



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, December 09, 2020 – 7:00 p.m. – Virtual via Zoom

Members Present: Bill Bilodeau, Laura Byergo, Rich Collins, Joe Fedora, Joe Russell, Lloyd Ziel
Members Absent: Brad Lajoie

Chair Byergo opened the Conservation Commission meeting at 7:08 p.m. A roll call was taken; it was announced a quorum was present and the meeting was being held virtually through Zoom and recorded by audio. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Chair Byergo.

Attendance was taken by roll call: B. Bilodeau – present, L. Byergo – present, R. Collins – present, J. Fedora - present, J. Russell – present, L. Ziel - present.

1. New FEMA Flood Maps for Greenland: Jack Shephard, Building Inspector

Jack Shephard, Building Inspector, was not in attendance. His presentation will be rescheduled to a later date.

2. Article XXVI: Residential Open-Space Conservation Subdivision Development Ordinance

Chair Byergo has discussed this item with the Planning Board on several occasions, most recently at their meeting on Thursday, December 03, 2020. She suggested that Conservation Commission members listen to the recording or read the minutes from that meeting. The public hearing will be held on Thursday, December 17, 2020. That will be the next opportunity for the Conservation Commission to have the Planning Board take some of their concerns into consideration. The last opportunity would be when the ordinance goes before the Town as a warrant article.

J. Fedora clarified the ordinance is on the books; what can be changed and that any change ultimately becomes a warrant article. Chair Byergo responded the whole thing will become a warrant article unless the Planning Board decides to remove it. All the specific changes that the Conservation Commission has requested or will request at the public hearing will also be included in that warrant article. The Planning Board could decide that the ordinance is not ready yet based on public comments and would not move forward putting it on the warrant. If there are substantive changes during the public hearing process, those changes will have to be included and another public hearing will have to be held. It would be included as a warrant article if there were no further changes. The warrant article has to be finalized and to the Town Clerk for inclusion by the beginning of February.

DRAFT: SUBJECT TO CHANGE

Chair Byergo continued that there was push back from Stu Gerome, Planning Board Co-Chair. He stated the ordinance was opened because the Planning Board wanted to remove the mandatory nature of the ordinance. She was also told “these are the changes we’re making, the rest is on the books; that’s it”. Changes can be requested throughout the document or to the amendments they are proposing. She did not think they could shut the Conservation Commission down.

A resident asked if there was a way to bring a better definition of the wildlife corridor and conservation easement, and management of those to the Planning Board. Chair Byergo explained that she thought in their language, the Board had not differentiated very well between conservation easements and open space. They were not indicating when a conservation easement vs. open space. She provided further background on the Planning Board’s meeting on December 03, 2020 including discussion about protections given to land designated as “open space” vs. “land with a conservation easement”.

Chair Byergo noted Peter Steckler, The Nature Conservancy, has agreed to speak at the Planning Board meeting on Thursday, December 17, 2020. The Nature Conservancy, working with federal and State authorities as well as New Hampshire Fish and Game, prepared the report on wildlife corridors “Connect the Coast” and developed the map showing the corridors on the NH Granite website. The key point of the wildlife corridors is to protect the connecting routes between large areas where wildlife has food, shelter, enough space for mating. The corridors are critical and need to be recognized and respected.

There was a general discussion of the proposed ordinance including enforcement, density bonuses, and incentives for developers to go through the extra work of including a protective conservation easement. The question was asked if there was an intermediate position between where it is now and making a change. Change does not seem to be immediate based on discussion and attitude. Chair Byergo stated that what seems to make the Planning Board pay attention is having your ducks in a row, getting experts, having public support, and asking questions they have to answer. B. Bilodeau added if they wanted the public’s attention, it needed to be put in layman’s terms. Members also have to understand if they plan on conveying it to other people.

R. Collins noted the Planning Board was removing points from the ordinance; was that to make it more restrictive. Chair Byergo responded that S. Gerome said they wanted to open the ordinance to remove the mandatory portion. They wanted the Planning Board to have more of a role working with developers on possible open space subdivisions.

Section 26.1A – Applicability was added to Article XXVI - Residential Open Space Conservation Subdivision Development Ordinance. Chair Byergo was trying to get the Planning Board to add one more action item in that section, specifically: wildlife corridors.

J. Fedora asked if it were a useful strategy or tactic to approach this with “what would be the downside of the change”. It may force the Planning Board to respond. Chair Byergo felt this would be a challenging strategy. The Conservation Commission’s role is to speak for conservation interests in Town.

There needs to be a balance between taxation, development rights, conservation, and aesthetics. Towns place restrictions on development based on how the town wants to develop; that is the purpose of warrant articles. That does not mean conservation does not have a role or place. People value it more and more as they see open space disappearing. People need to understand that the environment needs a minimum to maintain its integrity. J. Fedora asked if the Board’s response is always ‘you have to respect private property’, adding what is the point in having a Conservation Commission if that is the

governing factor. Chair Byergo stated it was not the governing factor, because the health and safety of the human community is the ultimate factor.

Chair Byergo stated that people needed to be at the public hearing on Thursday, December 17, 2020 to ask questions and show an interest in how the open space ordinance is being developed. R. Collins stated he was concerned about what the Planning Board was removing and supported having mandatory open space in certain conditions. It sounded like they were trying to make development more user friendly so farms could be subdivided better. Chair Byergo felt that was an interesting perspective that could and should be voiced. The Conservation Commission could put forward several specific things, but that it does not stop them from asking other questions or making other points. J. Fedora asked if the current language is mandatory by interpretation. The existing ordinance does not use the word 'mandatory'.

R. Collins asked what role the Conservation Commission would play; it did not seem like they were looking for input with conservation subdivisions. Chair Byergo responded that the RSA governs the Conservation Commission's participation in wetland permitting and protection of wetlands. It provides the opportunity to receive lands that people are giving to Conservation Commissions for conservation purposes. It also allows the Conservation Commission to do public outreach, have a point of view and role. The RSA does not state a specific role for Conservation Commissions vis a vis the Planning Board. J. Fedora added that during a recent round table he listened to, Barbara Richter, Executive Director of the New Hampshire Association of Conservation Commissions, pointed that out. There is nothing in RSA 36-A that gives Conservation Commissions the authority to review permit applications with the exception of wetland permits.

R. Collins stated the Conservation Commission is an advisory board; they should be advising the Planning Board if someone is proposing an open space subdivision that abuts conservation land being monitored. Chair Byergo stated the Conservation Commission's role was to be an advisory to the Selectmen. The relationship with the Planning Board is a cooperative relationship. Each of the Planning Board's ordinances affect residents; they affect the standard of living: property values and the way the Town develops. The Conservation Commission has an advocacy role to represent conservation concerns and interests.

MOTION: R. Collins moved to make a formal request of the Planning Board to add 'site contains or is adjacent to an identified wildlife corridor per NH Granite View' as a criteria under the Article XXVI - Residential Open Space Conservation Subdivision Development Ordinance, Section 26.1.A - Applicability. Second – L. Ziel; roll call: B. Bilodeau – yes, R. Collins – yes, J. Fedora - yes, J. Russell – yes, L. Ziel – yes L. Byergo – yes. All in favor. MOTION CARRIED

Chair Byergo recommended members talk to residents about the Conservation Commission amendment to the Open Space Ordinance and ask them to attend the public hearing on Thursday, December 17, 2020.

3. Other Business

19 Birch Point: Members received an email notifying the Conservation Commission that the property owners were going to start building. The property is located on a small headway next to Great Bay. Chair Byergo stated it was good work on the Conservation Commission's part to get the Planning Board and DES to ask about the septic system on this property. She suggested that members go by the property (with the Building Inspector) to see what the homeowner is doing.

DRAFT: SUBJECT TO CHANGE

Berg Property: Wally Berg is trying to establish a conservation easement and has asked the Town assume monitoring responsibility of approximately nine acres. He has developed a large portion of the property into a meadow. Norton Brook passes through the property by way of a culvert under I-95 and joins conservation easements in Falls Way that are monitored by the Conservation Commission. It is also on a wildlife corridor. There is another small stream that joins Norton Brook. The Selectmen rejected the first request. Chair Byergo and W. Berg will speak to the Selectmen again either in December or January. The Berg's are willing to remove the barn on the property. Their lawyer has drafted a new easement giving the easement to the Conservation Commission. *Recording ended. Next recording not available.*

4. Approval of Minutes

Recording ended. Next recording not available.

5. Adjournment

MOTION: _____ moved to adjourn at _____ p.m. Second – _____; roll call vote: B. Bilodeau – yes, L. Byergo – yes, R. Collins – yes, J. Fedora - yes, J. Russell – yes, L. Ziel – yes. All in favor.
MOTION CARRIED

NEXT MEETING

Wednesday, January 13, 2021 – 7:00 p.m., Zoom

Submitted By: Charlotte Hussey, Administrative Assistant