



WEARE CONSERVATION COMMISSION
MEETING MINUTES
March 13, 2024

PRESENT: Andy Fulton- Chair, Steve Najjar- Vice Chairman, Sherry Burdick- Commissioner, Suzanna Taytslin- Commissioner, Philip Cody- Alternate Commissioner, Ray Lemay-Commissioner

ABSENT: Marc Phillips-Commissioner, Mike Camacho- Secretary,

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Tyler Donoghue

Chair Fulton opened the Conservation Commission meeting at 7:11 p.m.

Hunting Permission: Tyler Donoghue of Chevy Hill Road came before the Conservation Commission to seek permission to hunt, bait, and set up trail cameras on the land next to him called Chevy Hill. He is looking to get permission from the CC to bait bear and to have trail cameras in use on the property. Chair Fulton asked how many game cameras. Mr. Donoghue said it would be four game cameras and the purpose would be to monitor wildlife. Chair Fulton asked if there were other animals of interest. Mr. Donoghue said coyotes as well. Chair Fulton asked if he had previously baited for bear in Weare and if he had had success. Mr. Donoghue said no that last year he did a lot of studying with a bear guide in Pittsburg NH. Selectman Burdick asked if he had eaten the bear. Mr. Donoghue said he eats everything that he hunts. Mr. Donoghue explained the baiting process to the commission. Vice Chair Najjar explained that if Mr. Donoghue is baiting bears other hunters cannot be hunting around the site. Discussion ensued.

Vice Chair Najjar moved to permit Tyler Donoghue to have one bear baiting site on Chevy Hill Town Forest, once the location is established then the Chair or the Vice Chair can sign the NH Fish and Game form. Seconded by Lemay.

Chair Fulton asked Mr. Donoghue if he field-dressed the bear. Mr. Donoghue said not until Fish and Game came and look at it.

Motion passed 5-0-0.

NHDES: Chair Fulton said there was a letter for New Boston Aggregate Corporation for a standard dredge and fill concerning Ski Tow Road Map 405 Lots 62-61 and 62-56. The commission reviewed the request for more information for dredge and fill wetland permit number 2024-00057. Chair Fulton said RSA 36a is one of the functions the Conservation Commission has to be able to share awareness of the resources that could be impaired by a proposed project. Burdick asked if they should go out and do a site walk. Lemay asked if it would also involve the Highway Department, Planning Board, and the Selectmen. Vice Chair Najjar said the Conservation Commission can send an email to the Planning Board to see if there have been proposed changes to the actual crossing structure. Vice Chair Najjar said a standard dredge and fill does

not necessarily come to the CC and will be expedited and they have to come in and get signatures then it goes to the Town Clerk. Lemay stated that if they are trying to replace a culvert in place of a bridge those are two completely different design criteria. Chair Fulton said that he does not see that the PB is privy to the information. Discussion ensued regarding the culvert. Vice Chair Najjar agreed that a site walk should be done. Chair Fulton said it might be a good idea to familiarize everyone on the commission because there is a conservation parcel as well as an easement across private land that is part of the conservation or open space plan. Vice Chair Najjar said he finds it a little disturbing that someone can walk in and get an application to go through the Planning Board or Selectmen process and the Conservation Commission may never hear about it. The commission should get copies of the applications even if they are just standard that are on file with the Town. Chair Fulton asked the commission if people could do a site walk on April 3rd at 4:45 pm and will meet at the town office.

Land Management: Chair Fulton said that the logger that was awarded the timber bid for Felch Farm has looked at the proposed disturbance and has proposed cost savings and ran it by the BOS and Public Works Director and they will go through the transfer station instead of direct onto the road. The Selectmen approved and the CC needs to sign as an authorizing agent.

Burdick motioned to allow the Chair to sign the amended contract for Felch Farm Forest cut. Seconded by Lemay. Motion passed 6-0-0.

March 18th there will be a site walk at the Barden lot for a pre-bid. Lemay said that they will want someone to get a sign-in sheet of all the people that are there that way they can submit that to the summary if they don't pick it up right away, it helps subcontractors give prices to the general contractor otherwise there is no way of knowing who is bidding it.

Chair Fulton said that there is a request to extend the access agreement for Sherry Burdick's logger to use the hall road across the Eastman Conservation area. Sherry Burdick stepped down from the Conservation Commission during the discussion of her property. Chair Fulton said there is also an application for a temporary driveway permit which is highly recommended by the DOT. The concern is if there is anyone who needs to be contacted because of drainage gone foul or track mud onto the roadway it will be in DOT's hands. Chair Fulton said that he plans to meet with the logger and supervisor to look at the end of the driveway. Sherry has agreed to cover at least some of the expense involved in putting a new culvert at the end of the driveway that is town-owned. The culvert failed before any work had been done by Sherry's logger. Vice Chair Najjar said they should also make a motion to purchase culvert and erosion control materials for installation and authorize the chair to sign if needed for a permit for wetlands.

