



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the December 19, 2012 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Andy Deegan, Dan Allen, Ruth White, Rick Anderson, Terry Dancy, Laura Alexander, Emma Crane

MEMBERS ABSENT: Sue Clough

OTHERS: Bob Crane (Webmaster), Lucy St. John (Planning & Zoning Administrator), John Wilson, Ed Canane

Chair Brown called the meeting to order at 9:00am.

Ms. St. John was present and said that Mr. Ed Canane was there to talk about something he would like to do involving a practice called "Silvopasturing." Mr. Canane was given the floor to explain.

Mr. Canane said that the parcel of land he would be referring to was on Pleasant Street. He noted that both Red Brook and White Brook were in the area with a required 100' buffer. He understood that clearing the property would require a recommendation by the Conservation Commission and the Planning Board. Ms. St. John said that the next Planning Board meeting wasn't until January 8th.

Mr. Canane said that he and his wife own Cascade Brook Farms and own the parcel on Pleasant Street. He is a software developer but his passion is farming and ranching. He spends 40-50 hours/week farming. His wife works the farm full-time. They raise Black Angus cattle and Heritage Breed pork. Mr. Canane said that they are grass farmers and that every piece of land they own has been 100% forested. The Canane's feel that they are environmentalists and everything they do is open and visible to anyone who wants to see. He felt that perhaps they would need to get a special exception from the ZBA regarding the 100' buffer from streams of record, as he would like to fence up closer to the streams.

Mr. Canane said that two of these streams cross the property. He visited the area with his resource conservationist yesterday. Red Brook is closest to the road and White Brook is further back. The water was flowing very well. He abides by regulations instilled by the federal government and does things that are necessary for water quality, for example, building a very expensive manure storage facility, and using concrete on heavily used areas.

Mr. Canane said that they would like to implement Silvopasturing on the Pleasant Street property. He noted that Cornell is a huge supporter of this practice in the North East but that it is a rarity in this area. Silvopasturing is the integrating of forage into the forest. If they implemented this practice, they would see a park-like setting. The entire perimeter would be fenced with electric fence that animals can't go through. If he puts his fence 100' away from the stream, he would be fine with it, but what he wants to do is put it within about 35' from the stream, maybe closer due to the topography of the land and the vegetation present. It will afford more grazing and shelter for the animals. Mr. Canane said that he doesn't want to damage the water. He will test the water when he goes in and will test it twice/year. The animals will also be drinking this water and he plans to put in a pipe to gravity feed it to a trough to water them.

Mr. Canane said that they would abide by best-management practices. The requirement is 1.5 acres per cow but he felt what was really important was the weight of the animal, not the number. This determines the impact on the soil and the roots. He may decide to do some forestry to convert the property to pasture. Mr. Canane said he usually stumps these kinds of areas, which is expensive. He would leave clumps of trees and grass. He uses a no-till drill and pot ash to bring up the Ph. Mr. Canane thought this would be a value to the town.

Mr. Anderson wondered how many cows would be in the area depending on how they decide to pasture them. Mr. Canane said that Silvopasture will allow for fewer animals. The parcel is 26.1+/- . He estimated that there would be a maximum of 12 animals there. Mr. Canane said he has plenty of ground and space for their animals. They want to put animals on the Pleasant Street parcel to get their brand out.

Mr. Anderson said he was the President of the Pleasant Lake Protective Association. He said that both brooks on the Pleasant Street property were running hard and a lot of water flows from these brooks into Pleasant Lake each year. He couldn't imagine that pasturing cows near the brooks would be good for the ground and surface water. Mr. Canane said that NRCS requires them to do an impact evaluation before they go into an area. They need to look at the amount of nitrogen, phosphorous and erosion that would come from the animals. Mr. Canane said he has to consider how many animals and how close they will be put together. They also need to know the forage in the area. Once he knows this, he can calculate the number of animals that can go in the space. He said that if he was adhering to the 100' buffer and using the high tinsel fencing, the cows would not be getting into the water. They need to rotate the location of their water source to distribute the pounds from the cows when they come to drink. This weight will impact the ground. Mr. Canane said the way he sets it up they will drink water one at a time. He didn't believe there would be a problem with the water quality at all and would have it tested several times per year.

Mr. Anderson said it would be a major impact to the lake and the town if bacterial counts in the lake went up. It could harm the values of the properties on the lake.

Mr. Allen wondered how the cows would get over the brook. Mr. Canane said he would fence both sides of the brook and would have a bridge of some sort going over the water. It might be made of stone but not wood. He would adhere to DES and Wetlands Bureau regulations and explained how the electrified gate and lane would be constructed to move the cattle. They won't be touching the water or the banks of the brooks.

Mr. Anderson said that the tree-cutting on the property near the brook is something they should consider as the water temperature in the streams is protected by the buffer, which prohibits the cutting of trees. Any trees they wish to cut that are larger than 4" needs town approval. Mr. Canane said he would be willing to go before the PLPA to explain what he wants to do and give a presentation.

