 4-0 in favor of the motion with Mr. Terry and Ms. Hagerman abstaining.

Motion to approve reimbursement to Dolores Struckhoff for wildflower ballot:

Ms. Struckhoff explained that we are having a Town of Enfield wildflower contest and everyone will be invited to vote for the Enfield Town Flower. There will be voting in town office and library, and final voting at Town Meeting on the 16th. Some posters will be put up at the Bank and at local schools. The plan is to pick up ballots at the town office Friday prior to town meeting, compile into the 5 contestant flowers, perform a preliminary count, and then count whatever comes out of town meeting with an announcement of the winner at the end of town meeting.

Mr. Strickland stated that he had discussed this with David Beaufait and he has agreed to announce at end of town meeting.

Mr. Theis stated that he thought voting was March 1-March 17th and Town Meeting is the 16th.

Ms. Struckhoff confirmed that voting would end on the 16th and results would be announced at the end of Town Meeting.

Shirley Green stated that she would pick up the ballots Thursday.

Mr. Theis stated that the Mascoma and Indian river principals have hung the informational posters in their schools.

Mr. Strickland stated that we should be at Town Meeting at 8:15 to set up in the lobby to catch people to vote on their way in.

Ms. Hagerman asked if there are any other places the group should hang?

The group suggested the pharmacy, Mickey's, George's, Proctors, Ms. Hagerman will look into their ability to hang a poster at the Post Office.

Ms. Hagerman stated that with regard to expenses, the large posters came to \$202.00. We have a little bit of a special rate. Printing of smaller posters was \$60 dollars, ballot boxes (4) at \$4.99 each, came to \$19.96. She stated that she will revise an invoice and have you sign at town meeting, 79.96 plus photos.

The total expenses will be roughly \$300 to Laura Mayville, directly from the town.

Ms. Hagerman made a motion to cover all expenses with Ms. Green seconding. The vote was unanimous in favor of the motion, 6-0.

It was announced that this year marks the 25th anniversary of "the trail". It was conserved in 2006 but has been part of town since 1994. Old Home Days would be a good place to celebrate this.

NH Fish & Game: Letter from Jim Oehler, State Lands Habitat Biologist, permit to reconstruct bridge at Cole Pond entrance. No action needed.

Mr. Strickland informed the group that they had to get a permit, no action required, this was informational.

Sugaring: Tapping trees for sugaring on Town land in Harris Brook lots, charging rent, \$1.00 / tap to an abutter?

Mr. Strickland explained that a local resident, Nick Felix, has approached the Town manager about the possibility of tapping sugar maple trees on the Harris Brook property in Canaan. He is a relatively large-scale maple sugar-er and already taps adjacent foreland along the same road. According to Jim Taylor who operates a big-time sugar operation, says that a \$1.00 per tap is the going rate.

Ms. Hagerman stated that she thinks it should be taken down in off season because it is in a wildlife area.

Ms. Hagerman made a motion that we approve the rental at \$1.00 per tap with requirement that the tubing is removed at the end of the season.

Mr. Strickland would like to add to the motion that they follow the tap diameter guidelines of no less than 12 inches in diameter – we don't want to bleed our trees dry for the standard fee.

Ms. Hagerman stated that she is not sure if we want to get in the business of doing this.

Mr. Terry stated that the tubing will likely be plastic as it is the most hygienic.

Ms. Struckhoff stated that if an animal eats a bit of plastic left on the ground that could be problematic and she could not support that.

Mr. Terry second Ms. Hagerman's motion that we approve the rental at \$1.00 per tap with requirement that the tubing is removed at the end of the season, and with Mr. Strickland's request to follow the tap diameter guidelines of no less than 12 inches in diameter.

The vote was in favor of the motion 5-0 with Ms. Struckhoff abstaining as she does not have enough information to make a vote would like to know if tubing is plastic or not.

NH Association of Conservation Commission Dues

Mr. Theis stated that he called the association this afternoon and asked what would happen if we did not pay the dues. He has not received an answer yet. We should not send until we get a response. Tabled until next month.

