

Enfield Conservation Commission – Meeting Minutes
DEPARTMENT OF PUBLIC WORKS/MICROSOFT
TEAMS PLATFORM
AUGUST 4, 2022

CONSERVATION COMMISSION MEMBERS PRESENT: Shirley Green (Vice-Chair),
Jerold Theis (Chair), John Welenc

CONSERVATION COMMISSION MEMBERS ABSENT: Leigh Davis, Doug K. Smith

STAFF PRESENT: Whitney Banker-Recording Secretary

GUESTS: Bill Chabot (Chair, Canaan Conservation Commission), Elizabeth Chabot (Secretary, Canaan Conservation Commission), Thomas Oppel (Member, Canaan Conservation Commission & Canaan Planning Board), Alice Schori (Alternate, Canaan Conservation Commission), Cody Hussey (Member, Canaan Conservation Commission)

I. CALL MEETING TO ORDER:

Chair Theis called the meeting to order at 6:59 p.m. and took a “roll call” of members present.

Chair Theis welcomed the Canaan Conservation Commission members. Chair Theis said that he had sent letters to the surrounding town conservation commissions and Canaan was the only one that had responded. He said that Enfield’s Conservation Commission would like to discuss the Highest Ranked Wildlife Habitat between Enfield and Canaan.

Chair Theis explained the contiguous habitats that go between Enfield and Canaan. He said that the commission is interested in, to what extent, Canaan is knowledgeable about large landowners and their interest in conservation. He said that the commission also hopes to work together on a conservation program that extends beyond Enfield’s border. He said that the wells that supply the local water system are located in Canaan. One is filled with alpha-radiation and cannot be used directly (it must be diluted with water from the other three wells). He said that water conservation is another important issue for Conservation Commissions. Everyone in Enfield relies on well water, whether on the municipal system or individual well water systems.

Chair Theis said that these were the issues that Enfield’s Conservation Commission had thought of and hopes to collaborate with Canaan on. He said he would like to open the discussion on how best to protect these habitats.

Chair Theis directed Canaan members' attention to page 78 of the Natural Resources Inventory. Only about 15,000 of the acres that drain into the Mascoma River are conserved. The issue of foresting, development, etc. causes runoff into the river more than it should.

II. JOINT SESSION WITH CANAAN CONSERVATION COMMISSION:

A. Joint meeting session with Canaan Conservation Commission Members to discuss:

- *Items of joint interest for discussion: contiguous habitats of importance for protection*
- *How best to protect these habitats for Wildlife, Recreation, and Water management*
- *Mascoma River drainage and flood protection.*

Mr. Chabot (Canaan Conservation Commission Chair) said that they had started a mailing to large property owners, in particular one along West Farms Road (between Canaan and Enfield). This is a critical area that Canaan had identified as well. He said that there is another critical landowner in this area who is a real estate developer and is not interested in conservation.

He said that Canaan would love to work with Enfield as they have identified some of the same critical areas. Mr. Oppel said that there is a possible land area along Goose Pond Road. Chair Theis asked if there is a lot of timbering going on there. Mr. Chabot said they had not been out to the area since the winter to observe this.

Chair Theis said that one thing Enfield has considered is putting up a warrant article to allow Enfield's Conservation Commission to put up fines. Mr. Chabot said that Canaan gets a cap of \$5,000 that they can use, maximum.

Chair Theis asked if Canaan had been in touch with the Upper Valley Land Trust (UVLT), or other local groups with an interest in conserving land by purchasing it. Mr. Chabot said that they had not, other than turning over Bear Pond to the UVLT. He said they are not aware of any properties that are currently in discussion for conservation with UVLT in Canaan. Chair Theis asked what Canaan's real estate activity was like, were there a lot of out-of-state community members moving? Mr. Chabot said yes. He said in the last two years there have been almost a half dozen homes built or changed hands in the area of Goose Pond Road where he lives. Mr. Oppel said that he did not have a percentage, but he would not say there has been an unusual amount of activity in new development in Canaan. He said that what they have seen is more people coming in with subdivisions ahead of building. One was proposed on Fernwood Farms Road but was withdrawn due to road costs for the development. He said that because Canaan does not have zoning, the construction piece of development does not necessarily have to come to the Planning Board in Canaan. Mergers, subdivisions, etc. have to come to the Canaan Planning Board, but building does not (aside from road constructions, culverts, etc.). Chair Theis said that the Conservation Commission is just an advisory body, not a regulatory body. He said he feels there will always be turnover in the houses that are in town. What concerns him is new construction. There is a proposal for a 230-acre major subdivision off Lockhaven Road, in a

80 wetland area off Mud Pond Road that extends into Canaan. He said these are the kinds of things
81 that the two towns might be able to collaborate on. Ms. Schori said there is an area she is not
82 sure if it is in Canaan or Enfield, but there is a rare orchid that grows out near the pond. There
83 used to be a trail. This is habitat that the state is interested in and would likely be displeased with
84 the shoreline being developed.

