

Enfield Conservation Commission – Meeting Minutes
DEPARTMENT OF PUBLIC WORKS/MICROSOFT
TEAMS PLATFORM
December 7, 2023

CONSERVATION COMMISSION MEMBERS PRESENT: Leigh Davis, Shirley Green (Vice-Chair), Edward Rippe, Kate Plumley Stewart (Selectboard Representative), Jerold Theis (Chair), Carol Wyman, John Welenc

CONSERVATION COMMISSION MEMBERS ABSENT:

STAFF PRESENT: Whitney Banker-Recording Secretary

GUESTS: Marcy Innes (Grafton, NH)

I. CALL MEETING TO ORDER:

Chair Theis called the meeting to order at 7:00 pm and took attendance.

II. REVIEW MEETING MINUTES: November 2, 2023 & November 28, 2023

A. November 2, 2023

Mr. Rippe MOVED to approve the November 2, 2023, Minutes presented in the December 7, 2023, agenda packet as amended.

Seconded by Mr. Welenc

**** The Vote on the MOTION was approved (7-0).***

Amendments:

-Line 47 – clarify “Hawley Drive Road Maintenance Association (HDRMA)

-Line 52/53 – clarify impacts could affect all along Crystal Lake

-Line 53 - Members discussed further. Mr. Rippe clarified that there is a Hawley Drive Association (HDA) separate from the HDRMA. The HDA is made up of 11 families currently residing on Hawley Drive. The members of the HDA are willing to have retention ponds and rain gardens on this lot to help slow runoff into the lake.

-Line 97 & 99– “conservation trust fund”

B. November 28, 2023

Note: November 28, 2023, minutes did not have a quorum and did not need approval.

III. NEW BUSINESS:**A. Conservation Land along Shaker Boulevard – Ms. Innes**

Tax Map 11, Lot 24 (648 Shaker Boulevard) is an 18-acre, wooded parcel along Shaker Boulevard with frontage. The property does not have lake access. It has been in Current Use.

The property is owned 50% by Ms. Innes and her siblings and 50% by another party who is not related to their family. Ms. Innes and her siblings are interested in conserving the land. The other owner is interested in selling the property. Ms. Innes and her siblings plan to purchase the 50% owned by the other party in order to conserve the property.

The property was appraised by a residential appraiser for \$225k.

The owners who are interested in conserving the land have spoken with the Upper Valley Land Trust (UFLT) to discuss the best way to conserve this. The majority of the property is wetlands. The UFLT said a different appraisal would be needed from someone approved by the NH Department of Environmental Services (DES).

Ms. Innes sought the best way to compile information that the lots would not be suitable to build on. Chair Theis said that a certified wetland scientist would need to evaluate the property's buildability. Ms. Green agreed that obtaining a wetland scientist from NH DES may be the best way to begin with this. Ms. Stewart suggested looking at the NH DES soil maps, as she believes the type of soil on this site is primarily highly desirable for farming. Chair Theis also suggested a review of the commission's Natural Resources Inventory.

B. Documented Violation: Tax Map M1, Lot 3

A structure was built over a creek for logging purposes, with no permit obtained to do so. NH DES thus documented a violation.

IV. OLD BUSINESS**A. Approval of Second Seasonal Dock Tax Map 27, Lot 2****V. INTENT TO CUT:****A. Tax Map 9, Lot 75, Block 4 and 5****VI. CORRESPONDENCE:****A. US Supreme Court Decision Sackett vs EPA (Environmental Protection Agency)**

The decision is that the EPA only has the right to regulate wetlands with a direct surface connection to the Waters of the United States. They do not have the right to regulate any wetland that does not have a surface connection to the Waters of the United States.

Chair Theis asked members to consider prime wetlands in Enfield (such as those along Bog Road, which drains into George Pond, Knox River, Mascoma Lake, Mascoma River, and Connecticut River). If the Connecticut River is considered the Waters of the United States, the EPA would have jurisdiction over this area.

B. NH Association of Conservation Commissions (NHACC) Exchange: Question about disincentives for impacts to buffers

Chair Theis shared this request from the NHACC for communities with wetland surface water buffers in their ordinance, whether they have succeeded in getting applicants to reduce buffer impacts for projects.

C. Connected Habitats for Wildlife

The Upper Valley Land Trust is doing a connectivity study of a known wildlife corridor between Haverhill and Enfield and from Corinth to Wentworth that crosses roadways. They are looking at the wildlife movements and landscape changes due to roads, fencing, housing, etc., that limit habitat access.

D. Methodist Hill Property Use Committee (MPUC) list of members

Chair Theis provided members with the MPUC board members and thanked Conservation Commission members who attended their recent meeting to make suggestions for the future use of the property.

VII. OTHER BUSINESS:

A. Replacement of Chair procedures:

Dr. Theis will resign from the Enfield Conservation Commission on December 31, 2023, suggesting the commission choose another Chair before Jan 1, 2024.

Chair Duties:

-Provide an email address to Town Hall so notices can be sent on to the Chair

-Check the Enfield Conservation Commission mailbox at Town Hall for Notices from NH DES

-Prepare Agenda for Monthly Meetings

-Provide a packet for each meeting to Mr. R. Taylor at the Department of Public Works for distribution to all members by email before each meeting.

Chair Theis suggested that another commission member may be interested in applying to be on the board of the NHACC (he will no longer be able to sit on this board as he is resigning from the Enfield Conservation Commission).

B. Lake Impacts

Ms. Wyman asked how the Conservation Commission could work on laws or ordinances involving lake impacts.

Ms. Stewart said that health concerns (such as a septic system that has failed) can be directed to the town's Health Officer (Mr. Ehrenzweig).

Ms. Wyman said that she felt the people doing testing should be empowered to test along the front of all lakeside properties. Ms. Stewart clarified that this is allowed but that accessing the private properties is not.

Ms. Wyman suggested Mr. Jim Martel come to the commission to discuss what the Mascoma Lake Association (MLA) considers their limitations or challenges from a testing perspective. Members agreed this was a good idea. Ms. Stewart said she was unsure if he was in the area during the winter, so it may need to be scheduled for the spring.

Members discussed the importance of gathering data to determine problems along the lakes and with water quality, septic system impacts, chemicals, fertilizers, etc.

VII. NEXT MEETING: January 4, 2024

VIII. ADJOURNMENT:

Mr. Welenc MOVED to adjourn the meeting at 8:21 p.m.

Seconded by Ms. Green.

**** The Vote on the MOTION was approved (7-0).***