



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, June 09, 2021 – 7:00 p.m. – Virtual via Zoom

Members Present: Bill Bilodeau, Laura Byergo, Joe Fedora, Joe Russell, Lloyd Ziel

Members Absent: Rich Collins, Brad Lajoie

Chair Byergo opened the Conservation Commission meeting at 7:00 p.m. It was announced a quorum was present and the meeting was being held virtually through Zoom. 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, Joe Fedora – present, J. Russell – present, L. Ziel – present. L. Byergo noted that in-person meetings will be held starting in July.

1. Packer Bog: Donated Land for Conservation

L. Byergo stated that the site walk did not work because many members were unable to participate. She did go out on her own; however, did not get very far into the wetland from the Ocean Road side. L. Byergo also tried from the railroad and was able to go from Breakfast Hill Road to Ocean Road and noted it was wet the entire way. L. Byergo and B. Lajoie have been trying to negotiate a ride up the power lines across the Breakfast Hill Golf Course to the property but have not been successful.

L. Byergo has spoken with The Nature Conservancy; they have a large plot of land adjacent to the property. She has also spoken to Peter Britz, Natural Resources Specialist in Portsmouth; a portion of the property is located in Portsmouth. The advantage of the meeting was to discuss any movement among the larger conservation community that P. Britz and The Nature Conservancy may be aware of to protect Packer Bog and Great Bog; she did not hear much at that meeting. The representative from The Nature Conservancy noted that their parcel and the Rolston property were not contiguous; the property was also not very large and they were not interested in possibly requesting the parcel.

L. Byergo discussed the proposed subdivision at 4 Tower Place. The Nature Conservancy had expressed their concerns when the proposed subdivision was discussed at a Planning Board meeting.

P. Britz showed L. Byergo the satellite view of the Rolston property. She felt the entire parcel was wetland. They discussed the value of the Conservation Commission accepting land that would not be developed: abutter's rights and the value as priority habitat blocks under the Connect the Coast and the work done by DNS. If the Conservation Commission accepts the Rolston property, the Town would have to consult the Conservation Commission before doing anything with the property (this would also apply to the City of Portsmouth since a portion of the property is located in Portsmouth). P. Britz and L.

DRAFT: SUBJECT TO CHANGE

Byergo also discussed the possibility of the Greenland Conservation Commission serving as third party monitors/easement protectors for Portsmouth and vice versa.

B. Bilodeau recommended accepting the Rolston property because of abutter's rights if development took place in and around that area. J. Fedora asked for an explanation of abutter's rights when referring to the Rolston property. L. Byergo clarified that abutters to a parcel of land being developed would need to be notified. Abutters have input if the development would affect their land. J. Russell explained that direct abutters as well as abutters who are a specific distance from the parcel must be notified. He added that Portsmouth would have to notify Greenland of any development on abutting property. J. Russell has looked at Google maps and GIS and agrees with L. Byergo that the Rolston property is undevelopable; it is complete swamp. L. Byergo added that Norton Brook flows through the property.

L. Ziel asked the disadvantage of accepting the land and commented that with climate change the land may become drier in the future and developable. He was in favor of accepting the land if it was not going to be burden on the Conservation Commission.

J. Russell ran an abutters report. The direct abutters were Greenland and the City of Portsmouth. J. Russell did not see a downside to accepting the land. L. Byergo stated the Town owns a lot of land that is monitored by the Conservation Commission. Natural Resource Management plans were made for those parcels by Ellen Schneider in 2006. The Town has not put conservation easements on most of these parcels. L. Byergo suggested that may be something the Conservation Commission should do. She asked Matt Scruton, Town Administrator, if a deed to the Town had been prepared for the Rolston property; it has not been done. The Town Attorney will prepare the deed. L. Byergo indicated to TA Scruton that the Conservation Commission would want to be involved with the process. Is land held by the Conservation Commission protected as well as a conservation easement on the land?

