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WEARE CONSERVATION COMMISSION
MEETING MINUTES
April 10, 2024

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PRESENT: Andy Fulton- Chair, Steve Najjar- Vice Chairman, Mike Camacho, Sherry Burdick- Commissioner, Marc Phillips- Commissioner, Philip Cody- Alternate Commissioner, Ray Lemay- Commissioner; David Pratte- BOS Liaison.

ABSENT: Suzanna Taytslin

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Katherine Andruchuk, Ray Banks

Chair Fulton opened the Conservation Commission meeting at 7:06 p.m.

NHDES: Katherine Andruchuk with Alan and Major Associates is at the Conservation Commission meeting on behalf of Daniel Peterson of 55 Woodfern Road and he is the applicant of a Wetlands Permit by Notification for his property located at the southern end of Horse Lake. Ms. Andruchuk explained that Mr. Peterson is looking to replace 75 linear feet of a rubble mason retaining wall with a stone retaining wall. There is also a deck, a dock and a boat house at this location. These structures are all to remain, but the decking of the dock and the deck are to be replaced with composite material. He is also proposing a cantilever walk along the side of the boat house. There will be no extension of the walk into the lake front and the surface will allow for the water to pass through erosion-control turbidity areas. The work is proposed to be done during the dry season. Chair Fulton asked for an explanation of the permit by notification because it sounds as if she is providing information but there is not a spot for the CC to weigh in or to sign off. Ms. Andruchuk said it is not a shoreland and it is not a dredge and fill. Ms. Andruchuk said that her understanding is that this needs to be signed and approved by the Town Clerk. Chair Fulton asked when she says the work will be done during dry conditions would that be next fall draw down and next winter? Ms. Andruchuk said right now with the drawdown that area is exposed so depending on the work, approval, and schedule they are restricted to whether it would be this spring or it would have to wait until the next drawdown. Discussion ensued regarding the drawdown. Chair Fulton asked if Ms. Andruchuk knew whether or not this type of work is inspected by Environmental Services at some point or if is it subject to potential inspection.

Public Comment: Ray Banks said that he is asking questions regarding Buzzle Hill Road and the trees in the Cemetery that were marked early last year and there were supposed to be bids to remove them. The fence has yet to be fixed and there are deep holes adjacent to the property. Chair Fulton asked what the fence was between. Mr. Banks said the fence is between the cemetery and their driveway. Mr. Banks said on the same property there is a stone culvert that has been widened every year and a little bit of gravel has been coming off and going into it from the grader and plugging it up. Mr. Banks asked are these comments supposed to go to the CC because he already has asked the highway department about the stone culvert. Vice Chair Najjar said it would need to go to the BOS and the Highway Department because if there is a

47 wetland fill or wetland law involved then the CC can look at it. Mr. Banks said his last question is regarding
48 the voting in the election. Does anyone know how they are moving forward with the yay's and nays? Chair
49 Fulton said for the CC as of right now no's mean that nothing has changed since they discussed it and they
50 have not received any additional information. Selectman Liaison Pratte said the BOS has been looking into
51 things and there has been no decision made yet and the BOS is still weighing some stuff. Mr. Banks said
52 he is not trying to push forward anything, but his lawyers just keep asking him which way they are going.
53 Selectman Liaison Pratte said everyone is waiting for an answer. Chair Fulton said the CC's position at
54 this point is to just hold and wait until they hear from the BOS.

55
56 **Minutes: Motion made by Vice Chair Najjar motion to accept March 13, 2024 minutes, as amended.**
57 **Seconded by Commissioner Lemay. Motion passed 4-0-3 abstentions from Camacho, Burdick, and**
58 **Phillips.**

59
60 **Membership Renewal:** Chair Fulton proposed to move Commissioner Burdick from a three-year term to
61 a one-year renewal, so that she and Vice Chair Najjar will be tracking on the same year, hat way there is a
62 better division of the membership and not everyone's term is expiring in one year. Then they have Mike,
63 Marc, and Ray who are also going forward for three-year updates and Naomi will let them know when that
64 will happen.

65
66 **Minutes: Motion made by Commissioner Phillips to approve the January 10, 2024 minutes as**
67 **amended. Seconded by Vice Chair Najjar. Motion passed 4-0-3 abstentions Phillips, Burdick, Fulton.**

68
69 Vice Chair Najjar suggested that the minutes be sent in Word to the commission to make changes and
70 notes. TA Bolton said that the commission meets to approve the minutes and you can subscribe to when
71 the minutes get posted.

