Franconia Conservation Commission (FCC)

Meeting: Mar 20, 2018 8 am.

Members present: Chris Nicodemus, Ginny Jeffryes, Mary Grote, Kim Cowles, Jill Brewer

Minutes 2/20/2018 reviewed. Chris moves to approve. Mary seconds. Kim abstains due to absence last month. Unanimously approved by the 4 others present.

Per Kim, NH RTK law states a hard copy of draft minutes must be available if requested within 5 business days of meetings. Brief discussion: at present, consensus is to upload to website after approval at next meeting to avoid posting any errors, but Ginny will email copy of draft to members within the mandated 5 business days.

DES Wetlands Draft Rules update: Ginny went to the (previously postponed) Lancaster public hearing/info session 3/15/18. Prior to the meeting, she spent a few hours reading through the draft on DES website, after having a phone call with MaryAnn Tilton of the Wetlands Bureau who gave some suggestions as to how to navigate through the rules changes. MaryAnn is encouraging Conservation Commissions (CCs) to give feedback since they received much CC comment. They’ve received extensive logging industry comment. Ginny says that despite the phone suggestions, it is difficult and time consuming to sort out what is changing, because they’ve reorganized all the sections entirely differently from previous rules, and the changes aren’t highlighted in the draft. They’ve also changed definitions and classes of permits, with lack of clarity as to what changed. Extensive legalese, also.

One Wetlands Draft Rules issue which is distinctly different in Draft Rules is that they’re reclassifying projects into differently named categories from past names, still mainly based on size/impacts, and the ones which were considered “minimal” before, and apparently some that were “minor”, are now to be called LSA (Lower Scrutiny Approvals); CCs won’t be notified of LSAs, nor will there be an expedited process requiring CC approval to get an expedited permit. In fact, Wetlands Draft Rules say DES will now have only 5 days to approve \*all\* the LSA applications, rather than the current 30 days for expedited, and 90 days for non-expedited. Town offices are still to be given a copy of all wetlands applications by the applicant. Discussion today ensues re this issue: consensus is that as a CC, we’re uncomfortable with the lack of mandated expedited notification, and we don’t like the new 5 day turnaround applying to all LSA approvals. Sounds like there will be essentially no scrutiny possible with this. Even if the Town office made an effort to get the copy of the app to Kim upon receipt, a 5 day timeline is much too short for us as a volunteer board to evaluate and raise any concerns. Ginny also spoke with the Chairs of the Easton and Bethlehem CCs prior to the March 15 meeting. Bethlehem hadn’t had time to review, and Easton chair had attempted, but had also found format too unclear to understand what was changing. Discussion that this feedback also needs to be given to DES. Ginny will continue to try to slog through the Draft Rules between now and our next meeting. Jill will speak with Sugar Hill. We will revisit what specific official comment to send in at our April 17th meeting. Comment deadline April 20th.

Ginny says that per her conversation with MaryAnn of DES, all wetlands applications regardless of size are being cc’d by applicants to each Town, per current rules (and the new draft rules). MaryAnn says applicants required to attach proof of Town notification. Discussion about how we’ve seen only 2 or maximum 3 applications in 5 or so years, though DES website shows more filed. Kim will check into where the town copy of wetlands permit applications are currently going, and clarify with Town Clerk and Admin staff that we should be notified/cc’d.

Gale Riverwalk update: Kim reports that the Town lawyer has drafted an easement for landowners to sign off on if they’re willing, which once signed, may need to be voted on at Town meeting. Jill notes that SB is rechecking on whether vote is required, since it wouldn’t be a land donation. [A donation requires a town vote to accept]. Garnet Hill wants it official on their land via a written easement, which is what triggered this initiative. Kim already has written permission from all of the landowners to update the existing trail, so the plan is to work on the trail based on that. The easements, if obtained, would protect the trail long-term. Some further discussion today about management of the Japanese Knotweed patches by the trail (see Feb 20 minutes), and approaches to this: Portions of trail not near Knotweed to be done late spring, and defer the Knotweed section for spring 2019, after killing it late summer/early fall, probably via stem injection to minimize stray spray to adjacent vegetation. Still need to measure distance from river to determine if hiring a specially permitted eradicator is required.

Potential new CC member: Per Kim, resident Art Daley is interested in joining. Kim notified him of our April meeting date. Discussion that we would benefit from additional member to fill in/assist. Discussion that an 8th member needs to be designated as an Alternate member, since RSA which addresses CCs mandates between 3-7 members.

Kim notes that Ginny’s term expiring. She is willing to continue as Secretary. She will contact Town Clerk to fill out required paperwork.

Next meeting: April 17th 8 am.

Minutes by Ginny Jeffryes.