

CONSERVATION COMMISSION MEETING
JANUARY 13, 2010

PRESENT: Bob Boynton, Chairman, Dixie Rhoads, Jack Messe, Bill Watkinson, Doug Waite, David McTigue, Becky Doyle, Joanne Meshna

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

Bill made a motion to approve the minutes of the November 11, 2009 meeting. Jack seconded the motion and it passed unanimously.

Committee Reports:

Water Resources: Doug is continuing his work on the grant for the watershed project. He is awaiting feedback from the teacher, specifically on dates to do the work, costs for busing, and a letter which will outline how the costs will be allocated. The school is excited to be involved in the project.

Trails: The board walk at the Nussdorfer Nature Area was discussed. Members discussed the identifying of the lot recently acquired at Tophet Swamp. The property needs to be marked to show that it is town property for recreation, kayaking, etc. Bob suggested the name "Mansfield Meadow" for the lot and there was general agreement. Joanne will review minutes for Doug to see if there were companies mentioned that could provide markers.

Bill made a motion to pay Monadnock Landclearing and Chipping, Inc. \$2,800 for the land clearing on the Johnson property. Dixie seconded the motion and it passed unanimously.

Tree Warden: Becky and the Director of Public Works, Peter Goewey, drove around town surveying dead trees and discussed coming up with a plan to remove them. Becky also was contacted by a homeowner with trees on the road side on town property that had been damaged during the ice storm. The homeowner was allowed to cut them down and he also cleaned up the area.

Becky discussed the intersection of Mason and Ashby Roads. There are two black locust trees there that were damaged during the ice storm. She would like to have an arborist look at the trees to determine if they should be taken down or what he would recommend. Once that is completed, the area will be cleaned up and mowed and made into a welcoming area as people drive into New Ipswich.

At 8:00 p.m. the Commission met with abutters and interested parties regarding the Johnson property timber cutting on Whittemore Hill Road.

Bob began by noting that the deed on the property states that it was the wish of the grantor that the fields be kept open. The Commission felt that reclaiming the fields was

important from an agricultural, habitat, historical and cultural point of view. Swift Corwin, forester, was contacted and he laid out the plan for cutting. The Monadnock Conservancy reviewed the plan and said it fell within the easement. The town attorney also reviewed the plan. Also contacted was a soil scientist from NRCS. Bob distributed a copy of a letter from Jonathan Nute from the University of New Hampshire Cooperative Extension which states that expanding of the fields are what is needed to maintain and improve their attributes for wildlife habitat. Bob noted that there had been questions about the damage to Whittemore Hill Road and he directed those questions go to the Selectmen.

Mr. Corwin explained that he was contacted in August to look at the project. There are about 20 acres of field and about 4 acres of field were gained by the project. A lot of damage had been done by the ice storm especially on the margins of the fields. The project was put out to bid. Monadnock Landclearing cleared the land and left the trees there because it got very wet, and left them there until it froze. The trees were then chipped. Tom Saari pulled the stumps out. That process is finished and Mr. Saari will be back in the spring to smooth off the edges.

Cynthia Alazpiedi asked if the project was a commercial operation. Bob responded that the deed states no commercial activity on the property. However, the deed also states that Douglas Kimball from Ashby can remove hay from the fields and obviously that was a commercial activity. If the intent was to have no commercial activity at all, then the deed is in conflict with itself. He did not consider that a commercial operation. Mrs. Alazpiedi added that the Commission had denied the tapping of trees as it was a commercial operation and asked how that differed. Bob stated that was a commercial operation. If a logger cannot be hired and cut back the trees and a farmer cannot be hired to work the fields, the fields will die. When the property was acquired it was the intent of the Commission to keep the fields open as long as possible because of the value they provide.

Mrs. Alazpiedi asked if the Commission had looked at the original intent of the grantor. Bob noted that the deed is vague. The only thing that was specific was to keep the fields open if possible. Mrs. Alazpiedi referred to the deed and that the property shall never be developed or used for any commercial, industrial or residential purpose. When the logs went to the mill, was that not a commercial use. Bob explained if there was no commercial activity at all on the property nothing could be done to the property, it would just grow in. The town attorney said it was not a commercial activity but rather normal maintenance. Mrs. Alazpiedi asked if any advice was received from the Attorney General's office. Bob responded she would have to check with the attorney.

Dixie asked if it was felt that the area was damaged because the Commission took these methods to preserve the fields. Mrs. Alazpiedi responded that hedge rows were clear cut. There was no selective cutting and many of the trees were probably there when the easement was given to the town. Hundreds of trees were cut.

Mr. Matt LeClair addressed the meeting. He is the farmer doing the cultivating of the fields. He explained the benefits of cutting back the hedge rows for more sunlight and more space.

