

Fremont Conservation Commission
05-04-09 Minutes



Fremont Conservation Commission
Minutes of May 4, 2009
Approved May 18, 2009

Present: Chairman John (Jack) Karcz, Members Janice O'Brien, Tina Sturdivant, and Pat deBeer and Recording Secretary Meredith Bolduc.

Chrm. Karcz opened the meeting at 7:30 pm.

MINUTES

Mbr. O'Brien made the motion to accept the minutes of the April 20, 2009 meeting as written. The motion was seconded by Mbr. deBeer with unanimous favorable vote except for Mbr. Sturdivant who abstained as she was not at that meeting.

Mbr. deBeer made the motion to accept the minutes of the April 25, 2009 site visit with area corrections. The motion was seconded by Mbr. O'Brien with modifications unanimous favorable vote.

TUCK WOODS

Map 6 Lot 064

Jodi Donahue, Mary Kaltenbach and Dennis Howland

At 7:30 pm Jodi Donahue of 18 Ingalls Lane along with Mary Kaltenbach and Dennis Howland of 121 Tuck Drive met with the Commission relative to a request for a second residential subdivision sign for Tuck Woods. Mrs. Donahue distributed a cover letter detailing that the Tuck Woods Homeowners Association is requesting permission to install a free standing sign on the Tuck Woods Conservation Easement land at the entrance to Phase II where Commercial Drive in Brentwood ends and Tuck Drive and Godfrey Lane in Fremont begin (the intersection of Tuck and Godfrey). This sign would be the same as the sign at the entrance on the corner of Karlin Road and Ingalls Lane and is proposed to be maintained by the Tuck Woods Homeowners Association. Mrs. Donahue submitted a map and pictures of this area.

The Conservation Easement was discussed. It was noted that Homeowners Association is now the owner of record of the easement (the Conservation Commission is the grantee).

Mbr. O'Brien noted that section 2C of the easement, "Use Limitations", reads in part "No structure or improvement of any kind shall be constructed, placed or introduced on to the easement property". Mbr.

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O'Brien said that the easement document needs to be amended to allow the placement of a sign. It was agreed that the Commission has no jurisdiction over the easement restrictions.

There was a discussion relative to what sections of the Easement document would need to be amended, the legal language and recording the amended one at the Rockingham County Registry of Deeds. Mbr. O'Brien questioned if the easement document has verbiage such that it would not be legal to amend it. In reviewing the second paragraph of the document on page two, Mbr. O'Brien said that amending it may not be honoring the intentions of the original grantor. Chrm. Karcz suggested that the original grantor may be the only one who can amend the document. There was a question of whether an Easement amendment would require the signatures of each homeowner in the development. After further discussion the Members agreed that the Homeowners Association should seek the advice of an attorney and if the Homeowners Association's Attorney can make the necessary legal changes to the Easement document to allow the placement of a sign and the Town Counsel agrees with the amendment, then the Conservation Commission would consider the request. There was a discussion relative to ownership of the open space portions of the property as well as the feasibility of an amendment to the Easement.

There was a brief conversation relative to plantings at the base of the sign. Mbr. O'Brien noted that section 2D of the easement reads in part "No removal, filling, or other disturbances of soils surface, nor any changes in topography, surface or subsurface". Mbr. Sturdivant stated that she is not comfortable with amending the Conservation Easement to allow landscaping because doing so may serve to set a precedent.

At 8:20 pm Mrs. Donahue, Mr. Howland and Ms. Kaltenbach thanked the Commission Members and left the meeting.

TRAILS

Chrm. Karcz reported that on April 25, 2009 he was joined by Member Janice O'Brien & her husband Bob O'Brien, Member Pat deBeer & her husband Bruce DeBeer, and Dennis Howland for a site visit at Glen Oakes. During the visit Mr. Howland showed the path he previously suggested for connecting the Woodland Trail to the Barred Owl Trail and they marked it with yellow tape. Everyone agreed this was a good path and it should be connected and named. It was noted that the group also found evidence of expanded ATV use on the Barred Owl Trail coming off the power line. The group found the corner granite marker and made their way back to the Homestead Trail, but felt this area needed further exploration before any additional path is defined.

