

Members Present: Co-Chair, Justine Gengras, Co- Chair, Earl Bagley, Tom Hoopes, Roger Burgess, David Lawrence, and Stephan McMahon.

Others Present: Cindy Balcius – NH Soils, David Cummings, Karen Beane – Designer, and Stephan Nicks - Cummings Attorney

Members Absent:

Call Meeting to Order:

Co-Chairman J. Gengras called the meeting to order at 7:04p.m.

Approval of Agenda:

Motion made by D. Lawrence, to amend the agenda to include under Commissioner Reports: Town Forest Violations, Coffin Brook Road Violation, and signage for Gilman Pond seconded by E. Bagley. The motion passed with all in favor.

Public Input:

None at this time

Approval of Minutes:

Approval of minutes from October 13, 2005 meeting.

D. Lawrence moved to accept the minutes as written seconded by R. Burgess. The motion passed with all in favor.

Planning Board Agenda Items:

None at this time

Presentations:

David Cummings – Parkhurst Easement Building Application

Motion made by J. Gengras that the discussion on the property be restricted until the Commissioners have a chance to talk with the Town Attorney. The Commissioners will allow Mr. Cummings speak to the Commission regarding his intentions with the property. Motion seconded by D. Lawrence. The motion passed with all in favor.

S. Nicks stated that the entire parcel and the building are in Conservation Easement, which includes all of the land and the land under the building with conservation provisions. The deed reads repaired, replaced, and added to as long as they remain materially unchanged in use and character. Mr. Cummings would like to keep with the character of the neighborhood.

T. Hoopes finished the second part of the statement S. Nicks made from the agreement Stating “and such action is clearly consistent with the purposes of this Agreement.”

S. Nicks said the homeowners are willing to give and take on the design. The homeowners are looking at light control, color, keeping the structure camp style, landscaping, and the visual impact with intent.

S. Nicks stated that this application process has been ongoing for a few months now. S. Nicks talked about the new design of the building and that D. Cummings will do what he has to do to comply with the Town of Alton and the State Wetlands Bureau.

D. Cummings said that prior to the property purchase he knew that the land was in Conservation Easement and that easement is there to protect the land and property. D. Cummings stated that there is no foundation and that the house that is there now is falling down. D. Cummings also stated that he has not done anything with the property.

D. Cummings stated that he spoke with the Building Inspector, Brian Boyers. E. Bagley stopped D. Cummings and said that he didn't want to hear any accusations against Brian Boyers because B. Boyers was not at the meeting to defend himself.

D. Cummings stated that the house that is there now is not big enough to house his family that is why he would like to enlarge it. D. Cummings said that the property is going to remain as is except for the house.

K. Beane stated that the footprint is going to be 25% larger. The lot is non-conforming right now and D. Cummings wants to move the house back to the 30' setback so it will be conforming. If the house were going to be torn down than they would have to conform to the Town of Alton's setback.

C. Balcius asked about the Shoreland Protection Act and said that the state rules supercede the Town of Alton's rules.

T. Hoopes asked if a lawyer was present when the property was purchased.

J. Gengras mentioned that the playing field was not fair and that the Commissioners need to get a lot more information and that the Commissioners didn't want to get into the discussion of the terms of the easement.

D. Lawrence noted that when he and J. Gengras did a site walk they note a lot of trees were marked with paint. How many trees are marked for removal?

D. Cummings stated that he didn't have an exact count but the trees being removed will be the ones in the area of the house.

J. Gengras mentioned that she received a call from the abutter and the abutter told her that he counted forty (40) trees marked with paint.

K. Beane said the height of the front of the house was 35'.

T. Hoopes said it is unfair how Section C of the deed is read. Which is as follows:
“Structures presently existing on the property, consisting of a house, 2-car garage, a woodshed and a dock my be occupied, rented, maintained, repaired, replaced, and added to as long as they remain materially unchanged in use and character and such

action is clearly consistent with the purpose of this agreement.”

J. Gengras asked if the view of the lake would be blocked.

K. Beane said that the house would block 24' of the view.

J. Gengras said she would like to see the property from the lakeside.

S. Nicks proposed to do a site-walk and do a balloon test so the Commissioner's can see the actual height of the house.

J. Gengras stated that the appearance has nothing to do with the issue. The issue is the easement as written and how it is interpreted.