Mr. Strickland stated that he will be discussing the need for transparency with Ryan Aylesworth after the Town Meeting is over.

Correspondence: Shoreland Permit Application for Michael Michalenoick, Map#18, Lot#52, Route 4-A, Mascoma Lake. Project description: To build a 672sq ft addition on to an existing house and install a storm water drainage system. Comments on project, no action needed.

Mr. Strickland stated that this is asking if we have any input. The plans are here, no impact to shoreline.

Mr. Terry asked if it will be part of existing structure.

Group examined and discussed the plans. Mr. Terry explained the addition in detail to the group.

Ms. Struckhoff asked if this will impact Zoning?

Mr. Terry explained that it is a little over a half acre and Zoning, Planning and permits should be involved.

The Conservation Commission comment is a request to make the above consultations and to 'follow the rules'.

Mr. Gotthardt, as a member of the Zoning Board, offered that if you folks want to get notified, of ZBA and Planning Board stuff, just ask to be cc'd with the information that the board members receive and you could attend the meeting as a member of the public or you could do a more formal note from the Conservation Commission about your comments or concerns. Right now the interim Zoning and Planning Administrator is Vickie Davis so you could contact her. We never considered to bring things before the Conservation Commission but would be happy to share information.

Mr. Theis stated that I haven't been to planning board meetings in the past few months. I was told if I wanted to speak on behalf of CC I needed a letter from the CC or the town. If we don't

get the information prior to the meeting to make a decision, I just hope we can get the information prior to the meeting so we can determine if we are concerned or not.

Ms. Green made a motion to formally request that the Conservation Commission be copied on decisions made by the Planning Board and ZBA, with Sue Hagerman seconding. The vote was unanimous in favor of the motion, 6-0.

Mr. Strickland will follow up with the above request to Vickie Davis, Interim Zoning and Planning Administrator.

Ms. Hagerman stated that we used to have a regular attendee from the Board of Selectmen, what happened to that? Ms. Hagerman will contact the Board of Selectmen and request regular presence.

Intent to Cut: Map#13, Lot#22, Blood Road, Roy Adolphson

Mr. Strickland stated that the issue at hand has been going on for 10-15 years. There is a lot of history to this issue. The police and the Conservation Commission have been involved. Mr. Gotthardt offered that the person in question lives primarily out of state as he has never seen him or a car in the garage.

Mr. Strickland stated that Mr. Adolphson has cut a snowmobile trail for himself on town property that goes into other private parcels and continues westward. I'm guessing he has got permission but not from the town.

Ms. Hagerman stated that he's been spoken to by the town, had a formal contact and I think with the new administration he is trying again.

Mr. Strickland stated that it's not a prohibited use, there's no environmental harm, there is possible noise pollution, and wildlife may be affected. Mr. Strickland lives several hundred yards from the trail. He stated that he walked it in late January and there was no evidence, this has just come up late January through the 1st of Feb. By the time we realize it the season is almost over.

Ms. Hagerman stated that she does not like that this is a persistent issue.

Mr. Terry asked if he has been formally talked to via mail, via registered letter, has anyone done anything with that since then?

Ms. Hagerman stated that we could look at the history.

Mr. Strickland stated that the police looked at it and no charges were filed.

Mr. Gotthardt stated the following: In my letter I said that I noticed this years ago with all different town administration and Police Department. I was told verbally that they spoke with

the person, and because it was a police matter I got no more information. Another year goes by and its still happening.

Mr. Terry asked is this a matter for us or for the selectboard? The selectboard will likely ask what is our suggestion, so we should be prepared with a suggestion.

Ms. Hagerman stated that we don't approve of people cutting trails.

Ms. Struckhoff asked the group 'do we want to give him permission'?

Mr. Strickland agreed, that is the question.

Mr. Theis stated that in the Bicknell Brook parking lot there is a private property sign.

Mr. Gotthardt stated that sign is on Mr. Adolphson's house.