85
86 Mr. Oppel said he would like to check with the Canaan Planning Board Chairman. He said that
87 his understanding is a large subdivision, even if in Enfield, with property that extends into
88 Canaan they should also come before the Canaan Planning Board. Chair Theis said this is
89 important habitat that would be disrupted by potential development. There was recently a
90 meeting with Lebanon about water preservation, which is inconsistent with the regular
91 development going on. Vice-Chair Green said that what brought this committee about was the
92 cyanobacteria blooms. Mr. Chabot said that Goose Pond has had a lot of cyanobacteria blooms
93 as well. Mr. Oppel said that Canaan Street Lake did have other bacteria that had closed the beach
94 for several days, but not cyanobacteria this year. Vice-Chair Green said that the commission is
95 hoping to get representation from Canaan Conservation Commission as well.

96
97 Chair Theis asked for the names and email addresses of members attending. Mr. Welenc
98 suggested brief introductions. Canaan Conservation Commission members introduced
99 themselves.

100
101 Chair Theis said that Enfield's Conservation Commission is trying to get a Trails Master
102 position. Canaan and Enfield both agreed that it is important to encourage involvement from
103 younger generations. Mr. Hussey Said that he also sits on the board of the Northern Rail Trail,
104 and it is a similar situation, mostly an older generation aside from himself. He said he does not
105 have an answer to suggest the best way to get involvement with younger generations.

106
107 Enfield Conservation Commission members introduced themselves. Mr. Welenc suggested
108 collaborating on a marketing plan to encourage participation from younger generations in the
109 local Conservation Commissions.

110
111 Chair Theis said he thought that the two groups should come up with a list of things they think
112 they can work on from both sides of the town borders, as well as what potential obstacles they
113 see within their towns.

114
115 B. Mr. Welenc said that there has been a recent issue with potential development on George
116 Pond, which has sparked discussion of a potential increase in the buffer for wetlands. Chair
117 Theis said that the legislature abdicated the responsibility of setbacks to the communities beyond
118 the 50'. Enfield was unaware of this, so they currently only have the 50' buffer. Mr. Welenc said
119 that the setback increase may be another potential item to work together on. He said he believed
120 this would have to be a warrant article. Chair Theis said it would need to be a warrant article.

Chair Theis said that he and Mr. Green (Vice-Chair Green's husband) were working together to send water samples along Crystal Lake for testing. They have found certain bacteria near homes on very small lots with old septic systems that do not have a proper chance for the effluent to be filtered out.

Chair Theis said that he believed they did not have a building code in Canaan. Mr. Oppel said that Canaan does have a limiting building code but has no zoning. He said there is some limited zoning for major wind development, flood zones, etc. He said that he has been shot down several times when advocating for town-wide zoning in Canaan.

Mr. Oppel said he thinks these meetings are a great idea, and he thinks they should consider more regular meetings. He also suggested inviting state legislators to speak with Enfield and Canaan to talk about issues specific to this area (beyond the larger meeting that the state takes place). Mr. Welenc agreed, discussing shared concerns that impact both towns. Mr. Oppel said he would also suggest talking with Hanover and Lebanon as well, possibly presenting it as a watershed issue. Mr. Oppel said that both Hanover and Lebanon have many senior members who have been there a while and may have knowledge of legislation. Mr. Chabot said Lebanon should also have high interest given the water supply.

Chair Theis said Enfield is in the process but has not completely formalized the summary they plan to send to 110 Enfield community members who have a property with significant habitat value. He said they have included a handout that lists the properties, and a photograph so they can see where their habitat coincides. Chair Theis passed around a copy for Canaan members to review.

Mr. Hussey Asked how the maps and booklet were created. Chair Theis said UNH, Fish, Wildlife, and other federal agencies had created many maps. The Enfield Conservation Commission took the maps and shrunk them down, and traced areas related to the habitats and other things to create the maps. They include farmland, wetlands, hydric soils, drainage ditches, and wildlife corridors. He said that the material was taken to Gnomon Copy to develop the Natural Resources Inventory. It was the first inventory done in 17 years. They were passed out by hand at every home in town. Stacks are also available at the bank, Town Hall, Post Office, grocery stores, and Library for community members they were unable to deliver to by hand. Chair Theis said there were originally about 2,000 printed and he has about 400 left. Chair Theis said that he had just received a letter from a community member with thanks for the work on the Natural Resources Inventory, and the work of the Conservation Commission. Vice-Chair Green said this community member would be a good candidate for Enfield's Conservation Commission. He is a long-time resident.