Mr. Dancy said he has tested the water every year and the phosphorous level has gradually increased over the years and if it goes much further there would be a risk of Green Algae developing. Anything they do to minimize the buffers around those streams is going to hazard the phosphorous levels at that end of the lake. Mr. Canane thanked Mr. Dancy for articulating this point and said that he would stay outside of the 100' buffer. Mr. Deegan said that he has worked with Mr. Canane in the past and he is one to stop doing something if it is having a negative effect. He has a history of following regulations and he believed what Mr. Canane was saying.

Ms. St. John asked what the phosphorous loading was being attributed to in the lake. Mr. Dancy said at the other side of the lake where the strawberry fields are, they had a major increase in phosphorous in that area. They went to the Clough's (who owned Springledge Farm at the time) and found they had changed where they were putting the fertilizer on the fields. It was closer to the lake than it had been in previous years. This created a marked increase in phosphorous. This shows that agricultural activity can have an impact on the lake. Mr. Dancy said the other thing contributing is increased development. They pay close attention to septic systems, but there are uncertainties in some of them. There is always resistance to having more regulations in the area, but septic systems pose a threat to the phosphorous levels in the lakes.

Mr. Anderson said that part of the answer is cumulative effects; surface water becomes ground water over time.

Ms. St. John said that they were looking for a recommendation from the Conservation Commission and then he could go on to the Planning Board to proceed with the plan.

Mr. Canine said that if the commission believed the 100' buffer should not be disturbed, he would not go into it. The commission felt it was a problem. He was there to educate the Conservation Commission and provide them with the courtesy of knowing what he was going to do. He wanted to go inside the buffer, but now he won't. It isn't the right thing to do and he supported their recommendation.

Mr. Anderson said if they came upon a problem with sampling, even if he was outside the buffer, would he still do the right thing? Mr. Canane said they would need to determine how the problem was identified and how they would identify it was due to his activity. As a citizen, taxpayer and person, he needs to be insured that they can identify whether a problem is stemming from what he is doing. He would definitely remove his cows if it was determined that the problem was coming from him.

Mr. Dancy said that testing would be done at each area of the stream (near his cows, near other homes not on the town sewer, and in the lake). This should be able to pinpoint where the problem is coming from. He would be willing to meet with the PLPA to come up with problem identification and regulations. He said he didn't want to damage the water going into Pleasant Lake.

Mr. Canane said that he may still take the 4" diameter trees in the buffer because the lack of sunlight will prohibit the growth of grass on the land. He may also need to cut some trees to put in his fencing. He would still like to go to the Planning Board to give them information and would not be asking for anything.

Mr. Dancy said that they had a major washout on Lamson Lane due to overloading of Red Brook after a storm event. The upstream part of Red Brook is critical to how the stream gets due to exceptional storm events. The major clearing of an area is of concern because the trees assist with drainage. Proportionately, how much drainage comes from this property compared with others up and down stream? Forest is the best way of holding back the water. Grassland creates substantially severe runoff.

Ms. St. John said that alternatively, anyone could purchase this land and clear the lot and make it their back yard.

Mr. Canane said that he is not going to put in a culvert. In his experience, they cause problems. He will put in a bridge instead. He asked if he stays outside of the buffer and does not go into the forest, would that alleviate their worries. Mr. Dancy said that if there was 100' of vegetated buffer, it would remove a vast amount of phosphorous that comes forth. There was a small pond in Knights Hill Park that started growing Green Algae. It was found that upstream there was a small field where corn was being grown with the use of fertilizer. They found that at 100', 90% of the phosphorous was removed.

Mr. Canane said if the Conservation Commission had an issue with his cutting the 4" in diameter trees, they should send him a letter saying so. He may or may not comply.

Mr. Anderson said that if Mr. Canane is going to abide by the 100' buffer, could someone graze cattle within the 100' buffer? Ms. St. John said it isn't in the ordinance that cows can't come up to the stream and drink water. Mr. Canane said if there are regulations at a lower jurisdiction that are more restrictive, those apply.

Ms. St. John said that if Mr. Canane was going to cut and forage within the 100', he would need a recommendation from the Conservation Commission and it would then go on to the Planning Board. He has said that he wouldn't go into the 100' buffer. Currently, there is no action needed from the Conservation Commission. Ms. St. John said that if at some point Mr. Canane decides to change what he wants to do, he would need to go through the same process again. There nothing saying he can't do what he is asking, outside of the 100' buffer.

Mr. Anderson suggested that at some point the aspect of “grazing” should be included in the 100’ buffer regulations. Ms. St. John said that recommendations from the Conservation Commission should be sent to her as she is drafting language for other zoning changes currently.

Mr. Canine summarized that he would not go within the 100’ buffer and he does not ever intend to unless he chooses to and is authorized by all the requirements he has to meet from the town. If there were problems, the town could shut him down as they have that recourse. He said he would do the right thing.

Minutes of November 28, 2012

IT WAS MOVED (Laura Alexander) AND SECONDED (Dan Allen) to approve the minutes of November 29, 2012, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Phillips Preserve Easement

Mr. Deegan said that the attorneys talked the previous day. He had nothing yet to report.