Ms. Green suggested that the Commission send him a registered letter, and Mr. Theis stated that it should probably be from the town attorney asking him to stop and not maintain the trail.

Ms. Struckhoff wondered if there is any way that we can work with Mr. Adolphson on this issue? Ms. Hagerman stated that we've done that, we've reached out to talk to him and he didn't respond, so it came to a more definitive statement and he appears to be ignoring it.

Mr. Gotthardt stated that he does not like that he is using this property as his personal snowmobile trail. The clubs have to get written permission, and this person is ignoring all of that. If it is open for snowmobiles it should be open for everyone.

Mr. Terry stated that the Commission needs to know what the paper trail is, and Ms. Hagerman agreed that we need to research what we did in the past, in the minutes within the past few years during the winter months, and go from there to pursue it within the town.

Mr. Gotthardt stated that there should be a police report as well.

Ms. Hagerman made a motion to designate Kurt Gotthardt to check on electronic minutes from town as pertain to this issue and Mr. Strickland to follow up on rebuilding the history with paper minutes and police reports, with Ms. Green seconding. The vote was unanimous in favor of the motion, 6-0.

Mr. Strickland stated that once this is all in place we can present to selectboard and town manager.

Mr. Terry stated that once we have all of the research done we can examine it and take it from there. We need to find out what was done in the past and go from there.

Ms. Hagerman asked if can we walk the trail?

Mr. Strickland stated that he did, he went as far as he could until he came to a fence, that could be indicative of someone's house. He couldn't see where the trail crosses Boys Camp Road.

Ms. Hagerman stated that she has been hearing snowmobiles more recently. She hadn't heard a great deal of activity in 30 years. There is a trail by Bicknell Brook.

Mr. Theis stated that with regard to RSA 215-A:29x1 someone ought to be responsible for letting us know if there have been filed complaints. If this guy is not asking permission that's not ok. Having your property in current use does not require you to allow people to recreate on it. You get a special tax deduction if you allow recreation on your property, excluding ATVs and snowmobiles.

Mr. Gotthardt suggested that the landowners may not know that you have to ask permission to do something like this.

Mr. Theis stated that the landowners whose property is being used may also not be here in the winter to know that their property is being used in this way.

Mr. Gotthardt let the group know that he will have his research done and to the Commission by the time of the next Conservation Commission meeting.

The letter below was read into the record by Mr. Gotthardt:

Kurt Gotthardt: 2/27/19

To the Enfield Conservation Commission:

I am formally requesting that the Enfield Conservation Commission, address the situation of an abutter to the Bicknell Brook Natural Area who has been riding their snowmobile onto and across the Bicknell Brook property.

It is my understanding that no one has been giving permission to ride a snowmobile or any other type of ORV (off road vehicle) onto this property by the Selectmen or town manager. (Permission to ride any ORV onto someone else's property is required form the landowner by state law RSA 215-A:29X1.)

This activity is not the first time / year that this has happened. This has been an ongoing problem, and obviously, nothing has changed. Previous town Management did talk to the abutter when they cut the trail on the Bicknell Brook property and stared to ride their snowmobile there. I did walk part of this trail to see if any new cutting / trails were created but did not see anything in the part that I walked.

The snowmobile tracks star at on house (abutter) and go across the lower section of the open area, and then into the woods along the trail that was cut for this purpose. There are no other tracks coming onto the property from any other location that I have seen, so it seems that his abutter is treating the Bicknell Brook Lot as their personal snowmobile playground.

If the Conservation Commission / Town wants to allow snowmobile use of this property, it needs to be open to everybody and posted as a permitted use. Town owned property is for the benefit of all taxpayers, not just for a select few who happen to live next to it and decide that they can treat it as an extension of their backyard to do whatever that pleases them. (Such as cutting a snowmobile trail for their personal use.)

Kurt Gotthardt

Having no other business the meeting was adjourned at 8:10. Sue Hagerman made a motion to adjourn, Jerold Theis seconded. The vote was unanimous in favor of the motion, 6-0.

Adjourn

Respectfully submitted
Alice Kennedy