

**TOWN OF CHESTERFIELD
CONSERVATION COMMISSION
MEETING MINUTES
AUGUST 28, 2017**

Present: Steve Hardy, Chairman; Lynne Borofsky, Jeff Newcomer, Pam Walton, Kristin McKeon and Amy LaFontaine, Secretary.

Steve moved to approve June 26th minutes as amended. The motion was seconded by Jeff and passed unanimously.

Communication –

- A). The Monadnock Conservancy Annual Meeting is September 16th from 9-11 at the Walpole Town Hall. It is free and open to the Public. Tom will be honored at this meeting.
- B). The Commission owes John Herrick \$25 for taking down a tree on the trail.

No New Applications

Outstanding, Permits, Complaints –

- A). Robert & Sandra Jaskolski – 2006-2510 Letter of Compliance for LOD dated 6/29/2017
- B). Jeffrey & Tammy Morse & Chris & Sara Oot– 2016-02332 Letter of No deficiencies observed for a complaint filed 6/19/2019.
- C). Eastwood Properties, LLC – 2017-00759 Wetlands & Non-Site Specific Application Approved with Conditions on August 1, 2017.
- D). Hampshire Timber Holdings, LLC 2017-02288 Complete Forestry Notification

Planning/Zoning – Pam stated that she attended a Planning Board Meeting for Marc Lanoue for a business going in where Manny's Appliance is located. There are Conservation Concerns once the application is out of Court.

Grants/Events – Lynne is looking to plan a Friedsam event for mid October with Kyle Lombard.

Spofford Lake Report – Lake Level is only 1 ½ high. A State Grant awarded to SWRPC for FB Environmental out of Portsmouth to create a Lake Management Plan. The test results for water quality have been steadily declining over the last 8 years with increasing erosion and conductivity. FB Environmental will be coming out September 9th from 9 to 3. Volunteers will be going house to house with questions. If Interested Contact Lisa Murphy at SWRPC.

Website – Jeff will add Kristin's contact info to the website.

Trail Development/Land Projects –

- A). The Decking on the Ravine Bridge needs to be replaced.
- B). Keene Connector – Old Swanzey Road the Logging is done and the trail is gone. Tom will go out with 2 volunteers and put up signs.
- C). Antioch and the Monadnock Conservancy along with the Commission are looking to host a hike on Horatio Colony on September 30th. Most of the Commission members are unavailable.
- D). Indian Pond up to Mine Ledge needs to be recut. There is a trail adopter to do this.
- C). Barbara Richter is having a workshop to provide training for reading survey maps and site plans on September 17th.

Public Comment – Several Members of the Public presented concerns about the proposed ordinance for the Conservation Commission. Scott Riddlemoser of Stage Road provided a document with comments that he asked be included in the record for the meeting. John Koopmann suggested that increased regulations were needed to protect the environment. Jeff stated that he thought the Commission was doing a good job with the resources that we have. Lynne stated that the Commission had been praised for their focus on educational outreach.

Selectboard – The Commission needs to elect a new Chairperson and would like another alternate or 2 appointed. Lynne suggested several changes to the agenda which will be adopted for September’s meeting.

Other –

A). Barbara Richter is having a workshop to provide training for reading survey maps and site plans on September 17th. If interested contact Pam.

B). Knotweed – Pam will bring a proposal for the next meeting for the Commission to support.

Adjournment – The next meeting will be September 25th. Kathy will be the facilitator. The following meeting will be on October 30th. Pam will be the Chair. The Meeting adjourned at 9:11 PM.

Respectfully Submitted,

Amy LaFontaine
Secretary

Approved:

Steve Hardy
Chairman

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CHAPTER 36-A CONSERVATION COMMISSIONS

7 **36-A:1 Method of Adoption.** – Any city by vote of its city council, and any town at any duly
8 warned meeting, may adopt or rescind the provisions of this chapter.

9 **Source.** 1963, 168:1, eff. Aug. 20, 1963. 2008, 317:1, eff. Jan. 1, 2009.