72
73 **Duck Pond Site Walk:** The commission rescheduled the Duck Pond site walk for April 19th at 4:45 pm
74

75 **Land Management:** Chair Fulton said they received four bids for the demo at the Barden lot from Alpine
76 Environmental of Chelmsford Mass, Always Wrecking of Bristol NH, Triple Construction location not
77 specified, and Speare Brothers of Laconia. Secretary Camacho said they went on the site walk and they
78 were under the assumption that the property was inspected for asbestos and the home came positive. Also
79 on the property, there is a barn/garage, and the asbestos report does not have any language regarding that
80 structure. Secretary Camacho said he does not believe they can have the structure demoed until the
81 inspection is complete. The house itself would be good for a demo. Vice Chair Najjar said the conundrum
82 now is did anyone call to see if that was an omission in the report and they just did not find anything, or
83 did they not take samples from the barn/garage structure? Secretary Camacho said that he read the report
84 and did not see any language of samples being taken from the structure. Chair Fulton said it sounds like to
85 him they were able to look at the outside of the structure but not able to look at the inside of the barn/garage
86 structure. Commissioner Lemay said the dome in the back has collapsed. Chair Fulton said to him it is up
87 to what the bidders decided to do. Commissioner Lemay said that he believes that the bidders were under
88 the impression that the job was to clean everything up and that is what they priced their bids off.
89 Commissioner Phillips said at this point there is not enough information, and he does not know enough
90 about it without seeing the bids and what they include. Commissioner Lemay said he does know several of
91 the contractors have remediation and inspectors within the workplace. Vice Chair Najjar said the statement
92 of work has two-line items, one of them specifically is to abate the asbestos that was in the report. The idea
93 was to have clean buildings if they were to knock them down themselves and if it was prohibitively
94 expensive then, line item two is to demolish the buildings. Commissioner Phillips suggested tabling the
95 bid opening until they could get ahold of the company that did the inspection and clarify what had been
96 done. Discussion ensued regarding the process.

97

98 **Vice Chair Najjar made a motion that if the town omitted from the original sampling contract for**
99 **the garage the CC authorizes up to \$2499 to come from the CC Fund and authorize Secretary**
100 **Camacho to state work to sample the garage ASAP. Seconded by Lemay. Motion passed 7-0-0.**

101
102 **Commissioner Burdick motioned to meet on April 19th at 4:45 at the Town Office meeting room for**
103 **a work session regarding the Barden Property building demolition and abatement. Seconded by**
104 **Phillips. Motion passed 7-0-0.**

105
106 Commissioner Burdick stepped down from the discussion for the continuation of the logging agreement.
107 There is a bill of \$235 for the culvert a 12 in by 20ft ADS double wall. There is a truck fee of \$400. The
108 trucking fee was to remove a load of excavated material for ditching and to carry a load or two of crushed
109 gravel to the site. An invoice of \$365 for the material of crushed gravel. Chair Fulton will be paying the
110 invoices. The town driveway to the Eastman Town Forest is in much better shape.

111
112 **Banks/ Schmid Hayfield Lease Agreement:** Commissioner Burdick returned to the table as a voting
113 member. Vice Chair Najjar shared the language for the lease agreement. Chair Fulton asked if there was a
114 term of the lease or length of the lease stated. Vice Chair Najjar said it is on page fifteen paragraph three.
115 The next step would be to go to the BOS for discussion. Vice Chair Najjar said part of the discussion would
116 be the permit for the gravel pit. Discussion ensued regarding changes to the lease. Chair Fulton said that
117 he will be bringing the lease forward to the BOS and it would be helpful to find out if the BOS would like
118 the CC to present as a proposal or just as in get it on the agenda. Selectman Liaison Pratte said to bring it
119 before the BOS.

120
121 **Collins Ledge:** The CC got a report that there is an encroachment issue. Commission Burdick removed
122 herself from the discussion because she is related. Chair Fulton said they needed to make contact with the
123 abutter. Mathias from Meadowsend Timber, did contact the abutter. Chair Fulton asked if there was any
124 recognition from the abutter to stop the encroachment. Commissioner Cody will get in touch with Mathis
125 and the landowner to schedule a visit to review the encroachment.

126
127 Commissioner Burdick returned to the table as a voting member.

128
129 **Ferrin Pond Access Request:** Someone asked if there was a way for someone that was nimble to get an
130 ATV ride up to the pond and would the CC allow that? Chair Fulton will respond to the question. The
131 commission agreed that there is nothing available and that what has been there would probably take a lot
132 of work and the commission does not know of an easy way to make it work for them.

133
134 **Trails:** TA Bolton to order paint for the markings of the trails.

135
136 **Poor Farm:** Vice Chair Najjar said they are not making progress and they should tell the Attorney to move
137 forward. Chair Fulton said they have shared their results and have been cordial and there have been no
138 steps taken by the claimant.

139
140 **Other Business:** Selectman Pratte asked about the new/upcoming Forester RFP. Chair Fulton said they
141 will be looking at doing that in the summer. Vice Chair Najjar said they should meet with the BOS to go
142 over and understand how to develop the RFP. Chair Fulton will reach out to the BOS to discuss the RFP
143 development for the Town Forester. Vice Chair Najjar mentioned exempting the Forester RFP because the
144 commission is happy with their current Forester.

145
146 **A motion to adjourn was made by Commissioner Phillips at 9:49 p.m. and Seconded by**
147 **Commissioner Burdick the vote passed 7-0-0.**

148
149 **ADJOURNMENT**

150 A True Record.

151 *Kearsten O'Brien*

152 Kearsten O'Brien, Minute Taker