Phillips Preserve Forestry Plan

Chair Brown noted that the timber sale contract from Leon Maslan has been signed by the Board of Selectmen and Mr. Maslan. His plan was to start marking trees that week but he wasn’t sure that would happen. He hoped to start work over the winter. Chair Brown said that Ms. Alexander has drafted a letter to the abutters of the preserve to let them know what would be going on in the area. After some missing information was put into the letter, it would be sent out to the 10 abutters. Chair Brown said they are not required by law to send this letter but are doing so anyway.

Planning Board

Ms. Crane said that at the last meeting the Planning Board approved a wind turbine to go up at Colby-Sawyer College, and a proposal for a 1,200 square foot classroom called the “Sun Shack.” The college had a good number of students who came to the meeting who presented along with four or five of their professors. They also approved two minor subdivision plans for the Vernon property on Pingree Road and they revoked a lot line adjustment decision that had been made in 2011. The merger of Hopwood and Lawson was approved as well.

Budget

Chair Brown said the budget has been submitted. They have put in \$25,000 for the Land Acquisition Fund and then \$14,000 for their regular budget.

Trails & Projects

Chair Brown brought up the Morgan Hill Road controversy having to do with the Town being asked to pay for the maintenance of the road because it leads to a trail maintained by the Conservation Commission. He did some research and found that there was a covenant made by Dick & Betty Webb in 1969 which clearly releases the Town and the water department from any responsibility to ever maintain, participate in maintenance, etc. for that road. The individual deeds say the same thing. Looking at the subdivision there are four participants who are deeded in the subdivision. Chair Brown said he talked to Van Webb also. He called the property owner and set up an appointment and they had a nice talk. He felt there was nothing they could do with town funds to support the repair or maintenance of the road. Ms. White commented that this is a good reason why they need to really think things through before making decisions.

Mr. Deegan thought it important for the property owners to know that if they came forth with another idea of how this could be remedied, the Conservation Commission would listen. He didn’t want them to think that it was a flat “no.” Ms. Alexander said that it is very clear in the deeds that the Town is absolved of the responsibility for maintenance. They made a mistake 10 years ago by paying for a portion of the repairs of the road, and they cannot repeat it. The law says they can’t do it. It was reiterated that the law is clear; the Town cannot pay for the maintenance of a private road.

Chair Brown said he was asked if the Conservation Commission had a boilerplate agreement that allows a trail to cross private property. Mr. Dancy said that most of their trails crossing private property have permanent agreements except for the Vernon crossing, which is renewable. The Greenway has a letter that covers this. Chair Brown said he has a copy of that letter. It was noted that it is commonly a problem to remember to renew crossing agreements. The commission agreed that the letter from the Greenway should be used.

Clark Pond Trail – Mr. Allen said he had the pleasure of encountering Edna and Terry Dancy on the trail recently. Mr. Dancy said they appreciated the new seat built by Mr. Allen.

Mr. Allen said he looked at the “Weed Wrench” and after doing some research, ordered the “Pullerbear.” It should arrive soon and was \$134 with shipping. He has also ordered the tree/shrub identification signs at a cost of \$138.00 and they should arrive soon.

Mr. Allen said he filled and leveled 20’ of trail in this season but is only working two or three hours/day. He also put blazes on the North Side Trail. He used the same blue blazes that were on the Norman Trail. He has also done some cutting on the North Side Trail. He suggested putting a picnic table on the Messer Pond Trail at the look-out at the end of the trail. They could buy one, Chair Brown could make one, or they could cut a tree or two and create one. Chair Brown said there was no need to purchase one as they have enough lumber to make one. Ms. Alexander suggested adding a sign to the table asking people to carry out their trash.

Chair Brown said he got a very detailed report and request for new signs from Bob Crane who identified 11 signs that needed replacing on the Kidder/Cleveland/Clough trail. He has engraved them and has put some varnish on them. They can go up in the spring.

Mr. Crane noted that the whole cross-country ski system on the trails will need assistance as Mr. Denning is now leaving as the Recreation Director. It was noted that Michael Todd could help take care of this.

It was noted that blazing needed to be done by the intern this coming summer. Chair Brown thought maybe some of the monitors could do this and he noted there was a good supply of blazes in supply.

Chair Brown thought that Mr. Denning leaving would impact the PSNH trail planning. He would contact Mr. Denning to get contact information so someone else can spearhead the trail.

Chair Brown said that Mr. Lee thought he could tend to the mowing in the areas that he had specified.

Programs

Ms. White said that programs in the winter haven’t been very well attended and they have been backing off from offering them. The Greenway, the Hay Estate, and Ausbon Sargent offer these types of outings as well. She would be willing to do the publicity but wouldn’t be around to lead anything. It was decided to hold off on the winter programs.

Patch Program – It was noted that four people and one dog were eligible for receiving a patch. Ms. White said she would hand over the patches to Ms. Crane to distribute in her absence.

The next meeting was scheduled for January 16th at 9:00am.

**IT WAS MOVED (Laura Alexander) AND SECONDED (Emma Crane) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 11:15am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London