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Section 36-A:2

13 **36-A:2 Conservation Commission.** – A city or town which accepts the provisions of this
14 chapter may establish a conservation commission, hereinafter called the commission, for the
15 proper utilization and protection of the natural resources and for the protection of watershed
16 resources of said city or town.

17 Such commission shall conduct researches into its local land and water areas and shall seek to
18 coordinate the activities of unofficial bodies organized for similar purposes, and may advertise,
19 prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it
20 deems necessary for its work.

21 It shall keep an index of all open space and natural, aesthetic or ecological areas within the city
22 or town, as the case may be, with the plan of obtaining information pertinent to proper utilization
23 of such areas, including lands owned by the state or lands owned by a town or city.

24 It shall keep an index of all marshlands, swamps and all other wet lands in a like manner, and
25 may recommend to the city council or selectmen or to the department of resources and economic
26 development a program for the protection, development or better utilization of all such areas.

27 It shall keep accurate records of its meetings and actions and shall file an annual report which
28 shall be printed in the annual town or municipal report.

29 The commission may appoint such clerks and other employees or subcommittees as it may from
30 time to time require.

31 **Source.** 1963, 168:1. 1973, 550:1, eff. Sept. 3, 1973.

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Section 36-A:3

35 **36-A:3 Composition of Commission.** – The commission shall consist of not less than 3 nor
36 more than 7 members.

37 In a town which has a planning board, one member of the commission may also be on the
38 planning board.

39 In a city which has a planning board, one member of the commission may be on the planning

39 board.

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41 In cities, the members of the commission shall be appointed by the mayor subject to the
42 provisions of the city charter, and in towns the members of the commission shall be appointed by
43 the selectmen.

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45 Alternate members may be appointed in a like manner and when the alternate serves in the
46 absence or disqualification of a regular member, the alternate shall have full voting powers.

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48 When a commission is first established, terms of the members shall be for one, 2, or 3 years, and
49 so arranged that the terms of approximately 1/3 of the members will expire each year, and their
50 successors shall be appointed for terms of 3 years each.

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52 Any member of a commission so appointed may, after a public hearing, if requested, be removed
53 for cause by the appointing authority.

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55 A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term
56 in the same manner as an original appointment.

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58 Members of a conservation commission shall be residents of the city or town which they
59 represent. Members of a conservation commission also may serve on other municipal boards and
60 commissions, including, but not limited to a historic district commission established under RSA
61 673:4, and a heritage commission established under RSA 673:4-a.

62 **Source.** 1963, 168:1. 1973, 550:2. 1974, 44:2. 1987, 318:1. 1995, 138:1, eff. July 23, 1995.
63 1997, 31:1, eff. June 27, 1997.

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Section 36-A:4

65 **36-A:4 Powers. –**

66 **I.** Said commission may receive gifts of money, personal property, real property, and water
67 rights, either within or outside the boundaries of the municipality, by gift, grant, bequest, or
68 devise, subject to the approval of the local governing body, such gifts to be managed and
69 controlled by the commission for the purposes of this section.

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71 Said commission may acquire in the name of the city or town, subject to the approval of the local
72 governing body, by purchase, the fee in such land or water rights within the boundaries of the
73 municipality, or any lesser interest, development right, easement, covenant, or other contractual
74 right including conveyances with conditions, limitations, or reversions, as may be necessary to
75 acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly
76 utilize open spaces and other land and water areas within their city or town, and shall manage
77 and control the same, but the city or town or commission shall not have the right to condemn
78 property for these purposes.