Vice Chair Najjar moved to use up to \$1500 from the Town Forest Account for culvert materials and authorize the chair to sign on the Towns behalf for forestry notification if necessary for wetlands permit. Seconded by Taytslin. Motion passed 5-0-0.

Sherry has spoken with Gina who uses the Town property by right-of-way access and was concerned about the road being rutted and that has been taken care of. Eventually, there will be two landowners accessing their properties right away and were pre-existing before they purchased the property. Chair Fulton is to send TA Bolton and BOS awareness info.

Vice Chair Najjar motioned to have the Chair sign the access extension that goes from April 1st to March 31, 2025, and to sign the temporary driveway permit. Seconded by Taytslin. Motion passed 5-0-0.

Burdick returned to the table as a voting member.

Vice Chair Najjar suggested the Banks/ Schmid hayfield lease. Chair Fulton said that TA Bolton said that anyone doing anything on Town Property needs to be approved contracted and have indemnification insurance. Vice Chair Najjar said that he was looking at other towns and what they have in place and Hollis has a couple of different lease agreements for small field agreements. They essentially set up a contract email to everyone to have that farm pay what the town is missing out on for property tax. Vice Chair Najjar said they would need to assess what the field is worth in current use a year in taxes and it's typically not much. Vice Chair Najjar said it would be good to run it by Laura and the BOS. Chair Fulton said that makes sense to him and it would be good to discuss with the BOS once they have the numbers and the agreement drafted. Vice Chair Najjar said that he thinks the person managing the field is putting time and money into it and he wants to make sure they protect him and the town. Vice Chair Najjar said that if everyone is good with it the next step would be to vote on the requirement to get legal support and then vote. Vice Chair Najjar said that he would update the draft forward it to the Chair and then have the BOS and counsel review.

Vice Chair Najjar motioned to have Chair Fulton send the draft of the field management lease to the Town Counsel for review per the legal opinion policy. Seconded by Burdick. Motion passed 6-0-0.

Taytslin said the Poor Farm Trails are in rough shape and need clean up and blazing. The original blazes were yellow metal tags that were nailed and many of them are missing. Taytslin suggested painting yellow blazes. Chair Fulton asked how much cleanup it will need. Taytslin said that some areas need chainsaw work and then some trails need to be rerouted. Discussion ensued regarding blazing by painting. TA Bolton said that once the information is all gathered it can be purchased on a town credit card.

Vice Chair Najjar motioned to approve up to \$1,000 for trail maintenance to come from the Conservation Fund. Seconded by Burdick. Motion passed 6-0-0.

Vice Chair Najjar said that he wants to stay true to their promise to Jack Meany and after the April meeting he would like to consider a site walk with everyone available to go to Barden and get some ideas on a small loop trail. Vice Chair Najjar said the second thing is the CC does not manage enough contiguous land to suggest. Vice Chair Najjar suggested contacting the Southern New Hampshire Planning Commission to facilitate the town parcels together and GIS exercising using class sixes and fives to facilitate the trails forum. They need people to help write grants because it costs money to create the trail beds. Discussion ensued regarding the trails subcommittee and getting people to join who are interested. Vice Chair Najjar will call for ideas.

Other Business:

The Conservation Commission reviewed the Town Election results. Chair Fulton said that it was good to get approval of Article 24. Article 25 the Select Board in their purview will figure out a way to study restricting eligibility which is not the CC concern. Article 26 passed, and it is acknowledged that there is a great deal of interest in ball fields. Chair Fulton said they do not have the answers regarding articles 24 and 26. Lemay said it is complicated because article 24 said that they can protect the fields but then article 26 contradicts that by turning the hay fields into ball fields. Vice Chair Najjar said at the deliberative session Laura said it is probably going to court to sort things out. Vice Chair Najjar said that he would prefer to wait on doing anything until they know the next steps. Chair Fulton said should go to a Selectmen's meeting to discuss the issue. Discussion ensued regarding the fields.

Chair Fulton signed reappointments for Lemay, Burdick, and Camacho and they will be given to the BOS for approval.

Annual Meeting: Chair Fulton opened the annual meeting at 9:48 PM.

Motion made by Lemay to appoint Fulton as Chair, Najjar as Vice Chair, and Camacho as Secretary. Seconded by Burdick. Motion passed 6-0-0.

150
151 Chair Fulton suggested in the bylaws there be a statement that says there is no history to amend the bylaws
152 to say RSA 36a makes no provisions for an Ex-Officio member of the Conservation Commission. Chair
153 Fulton explained the role of Ex-Officio.
154
155 **Vice Chair Najjar moved section III, C that the Conservation Commission does not have an Ex-**
156 **Officio because RSA 36a does not mention and to delete section V, C completely. Seconded by Lemay.**
157 **Motion passed 6-0-0.**
158
159 Chair Fulton will update with today's date and send it to TA Bolton.
160
161 **A motion to adjourn was made by Vice Chair Najjar at 10:03 p.m. and Seconded by Taytslin The**
162 **vote passed 6-0-0.**
163
164 **ADJOURNMENT**
165 A True Record.
166 *Kearsten O'Brien*
167 Kearsten O'Brien, Minute Taker