Mr. Hector Morin asked if Mr. Kimball had paid anything to the town. Bob responded that he never cut a bale of hay out of the fields as far as he was aware. Mr. Morin also asked if the deed said that the town or Conservation Commission could do whatever they wanted with the fields and conduct a commercial venture. Bob answered that the Commission was given the management responsibilities of the fields and they have tried to maintain the natural resources of the property. The natural resources of the property is the fields, the forest is not worth much.

Mr. Morin asked how old the trees were that were cut and Mr. Corwin responded that there were a whole range of trees. Bob added that over time the trees should have been cut back. Mr. Morin suggested that the limbs of the trees could have been cut and asked if the Commission had thought about that. Mr. Corwin responded that would have been prohibitively expensive.

Mr. John Poltrack asked about possible erosion on the hilltop. Mr. LeClair responded that he would recommend that it be left rough, no final seeding would be done until the growing season. There should not be much erosion. The disturbed ground would be seeded with a hay or dwarf type grass.

Mrs. Alazpiedi asked if a report of wood cut had been filed. It has not. She asked how much money had been made and if the town receives that money. Bob answered that any time timber is cut on town owned property the logger takes possession of the timber. The logger will pay the timber tax to the town. The Commission will pay \$15,000 for reclamation of the fields including the stumping, consulting forester and harvesting. Dixie added that was the difference between the commercial and non-commercial use. The Commission paid for having the work done to maintain the fields. No-one is benefiting from it except a business man who does this for a living. With the other operation of maple sugar tapping, that individual would have benefited.

Mrs. Mary Lawrence was concerned that by cutting the hedge rows, there will be heavier winds. Bob responded that he had consulted with the farmer and he did not express any concern for a wind erosion problem. Mr. LeClair added that when the hedge rows are cut back there is more wind but he was not concerned about the crops; it would only be a benefit to the crops.

Mr. David Alazpiedi stated that there were now two stump dumps on the property and thought they were hazardous waste. Mr. Corwin responded that the stumps were not buried as that creates a opportunity for the land to turn into itself. Further, he said they could have had a stump grinder come in but it would have been very expensive. Eventually they will decompose and become loam that can be used. Mrs. Alazpiedi added that the deed says no dumping. Bob answered that is not considered dumping. It is already on the property, just on a different spot on the property.

Mrs. Alazpiedi asked if this was done in the best interest of the town and the people who enjoy the scenic quality and wildlife; rather it seems that it was done in the best interest of the farmer. Mr. Corwin responded that the view is better, there is a clearer edge, and when Mr. LeClair gets done seeding, it will be much cleaner. Mr. LeClair was asked what he planned to plant. He responded three years of sod, four years of row crops and the crops are corn, clover, winter rye and snap beans. Mr. Alazpiedi stated it was supposed to be wildlife habitat but it is 40 acres to grow corn, and that it was a farm stand as opposed to a wildlife habitat. Mr. LeClair was asked if he would clear cut the hedge rows if it was his own personal property and he responded that he would.

David McTigue was asked his opinion about the effects of water and erosion on the hill. He responded that clearing more space should make little difference.

Bob referred to the handout from the extension service. The state is targeting fields for protection. The Commission has a responsibility to preserve the fields.

Mrs. Alazpiedi stated she was shocked that the abutters were not notified. Bob responded that he had spoken to Mrs. Lawrence. Mrs. Alazpiedi also noted that the notice of intent should be posted on the property. Mr. Corwin stated that had not been done. Bob added that it did not have any impact on the cut. Mrs. Alazpiedi noted that the cutting had been done at Thanksgiving and all through the holidays. Mr. Corwin explained that timing was really important when working with the soil. They could not do anything in the fall when the crops were there. The bids had to be processed. Once that was done, the cutting was done because there was a short window when it was dry. Chipping was done only after it froze. The work on pulling of the stumps was done before the ground was frozen. The work cannot be done in the spring. He stated he felt strongly that they were in there at the right time and apologized that it was during the holidays, but that was what had to be done. Mr. Alazpiedi added that the cutting had started at five in the morning which was in violation of the noise ordinance; he was referred to the Selectmen.

Mr. John Poltrack asked if the Monadnock Conservancy would be helping in maintaining the cutting back of the fields. Bob responded that the Monadnock Conservancy's responsibility is to see that the easement is enforced. They provide no funds for maintenance. Mr. Poltrack asked if they had looked at the land. Bob stated that they had looked at the property and had no problems with the cut.

Mr. Alazpiedi asked if a forest management plan been submitted 30 days prior to the cutting. Mr. Corwin responded that it was.

The discussion ended at 8:45 p.m.

Bob made a motion to donate \$125.00 to the Monadnock Consevancy. Dixie seconded the motion and it passed unanimously.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,
Joanne Meshna, Secretary