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80 **II.** No commission, its members, or designee shall enter private property to gather data about
81 the property for use in a wetlands designation, prime wetlands designation, natural resource

82 inventory report or map, or natural heritage map without first obtaining permission of the
83 property owner or agent, or a lawfully issued warrant. Such permission may be oral or written,
84 provided that record is made of oral authorization.
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86 If consent for entry is denied, the conservation commission, or designee, may obtain an
87 administrative inspection warrant under RSA 595-B.
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89 **III.** Prior to requesting permission, the commission, its members, or designee shall notify the
90 landowner of the purpose of the data gathering, the specific features that will be evaluated, the
91 manner in which the data collected will be recorded and distributed, and possible known
92 consequences of the data collection.
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94 **IV.** No data gathered by entering property without the permission of the landowner or an
95 administrative warrant shall be used for any purpose other than law enforcement purposes
96 authorized by statute.
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98 **V.** The conservation commission, in reviewing an application to provide input to any other
99 municipal board, shall not require submission of an application for or receipt of a permit or
100 permits from other state or federal governmental bodies prior to accepting a submission for its
101 review or providing such input.

102 **Source.** 1963, 168:1. 1973, 550:3. 1995, 138:2, eff. July 23, 1995. 2008, 317:2, eff. Jan. 1, 2009.
103 2012, 202:2, eff. June 13, 2012. 2013, 270:4, eff. Sept. 22, 2013.

Revised May 31, 2017

CHESTERFIELD CONSERVATION COMMISSION

ARTICLE 1- AUTHORITY, PURPOSE AND DUTIES

- 1.1 Authority-The Commission was formed in accordance with RSA 36-A. **COMMENT # 01**
- 1.2 Purpose-The purpose of the Commission as cited in RSA 36-A is to provide for the proper utilization and protection of natural resources and for the protection of Chesterfield's watershed resources. **COMMENT # 02**
- 1.3 Duties Relative to Purpose-The Commission shall have the following duties and perform the following functions:
 - A) Provide advice and recommendations on conservation matters to other town boards and the NH State Wetlands Bureau such as the review of proposed subdivision and site plans before the Planning Board, review of applications before the Zoning Board of Adjustment, Dredge and Fill applications and Intent to Cut applications. **COMMENT # 03**
 - B) Conduct research into local land and water areas and seek to coordinate the activities of unofficial bodies organized for similar purposes. **COMMENT # 04**
 - C) Prepare a Conservation Plan (index) which contains an inventory of all open space and other natural, aesthetic or ecological areas within the town and information **COMMENT # 05** pertinent to proper utilization of such areas, including lands owned by the town and state. The Plan shall include an inventory of all marshlands, swamps and all other wetlands and may recommend a program for the protection, development or better utilization of all such areas. A copy of the Plan shall be forwarded to the Board of **COMMENT # 06** Selectmen. The Plan shall be reviewed from time to time and amended as appropriate. **COMMENT # 07**
 - D) Protect open space and fragile areas through the acquisition of interests in land and conservation easements by purchase or gift consistent with RSA36-A:4. In addition the commission may assist landowners with the costs of donating conservation easements. **COMMENT # 08**

- E) Receive, manage and control gifts of money and property for conservation purposes, subject to approval of the local governing body and in the name of Chesterfield (RSA 36-A:4). **COMMENT # 09**

- F) Acquire, manage and control property or property rights for conservation purposes, subject to the approval of the Chesterfield Select Board and in the name of **COMMENT # 10** Chesterfield (RSA 36-A:4) Property rights include privately held conservation and open space easements. For these properties duties should include maintaining accurate inventories and baseline documentation and monitoring properties by making periodic visits in accordance with the Land Trust Alliance and practices.

- G) Intervene, investigate and make recommendations on various wetland permit applications filed with the NH Department of Environmental Services (DES) Wetlands Bureau (RSA 482-A). **COMMENT # 11**

- H) Prepare reports and maps for local designation of prime wetlands (RSA 482-A:15) and notify the NHDES of projects adjacent to prime wetlands (WT 703.01). **COMMENT # 12**

- I) Advise town officials on conservation matters, including Sand and Gravel Excavation Permits (RSA 155-E:3 and RSA 36-A:2). **COMMENT # 13**

- J) Prepare, print, advertise and distribute maps, charts, plans and pamphlets which are deemed necessary for the Commission's work. **COMMENT # 14**