Chair Theis invited Canaan members to stay if they wished. Mr. Hussey asked if Canaan could have a copy of the letter Enfield's Conservation Commission will send to the highest-ranked habitat landowners. Chair Theis said he would.

Commission members agreed they felt it would be good to get together at least quarterly. Mr. Chabot suggested the Mascoma River Local Advisory Council as another group of people to involve in the discussion between the two Conservation Commissions. He said he believes there are currently several representatives from Enfield and Lebanon on that committee. Mr. Chabot said he will provide a list of large landowners with the highest ranked habitat in Canaan that have contiguous habitat with Enfield.

Chair Theis said another thing the two groups should do is figure out how Conservation Commissions can keep and maintain the land.

Canaan Conservation Commission meets on the second Monday of every month.

Chair Theis asked Mr. Chabot if he would be interested in getting together in October. Mr. Chabot said this would be good and that Canaan would start to put some ideas for collaboration together. Mr. Oppel said this was a good time ahead of town warrants, town meetings, etc.

Canaan Conservation Commission members thanked Enfield members and left at this time.

ENFIELD MEETING

Chair Theis called the Enfield Conservation Commission meeting session to order. He explained that Ms. Davis had notified him ahead of time she would not be able to attend this meeting.

III. APPOINTMENT OF NEW MEMBER

Mr. Smith did not attend. Chair Theis said that he had been notified Mr. Smith was appointed to the Conservation Commission by the Selectboard at their August 1, 2022, meeting.

IV. REVIEW MEETING MINUTES: July 7, 2022, & July 12, 2022 (Special Meeting)

A. July 7, 2022, Minutes:

Chair Theis MOVED to approve the July 7, 2022, Minutes presented in the August 4, 2022, agenda packet as presented and amended.

Seconded by Mr. Welenc

Amendments:

-Line 146 - McDaniels

Roll Call Vote:

Shirley Green (Vice-Chair), Jerold Theis (Chair), John Welenc all voting Yea.

None voted Nay.

None Abstained.

** The Vote on the MOTION was approved (3-0).*

B. July 12, 2022 (Special Meeting) Minutes

Mr. Welenc MOVED to approve the July 12, 2022, Minutes presented in the August 4, 2022, agenda packet as presented and amended.

Seconded by Vice-Chair Green

Amendments:

-Line 23: previous meeting's minutes

Roll Call Vote:

Shirley Green (Vice-Chair), John Welenc all voting Yea.

None voted Nay.

Jerold Theis (Chair) Abstained.

** The Vote on the MOTION was approved (2-0-1).*

V. REVIEW OF HIGHEST RANKED HABITAT LETTER

Chair Theis said that if everyone is satisfied with the material, including the ranking of the properties (about 7/8 pages), he would get a quote for printing from Gnomon Copy for 110 copies and the map.

Vice-Chair Green MOVED to send the material to the 100 landowners.

Seconded by Mr. Welenc

Roll Call Vote:

Shirley Green (Vice-Chair), Jerold Theis (Chair), John Welenc all voting Yea.

None voted Nay.

None Abstained.

** The Vote on the MOTION was approved (3-0).*

244 **Chair Theis *MOVED* to get a quote from Gnomon Copy for the materials that will be sent**
245 **to the 100 landowners.**

246 ***Seconded by Mr. Welenc***

247
248 **Roll Call Vote:**

249 **Shirley Green (Vice-Chair), Jerold Theis (Chair), John Welenc all voting Yea.**

250 **None voted Nay.**

251 **None Abstained.**

252
253 **** The Vote on the MOTION was approved (3-0).***

254
255 Chair Theis said he will get a quote and should have it for the September meeting to vote on for
256 sending it out. Chair Theis said he plans to have members address manilla envelopes (CC will
257 pay for the postage and envelopes). Vice-Chair Green said she felt hand-addressed items were
258 more likely to be opened.

259
260 **VI. OLD BUSINESS:**

261 **A. DES request for more information for wetland permit standard Dredge and Fill for 12**
262 **Melendy Lane, tax map # 21, lot #48**

263 Chair Theis said that there is a list of requirements from DES for the wetland permit Dredge &
264 Fill at 12 Melendy Lane.

265
266 **VII. NEW BUSINESS:**

267 **A. Review of Shoreland Permit proposal for tax map 17, lot 26**

268 Vice-Chair Green asked what is it they want to do. Chair Theis said they hope to build
269 something along the shoreline.

270
271 **B. Review of Shoreland Permit application for tax map 17, lot 24**

272 Chair Theis said that this is another request for more information. DES is keeping up with these
273 places.

274
275 **C. DES request for more information for Shoreland application tax map 47, lot 41**

276 Vice-Chair Green asked if this was a small lot. Mr. Welenc said that it was a larger lot. Vice-
277 Chair Green said it may look like a big lot on the map, but it is very small for any kind of
278 development. Vice-Chair Green asked what the landowner wants to do. Chair Theis said the
279 DES is requesting more information. Mr. Welenc said it was not well explained. Chair Theis said
280 that the note he has said that the shoreland application meets or exceeds the RSA.

281
282 **D. Review of Seasonal Dock permit for tax map 47, lot 1 on Crystal Lake.**

283 Chair Theis said Mr. Regan wants to build a U-shaped 54' dock due to the inability to launch
284 boats from the shore (a very shallow area). He had given this to the Crystal Lake Association.

Vice-Chair Green said she thought they may approve it with stipulations. This is a very shallow area.

E. Review of Dredge and Fill wetland permit Oak Hill Rd, tax map 9, lot ROW replacement of culvert with a Bridge by the town of Enfield.

Chair Theis said he had asked Public Works Director, Mr. Jim Taylor if once the bridge is in if they will continue to sand. Mr. Taylor said they will continue to sand, due to ice on the bridge.

F. Review of gravel pit permit application tax map 1, lot 10

Chair Theis said this is for Mr. Art Conkey who wishes to open a new gravel pit. Chair Theis had sent a letter to Mr. Conkey asking for permission to enter the property to review the beaver dam there as well as the drainage from Eastman. Chair Theis said he had not yet received a receipt of the letter which he sent on July 15. Chair Theis read the letter. Chair Theis said this property lies over a major aquifer. Vice-Chair Green clarified that Mr. Conkey never replied. Chair Theis said he did not reply. He said that he had also not received a return receipt that Mr. Conkey received the letter.

Chair Theis read Chapter 155-E Local Regulation Excavations
Title 12 – Public Safety and Welfare

Item #6 – where the excavation would damage a known aquifer the regulator should not grant a permit.

Chair Theis said if gravel excavation is capable of damaging that aquifer, the Planning Board should not issue a permit. The area has not been mined for 19 years and does not have grandfathered status any longer (it has been more than 2 years). Chair Theis said he believed Mr. Rob Taylor, Land Use Administrator, had said it was grandfathered in, but Chair Theis believes it is not. Chair Theis said the regulation regarding the aquifer prohibits the project going forward as well. Chair Theis provided copies of the regulations regarding drinking water for members to keep and review.

G. Intent to Cut wood or timber: tax map 14, lot 48-2

Mr. Welenc said there had been a lot of cutting in this area. Chair Theis said yes there had been.

H. Correspondence: From Harrison Drinkwater regarding water wells in Enfield.

Previously read during the joint session of the meeting with Canaan Conservation Commission members.

I. Aufiero regarding major subdivision conceptual hearing for map16, lot 12 Mud Pond

Mr. Welenc said this one caught his attention. Chair Theis said the Town of Enfield owns several neighboring properties. Mr. Welenc said this is a high-value habitat. He said he went up Mud

Pond Road and stopped at one of the houses there and alerted the homeowner as he had heard Mr. Kovacs plan to develop the property.

Ms. Banker explained that this property had come to both the Zoning Board and Planning Board in September 2021. She provided some detail about the two cases and their outcomes from minutes for those two boards.

J. Alan Strickland regarding Loon Reproduction on Harris Brook Pond.

Mr. Strickland shared that a loon chick had been born on Harris Brook Pond. The chick was captured and banded, then returned.

VIII. OTHER BUSINESS

A. Chair Theis said that he got a letter regarding the Pettola property and planting vegetation. Vice-Chair Green said she believed a company that was required by DES was previously listed by the Pettolas. Vice-Chair Green asked if the deadline for this is August 16. Chair Theis said he believed it was July. He said he believes the DES has a small amount of manpower to keep up with the situation.

B. Chair Theis said that the trust account has enough funding to cover the cost of the Highest Ranked Habitat letter.

IX. NEXT MEETING: September 1, 2022

X. ADJOURNMENT:

Chair Theis MOVED to adjourn the meeting at 8:42 p.m.

Seconded by Mr. Welenc

Roll Call Vote:

Shirley Green (Vice-Chair), Jerold Theis (Chair), John Welenc all voting Yea.

None voted Nay.

None Abstained.

**** The Vote on the MOTION was approved (3-0).***

Respectfully submitted,

Whitney Banker

Recording Secretary