Earlier this evening Mr. Howland said that he has begun to mark out the trail for connecting the Woodland Trail to the Barred Owl Trail that was marked during the April 25, 2009 site visit.

Mbr. deBeer distributed a map of the trails that the members discussed. it was agreed to have the "Porcupine Den Trail" go all the way to the Forest Loop Trail replacing the name Homestead Loop

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Trail on the west side of the green loop. The Homestead Trail would be the name of the trail on the east side of the green loop going from the Forest Loop T rail to the Porcupine Den Trail.

ERLAC

Mbr. deBeer said that at the April 28, 2009 ERLAC meeting there was a presentation by Laura Weit of DES on the State Owned Lands Management Plan in the Exeter River Watershed. There are two bridges in Fremont that are included in the plan as is the Rockingham Rail Trail. The document includes sections that may be of interest to other Town employees including: *Section 6.3 State-Owned Right-of-Way and Infrastructure*, *Section 6.4 Road Maintenance Facilities* and *Section 7.5 Transportation*. The document also includes links to BMPS (best management practices) on a variety of topics including transportation. Comments can be emailed by May 12th to Laura Weit from DES at lweit@des.state.nh.us. Mbr. deBeer said that a representative from Sandown commented that based on the Natural Heritage assessment of rare and threatened species in the area surrounding the rail trail, herbicides should not be used. The comment was noted and it will be considered for adoption as the Management Plan goes through the stages of approval.

Chrm. Karcz said that he understands the river by the Brownfields property is not included in the management plan. Mbr. deBeer said that DES's interest is anything that includes State owned property.

There was a conversation relative to meeting at 9:15 am on May 16, 2009 at the main floor of the Town Hall prior to the scheduled Vernal Pool workshop.

WETLANDS ZONING ORDINANCE

Chrm. Karcz reminded everyone of the May 6, 2009 joint meeting with the Planning Board, Conservation Commission and the ZBA to meet with Soil Scientist Mark West relative to a review Fremont's existing Wetland Ordinance for missing and/or outdated setback requirements including graduated buffers and increased/decreased buffers in the prime wetland areas as well as those of standard wetland areas. The final product would be an amendment of the ordinance that would focus on missing buffer elements and modify the existing buffer requirements.

NATURAL RESOURCE PUBLICATION

The Members discussed the Natural Resource Publication. Mbr. deBeer is working on "Drinking Water Safety" and is almost finished. She is also working on "Riparian Corridor". Mbr. Sturdivant agreed to do an article on the subtopic under Protecting Water Resources titled "Saving Water at Home". Mbr. O'Brien asked if Mbr. Knee had agreed to do an article on Wetland Buffers and Mbr. deBeer stated that she has not had any contact with him. Chrm. Karcz has agreed to do an article on "Impervious Surfaces" and Mbr. O'Brien has agreed to do an article on "Wetlands".

TODD & DEBORAH RICH

Map 3 Lot 015

The Commission received a comment sheet from the Planning Board relative to an amendment to an existing Site Plan Review for Todd and Deborah Rich who have requested to be allowed to renovate the unfinished space of their mixed use commercial complex building located at 5 Hall Road into two

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one-bedroom apartment units. The Members agreed to issue no comment as there are no wetlands issues.

INVASIVE PLANT

Chrm. Karcz said he noticed that Japanese Knotweed has appeared on South Road and he feels it may be in the fill that the Road Agent is using along the sides of the road. He asked if any of the other Members have noticed it by their homes or other areas. Japanese Knotweed is an invasive weed that quickly takes over and chokes out other plants in an area, including wetland, and the most effective way to combat it is with an herbicide, which would not be a safe option for any wetland areas. Mbr. deBeer said that she thinks herbicides must be administered by someone licensed in its use. Mbr. deBeer suggested writing a letter to the Selectmen to advise them of the problem.

INCOMING CORRESPONDENCE

Received: Notice of a May 18, 2009 presentation at the Exeter Town Hall which will provide an opportunity to learn more about the June 13th, Lamprey River Watershed Conference for all fourteen towns.

Mbr. O'Brien made the motion to adjourn at 9:25 pm.

Motion seconded by Mbr. Sturdivant with unanimous favorable vote.

Meredith Bolduc

Land Use AA/Recording Secretary