- K) Keep accurate records of meetings and actions and file an annual report to be included in the annual town report. **COMMENT # 15**

- L) Appoint such clerks and other employees as from time may be required. **COMMENT # 16**

- M) Aid the public with any NH DES applications, filings or reportings of DES regulations. **COMMENT # 17**

- N) Encourage community environmental education, promote and actively communicate events, projects and other community opportunities to protect and promote the town's natural resources. **COMMENT # 18**

- O) Attend training programs to enhance knowledge of Conservation Commission responsibilities. **COMMENT # 19**

P) Ensure that all documents and information regarding conservation matters and permits both state and local are communicated to and approved by the relevant Chesterfield departments and commissions including the Planning Board, Zoning Board of Appeals, Select Board, Code Enforcement Officer and any other agency or individuals who might be involved. **COMMENT # 20**

Q) Attend Planning Board, Zoning Board of Adjustment or Select Board meetings/hearings where Conservation matters, applications or approvals having conservation impacts are discussed and approved and offering input or express concerns where appropriate in Conservation Commission matters. **COMMENT # 21**

ARTICLE 2- MEMBERS

- 2.1 The Commission shall consist of five members. The Board of Selectmen shall appoint the members.
- 2.2 As authorized by RSA 36-A:3, the Board of Selectmen may appoint three alternate members to serve on the Commission.
- 2.3 Terms of office for members and alternates will commence on January 1 and end on December 31. Each term shall run for three years.
- 2.4 For members and alternates the selection, qualification, terms of office, removal and filling of vacancies shall conform to RSA 36-A:3.
- 2.5 The Commission shall forward the notice of appointment and expiration dates for each newly appointed member's term to the municipal clerk for recording.
- 2.6 Pursuant to RSA 36-A:3, Commission members may serve on any other municipal boards or commissions. However, only one Commission member may simultaneously serve on the Planning Board.

ARTICLE 3- OFFICERS

- 3.1 The Chesterfield Conservation Commission Officers are:
 - A) A Chairman who shall preside over all meetings and hearings; shall prepare, with assistance from the Secretary or Commission's agent, an annual report; and shall perform other duties customary to the office. The Chairman shall be responsible for the conduct and decorum of the meeting and have the responsibility to ensure that all parties receive a full and fair hearing before the Commission. The Chairman shall

05-31-17 CHESTERFIELD CONSERVATION COMMISSION PLAN REVIEW	
COMMENT #	RSA-36-A EXCERPT LINE NUMBER(S)
1	3 - 4, 7 - 8
	1.1 - Method of Adoption of RSA 36-A - Any city by vote of its city council, and any town at any duly warned meeting, may adopt or rescind the provisions of this chapter. The Adopt or Rescind Actions taken by the Board of Selectman shall be officially recorded prior to the adoption of the 05-31-17 Chesterfield Conservation Commission Plan.
2	9 - 10
	1.2 - OK, Language direct lift from RSA 36-A
3	98 - 101
	1.3A - Not defined within the stated RSA-A:2 Conservation Commission scope. The Chesterfield Land-Use Regulations and its Ordinance already contains the process of submitting applications to the Code Enforcement Department or references the NH DES Requirements, therefore this appears to be redundant. <p style="text-align: center;">Within this document provide an explanation of the Commissions "Advisory Role" and its Process, how the Conservation Commission gets copies of (for example) Building Permits or submitted Waiver/Deviation Application to other Boards for consideration and how a Commission Representative attends the appropriate meeting providing feedback. This Advisory Roll should not impact the timeliness of the application process through the other Boards. Residents should not be required to attend Conservation Commission Committee Meetings for feedback.</p>
4	12 - 15
	1.3B - Missing language from RSA Section: "and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work." This information should be contained in the Conservation Commission Plan for local Residents to refer to and better understand the Commission's scope.
5	17 and 21
	1.3C - RSA 36-A only cites the Conservation Commission creating and maintain an <u>Index</u> of all open space and natural, aesthetic or ecological areas within the city or town, in addition to; all marshlands, swamps and all other wet lands. RSA 36-A does not mention the incorporation of the aforementioned items in a formally approved (by Selectman Board) Plan subject to Change/Revision Control.
6	N/A
	1.3C - Forwarded to Board of Selectman for what actions. Approval, please explain.
7	N/A
	1.3C - Clearly state/outline the Change/Update Process for this Adopted Document.