J. Fedora asked if the land were accepted as Conservation Commission held, could it become a conservation easement in the future. The Conservation Commission would not want to inhibit its flexibility by accepting the land and then finding out a conservation easement could not be done later. J. Russell's understanding was if the deed were to the Conservation Commission, it would be conservation land. An additional easement would not be needed.

MOTION: J. Fedora moved that the Conservation Commission accept ownership of the Rolston property (Map R8, 6). Second – B. Bilodeau

Discussion: L. Byergo would like the caveat added to the motion that the Conservation Commission be involved with the attorney and writing the deed. She would like to ask questions and be involved with drafting the deed. J. Russell supported the amendment. He felt it was important if the Conservation Commission was going to be the grantee of the deed they should have the ultimate approval, working in conjunction with the Selectmen.

AMENDED MOTION: J. Russell moved that the Conservation Commission move forward with the acquisition of the Rolston property (Map R6, 8). The deed should be prepared for the Conservation Commission's final review and approval. Second – B. Bilodeau; roll call vote: B. Bilodeau – yes, L. Byergo – yes, Joe Fedora – yes, J. Russell – yes, L. Ziel – yes. All in favor. MOTION CARRIED

2. Expedited Wetlands Permit: 14 Tidewater Farm Road

L. Byergo explained that if the expedited permit was signed, DES will let it go through without an extended review. B. Bilodeau and J. Fedora have spoken to the property owner. B. Bilodeau stated they did not see any problem with the location of the wiring. J. Fedora discussed the location of the driveway and wiring as well as the minimal impact to the terrain. The homeowner was willing to accept a more expensive alternative to running the wiring down the driveway; it was the least disruptive option to vegetation and any wetland. J. Fedora commended the homeowner on the job he had done and what he tried to accomplish due to runoff from the adjacent development. What he has done prevents silt from running down under the road, through his neighbor's property, and into the Bay. The homeowner has worked with DES and consultants throughout the process. The homeowner avoids using chemicals.

B. Bilodeau added that the homeowner is concerned about the Bay and the environment. B. Bilodeau suggested a campaign to get property owners not to use pesticides on their lawns in that neighborhood. L. Byergo, responding to a question from J. Fedora, stated that when signing the application, it could be noted that the Conservation Commission would like the property owner to use the longer route with the least disruption. When signing the DES application, L. Byergo will add the note that by signing the expedited permit the homeowner has agreed to use Option C.

MOTION: J. Fedora moved to accept the expedited wetland permit for the homeowner at 14 Tidewater Farm Road with the recommendation that Option C be used to install the electric line. Second – L. Ziel; roll call vote: B. Bilodeau – yes, L. Byergo – yes, Joe Fedora – yes, J. Russell – yes, L. Ziel – yes. All in favor. MOTION CARRIED

3. Committee Reports

- By-Laws and Conservation Land Deeds: According to the Executive Director of the New Hampshire Association of Conservation Commissions, the by-laws are those of the Conservation Commission and do not need to be approved at Town Meeting. J. Russell felt the revised by-laws were ready to be approved and adopted by the Conservation Commission. J. Fedora voiced a concern about the section "Officers" and the limited number of years a member could serve as an officer. L. Byergo stated that having a rotating leadership makes the Conservation Commission stronger in the end. Membership is limited to seven plus two alternates. J. Russell announced this would be his last meeting; he was moving out of Town. J. Russell added it was good governance to have a change in leadership. J. Fedora stated for the record that he was not suggesting the change be made, it was for discussion.