Jennifer is to call the Town Attorney and setup a meeting with him to go over the Parkhurst Easement.

The Commissioners will let D. Cummings know of the outcome of the meeting with the Town Attorney.

Standard Dredge and Fill:

1. Wentworth Cove Realty Map 12 Lot 2 – Construction of ~ 2700 sq. ft. of new roadway.

Discussion:

T. Hoopes stepped down.

The Commission reviewed the application and to continue until the November 10, 2005 meeting. J. Gengras and D. Lawrence to do site walk on October 28, 2005 at 9:00am.

Motion made by J. Gengras and seconded by E. Bagley to continue until next meeting. The motion passed by unanimous voice vote. T. Hoopes stepped back in.

2. David Davenport Map 71 Lot 33 – Replace existing 12" culvert with a 15" culvert and proposed 12' bottomless arch culvert over 8' wide brook.

Discussion:

Motion made by J, Gengras to continue until next meeting until a site-walk can be performed, seconded by E. Bagley. The motion passed by unanimous voice vote.

Notification of Routine Roadway and Railway Maintenance Activities

None at this time

Permit by Notification:

None at this time

Minimum Impact Expedited

None at this time

Commissioner Reports:

1. Town Forest - Co-Chair J. Gengras reported that on October 11, 2005 she and Peter Farrell assessed the damage to the Town Forest and that the fine is 10X the value.
2. D. Lawrence – The No Hunting signs have been posted all around the Town Forest.
3. D. Lawrence reports that he has heard complaints at the Gilman Pond site near the Seavey property of individuals being there late at night. Looking to put signs up of no admittance after dark.
4. The parking lot is eroding and the Commissioner's spoke of putting stone down to let the water flow naturally. Commissioner's decided to call Ken Roberts the Highway Agent about getting the stone. T. Hoopes suggested sending a letter to the police department about the complaints if they continue. Signage should read: **CLOSED AT DARK, GILMAN POND CONSERVATION – ALTON CONSERVATION PROPERTY – NO MOTORIZED VEHICLES BEYOND THIS POINT.**
5. E. Bagley - Coffin Brook Road Complaint Map 5 Lot 41 – E. Bagley walked the parcel with C. Balcius and found that the owner has impacted ~700 sq. ft. of wetlands, grubbed and stumped, and is in violation of his forestry permit. The owner wants to use the land for agricultural purposes and build a barn with a moat around it to keep the brook flowing.
6. T. Hoopes mentioned that there is a Vision and Land Use Meeting on 11/2/05 at Town Hall at 6:00pm.

Other Business:

1. Highway Emergency Verification – The Highway Department was given two Emergency Authorization Verifications 1) Alton Mountain Road and 2) Coffin Brook Road. The one on Alton Mountain Road to remove fill from (eroded road from the recent flooding) a drainage ditch and intermittent forested drainage. Fill will need to be removed from a nearby culvert and approximately 30'X2' of intermittent forested drainage. The proposed work will be conducted by hand. NH Soil Consultants will oversee work and file a follow-up restoration report.

The second Highway Emergency Verification is for Coffin Brook Road. Install a 24" overflow culvert above two existing 24" culverts to facilitate additional floodwaters. Remove eroded road-bed (resulting from recent flooding) from the intermittent stream and associated scrub-shrub wetlands. This work will restore approximately 100 sq. ft. of scrub-shrub wetland. NH Soil Consultants will oversee work and file a future After-the-Fact Application. This information was just to let the Conservation Commission know what was going on.
2. Hank Brandt Map 36 Lot 29 – NH Soils had submitted more information to NHDES regarding the property for the wetlands application that was previously submitted.
3. T. Hoopes will draft a letter to Joe Houle requesting a meeting with the Trustees of

Trust Funds regarding the Clough-Morrill Land.

Adjournment:

Motion made by R. Burgess seconded by E. Bagley to adjourn at 9:42pm. Motion carried by unanimous vote.

Respectfully submitted,

Jennifer M. Fortin
Secretary to the Alton Conservation Commission