8	66 - 69	1.3D - This paragraph is inadequate in addressing the acceptance and use of "Gifts", public disclosure of where the funds origin, control and authorization process to accept and spend those funds and for what purposes.
8	71 - 78	1.3D - This paragraph is inadequate in addressing "Acquisition of Lands or Water Rights". The cited RSA 36-A Line Numbers contain critical language that should be fully explained, how the Conservation Commission would: "acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town". The Town Residents have a right to know what the scope of authority the Conservation Commission has to take these actions..
9	66 - 69	1.3E - Same concerns as highlighted in Comment # 8.
10	7 - 29	1.3F - Actions described to: "manage and control property or property rights for conservation purposes" is not a stated role of the Conservation Commission within RSA 36-A.
10	17 - 21	1.3F - Maintenance of Indices is already addressed in Section 1.3C of the Conservation Commission Plan And addressed by Comment # 5.
10	80 - 96	1.3F - This section makes mention of "making periodic visits" however does not fully explain the purpose of the visits, what involvement will the Board of Selectman have in authorizing such visits, the Land Owner Notification Process. RSA 36-A is very specific when addressing the authority by any Commission, its members, or designee when entering private property to gather data. This Conservation Commission Plan needs to fully disclose it's authority or approval from the Board of Selectman to include Public Disclosure.
10	N/A	1.3F - This documents talks to making periodic visits in accordance with the Land Trust Alliance and practices however does not discuss or disclose what they are. This document should have full disclosure.
11	98 - 101	1.3G - NH Department of Environmental Services Land Resource Management Wetlands Bureau requires submittal of any application to their office for processing. When appropriate their representatives make site visits. Explain how, on a not to interfere basis, the Commission will coordinate it's activities and not impact the person submitting the Application.

12		1.3H - Within the Chesterfield Ordinance it contains Appendix B, the Comprehensive shoreline Protection Act, RSA 483-B Minimal Shoreland Protection Standards. An individual planning to Build in this Town would work with the Code Enforcement Department to ensure they are abiding to those setback requirements. Please add text explaining their role and interaction with NH DES.
13		1.3I - Please explain the Commission's Role above and beyond the requirements of the current Chesterfield Ordinance when filing applications to Code Enforcement.
14	14 - 15	1.3J - Similar language as contained in RSA 36-A
15	25 - 26	1.3K - Same language at RSA 36-A
16	28 - 29	1.3L - Similar language as contained in RSA 36-A, missing mention of "subcommittees".
17		1.3M - Please explain the Commission's Role above and beyond the requirements of the current Chesterfield Ordinance when filing applications to Code Enforcement.
18	N/A	1.3N - Will this activity require Town Finding, if so please disclose.
19	N/A	1.3O - This section does not address: How is training chosen, who approves Training, what Town Funding (if any) will be authorized, submitted and recorded.
20	98 - 101	1.3P - These requirements are outside the Scope and authority of RSA 36-A, the creation of a Conservation Commission Plan and the requirements contained are not a requirement of RSA 36-A and therefore adherence/approval of other Boards is not mandated.
21	N/A	1.3Q - What is the formal Process where items affecting Conservation Matters are submitted, discussed, approved or rejected at the Board of Selectman Meetings. Any actions taken by the Selectman Board resulting from Conservation Commission actions should be disclosed/discussed, the Process.

SUMMARY: The Chesterfield Board of Selectman should accept the provisions of NH RSA 36-A as written without omissions or modifications as contained in the Chesterfield Conservation Commission Plan.