MOTION: L. Ziel moved to accept the by-laws as written. Second – J. Fedora; roll call vote: B. Bilodeau – yes, L. Byergo – yes, Joe Fedora – yes, J. Russell – yes, L. Ziel – yes. All in favor. MOTION CARRIED

- 300th Anniversary Celebration (York Center for Wildlife Program, Brochure, Trail sign): L. Byergo told the Board that the Conservation Commission Town Budget can be used as outreach funds for one of the proposed York Wildlife programs. Donations could be used for a second program. L. Ziel shared the tentative schedule of events with members. The 300th Anniversary Celebration will be held September 11, 2021 through September 19, 2021. A possible date and events for the Commission were discussed. L. Ziel has not been able to move forward on having the map of Thompson Brook mounted at the trail head. L. Byergo suggested the September 18th date, adding a trail walk to the Trolley Tour that will be offered that day. L. Ziel will ask the 300th Committee about the trolley going to the trail. L. Byergo also suggested doing a nature walk on the Weeks trail as part of the Trolley

Tour. J. Russell suggested doing self-guided tours on the first weekend when other self-guided tours were being done and include a scavenger hunt. Suggestions for a Conservation Commission event on September 19th were discussed. L. Byergo committed to having a booth set up on September 19th from 10 a.m. to 3 p.m. and asked members to volunteer for a one-hour shift. L. Ziel will contact the York Center for Wildlife about the best time for a presentation on September 19th and the space requirement. L. Byergo asked for a volunteer to work with L. Ziel. September 19th will be the field events and considered the premier day. Self-guided trail walks could be promoted every day of the celebration. L. Byergo will help with the scavenger hunt. L. Ziel will research the sign; L. Byergo will pursue a donation for the second hour of the wildlife presentation. Further discussion was continued to the July meeting.

- Community Outreach Flyer on Wildlife Corridors: J. Fedora circulated the latest draft to members. He wanted to keep it simple and get the message out there while keeping the attention of those reading the information. J. Fedora asked members for their feedback on the flyer. L. Byergo stated it needed pictures and formatting. She also suggested Rich Collins may be able to help. L. Byergo liked the contents of the flyer and felt it could serve as advocacy. B. Bilodeau commented that wildlife areas should be pointed out when a development was being considered. L. Ziel felt it was a great script that could be used during the 300th Anniversary. It could also be played on social media to inform people about wildlife corridors. L. Ziel felt it was great work. L. Byergo suggested putting out a “call” for help with graphics on the flyer. L. Byergo does have a format-friendly wildlife corridor map from Peter Steckler. L. Byergo will forward maps to J. Fedora and L. Ziel. L. Byergo suggested having brochures available at the Planning Board meetings. L. Ziel recommended having a digital format available as well.
- Trail Maintenance and Easement Monitoring: Continued to the July meeting.

4. Protecting Ash Trees in Rolston Park: Two Quotes

Two quotes have been received. One was the original quote for 11 ash trees in the park; cost: \$4,800. The Town will commit to \$2,100 and funds from the Conservation Commission budget will cover the remainder (\$2,700).

The second quote was from Bartlett; their cost was approximately \$1,000 less. L. Byergo’s concern was that Bartlett was a big company and was unsure if this was their specialty. Ash tree inoculation was the specialty of the person submitting the original quote; L. Byergo was sure he would do a good job. L. Byergo noted the funds would be from the Conservation Commission warrant article. There was further discussion about inoculating the trees.

MOTION: J. Russell moved to accept the quote from Baxter for the inoculation of the ash trees in Rolston Park in the amount of \$4,800. Second – J. Fedora; roll call vote: B. Bilodeau – yes, L. Byergo – yes, J. Fedora – yes, J. Russell – yes, L. Ziel – yes. All in favor. MOTION CARRIED

5. Approval of Minutes

MOTION: B. Bilodeau moved to approve the minutes of Wednesday, May 12, 2021. Second – L. Ziel; roll call vote: B. Bilodeau – yes, L. Byergo – yes, J. Fedora – abstain, J. Russell – yes, L. Ziel – yes. Four in favor, one abstained (J. Fedora). MOTION CARRIED

6. Other Business

The July meeting will be in person at the Town Hall.

7. Adjournment

MOTION: J. Russell moved to adjourn at 9:05 p.m. Second – J. Fedora; roll call vote: B. Bilodeau – yes, L. Byergo – yes, J. Fedora – yes, J. Russell – yes, L. Ziel – yes. All in favor. MOTION CARRIED

NEXT MEETING

Wednesday, July 14, 2021 – 7:00 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant