

CONSERVATION COMMISSION MEETING  
JANUARY 13, 2016

Present: Bob Boynton, David McTigue, Jack Messe, Matt Oliveira, Lisa Oden, David Lage, Lori Rautiola

The meeting was called to order at 7:30 at the Town Office.

Bob opened the meeting by asking if anyone was here for a particular reason so they wouldn't have to wait. Jacob Day, with the Eagle Scouts, responded he was inquiring about projects he could do.

Virginia Notter brought to the Board's attention there is no longer a required due date for DES regarding the wetland mitigation, and Bob concurred. Bob noted in September the Board was told by Kinder Morgan to make a list of projects for mitigation as soon as possible, otherwise they would not be mitigated. After speaking with the Selectmen and several different sources, Bob found out the process is once the application for the wetland permit is approved, there is 150 days to file. The Commission would like to have a number of projects lined up.

Maria Szmauz asked why the State/Town gets the mitigation for the landowner's wetlands being impacted by the pipeline since it is their land and they should be compensated. Bob suggested Maria speak with State Representatives Jim Coffey and Jim Parison regarding this issue, adding the Conservation Commission does not get the money for mitigation; it goes to the State for distribution.

Mr. Barthelmess asked for clarification on the wetland permit and Bob stated the Commission has 150 days from the time the wetland permit is approved to file the project list. All permits will go through the Conservation Commission for review before they go to the State.

Maria questioned the aquifers and wetlands on the route of the pipeline project. A handout of "Concerns about Pipeline Voiced by the Public" was distributed showing a list of public concerns, local concerns and State responsibility. Maria stated she is against the pipeline and wants to make sure the Commission is not going to settle for any kind of deal with Kinder Morgan. Bob noted the Commission has been protecting the land for many years and would not let the environment be destroyed. The Board has done an extensive analysis through GIS on what will be impacted. Noise is handled by the Planning Board and air quality is handled by the Air Resource Division in Concord. The aquifers are protected by local ordinances put in place by the Planning Board.

Fracking, fossil fuels and other concerns are not in the Commission's purview according to RSA:36A. Karen Miller asked who takes care of the aquifers. Bob responded the State leaves it up to towns to put ordinances into place such as a ground water protection ordinance. Karen asked about the ground water protection ordinance that the Commission is working on. Bob noted it was too late for 2015 but will be submitted next year.

Selectman Lage asked how Bob knew Kinder Morgan would not submit an application to DES until 2017. Bob responded first Kinder Morgan needs an approval from FERC, then access to the properties, and then they would submit the application to DES.

Bob reported that he spoke with DES regarding the letter and deadlines for application and they confirmed there is no deadline and the Commission was doing the right thing by remaining neutral. Someone asked why the Commission believes it is best to remain neutral. Bob responded the Conservation Commission is governed by RSA:36A which pertains to wetlands, ponds, lakes and streams; they also acquire land for habitat and protect open spaces and water purity. The Board needs to remain neutral in order to be objective.

The potential impacts from the pipeline and the compressor station were discussed. Bob mentioned Kinder Morgan would most likely put the compressor station on the higher ground of the 200 acre SKAT property avoiding the wetlands which are located mostly in the southern part of the land. Mr. Barthelme stated it would still impact the streams and wetlands due to run off, and impact wells within a half mile radius. He added the toxic water levels may be under EPA limits but are still toxic, and surface waters are guaranteed to be impacted even if it is minimal. Bob noted this is beyond the Commission's purview and is handled by the State.

Maria questioned the arsenic levels from blasting through aquifers. David answered there can be scale on the fracture surfaces of rock aquifers and it is possible for it to shake that loose with blasting, but typically arsenic is mobilized by reducing conditions or water depleted of oxygen and that tends to dissolve iron oxides in the aquifers which absorb arsenic. He did not see this as a long term affect. Bob stated people should be testing their wells every year. Then if something does happen they would have an idea what caused it, adding it is unclear who would be paying for this, the homeowner or Kinder Morgan. Maria asked if the town could try to mitigate for the testing of these wells and Bob answered mitigation only revolves around wetlands, streams and ponds.

The minutes of December 9, 2015 minutes were reviewed. The following changes were made: Second page third paragraph should read.." and noted that the stratified drift aquifers extend down as much as 200 feet below the ground surface." Also second paragraph second to last sentence should read.." The trench for the pipeline would be down about six feet and since some of the wetlands along the route are so small (under 10,000 square feet) they would not be mitigated." Bob noted the minutes on the website use to go back at least fifteen years and since the new website they only go back three years. The Board will do further research to get the old minutes back up on the site. Bob asked members to come up with a list of prospective properties with high natural resource values for possible mitigation.

#### **New Business:**

Bob received an email from the Town of Stoddard to stop a bill from being passed that would issue 50 bobcat permits a year. There are about 1400 bobcats in New Hampshire with the majority of them being located in Cheshire County. Fifty permits a year would be about 1.8% of the population; however, the population is growing at a rate of roughly 7% a year, so it would not decimate the population. If anyone has any issues or concerns, go to the Town of Stoddard's website.

Members discussed the need for a GPX file for the Nussdorfer Nature Area and decided one of the members will come up with one in order to put a map back up on the kiosk.

Bob asked Selectmen Lage if he would like to state his opinion regarding filling a vacancy on the Commission. David responded the Selectmen discussed last night that RSA36-A:3 takes precedence over the Commission's by-laws. The by-laws state "The Commission shall consist of seven regular members, all of New Ipswich and all appointed by the Selectmen from a list of persons recommended by a vote of the Conservation Commission at its annual meeting in October." David read RSA36-A:3, which he interpreted to mean the Commission can appoint someone at any time and they do not have to wait until October to vote in a new member adding there are two positions open at this time. Bob stated the RSA has nothing to do with the nomination process; when you have an elected board, their terms start/stop on a certain date. If the Commission opened up all the vacancies, there would be seven different terms. The Commission likes the way it has been done for the past twenty or so years as the Commission can build up a rich slate of members as it has right now.

Bob used Matt as an example of how townspeople usually come onto the Commission as an associate member first. Matt came to roughly nine meetings before he was voted in as a member. By doing this,

you have a quality Board; if you just fill a vacancy quickly not knowing what the person is capable of doing, it does not benefit the Town or the Commission. David stated he is basing his opinion on the RSA and wants it to be known the Selectmen are not saying who should be on the Commission, but there is a vacancy and it should be filled. When someone comes on a Board in January that does not mean the term will be up in January; it would be over in October. In this case a member would be filling a vacancy.

David also pointed out the by-laws state the Commission shall consist of 3-7 members. Bob stated this Commission has five members and therefore meets State requirements. Jack questioned the urgency of making a political appointment at this time and asked why the Commission had not been approached directly regarding membership. He stated Karen had been invited to attend Commission meetings but she never gave any indication she was interested in joining and had said, at that time, she was very busy. Jack also argued that making a political appointment would be a bad precedent because in the future, if a large mall or other development comes to town seeking wetland permits, a pro development Select Board could stack the Conservation Commission with members who might look the other way. David noted it is the responsibility of the Commission to make a recommendation to the Selectmen. Karen stated she was interested and Bob agreed she has shown interest but never came directly to the Board to inquire about being a member. Bob listed some of the responsibilities of being on the Commission, and noted the Board does not know what her interests are, if it is just for the pipeline or if it is everything; The Commission does not want to invest time in something if it is not in their best interest. David responded to Bob it is not what you or I want but what the RSA states. It was agreed Bob will attend the Selectmen's meeting to discuss membership further.

Jacob Day gave his contact information to the secretary and Bob stated he would compile a list of projects for him for his Eagle Project.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lori Rautiola, Secretary