

## EATON CONSERVATION COMMISSION

September 11, 2023

1. Meeting was called to order at 6:00 pm. Members present were Marnie Cobbs, Tom Head, Dick Fortin, Holly Fortin, Robin Nuccio, and Paul Nuccio. Also present were Dagmar von Schwerin and Enna Carbone.

2. **ADMINISTRATION** – *Minutes of the August 14 meeting were accepted.*

### 3. TREASURER'S REPORT

Conservation Fund	\$24,703.63
Forest Management Fund	\$48,554.41
Land Acquisition Fund	\$15,678.25
Foss Mountain Fund	\$17,497.27
<b>TOTAL</b>	<b>\$106,433.56</b>
Donation box at trailhead	\$88.30
Website Donation Income	\$0

The Land Acquisition Fund should be renamed the Land Conservation Fund - it was established in March 11 2003 in a Warrant Article begun for the sole purpose of land protection, land acquisition and acquiring conservation easements. The language in our annual report should reflect the original language when it was established.

*Treasurer's report was accepted.*

**SELECTMEN'S REPORT** - Two properties on Hatch Pond were discussed related to shoreline setback requirements that the ZBA dealt with last year. A Shoreland Water Quality Protection Act application for one of those residences was recently submitted to the State. The application appears to meet State regulations but not Eaton Zoning Ordinances. The surveyor was notified that a Building Permit will be denied as the structure is within 125 feet of the shoreline.

Selectmen processed a number of Building Permits for repairs and two new homes, including one ADU. The Selectmen had an inquiry about a dock replacement on Conway Lake. Docks are now approved by the State with a "Permit by Notification" and have been for some time.

The Selectmen would like to have a Joint Board Meeting sometime this Fall.

There will be a special hearing Tuesday September 19 at 3:00 pm to discuss Willis Bean Road Emergency Lane Declaration (see Town Land Management below).

The Town beach on Crystal Lake was discussed. June and July were particularly busy this summer and parking has become a problem. Selectmen will be meeting with this summer's beach attendants to review how certain issues can be dealt with. Boating activity has increased markedly.

Capital Improvement Committee Report - Dick and Marnie compiled a 10-year budget projecting expenses and income in response to an inquiry as to whether ECC funds could be used to

offset Town expenses. ECC revenue is declining - Dan Stepanauskas, Town Forester, says any further cutting will need to wait 10 - 15 years - and blueberry income is dropping each year. Expenses continue to go up related to burns, cutting, and trail maintenance. From 2002-2020 ECC combined income was \$270,000 and expenses were \$258,000, showing consistent self-sufficiency. What helps keep costs down is the ECC's volunteer effort. The Commission logged over 1,000 combined hours just since 2021. At the end of the presentation the Capital Improvement Committee agreed that ECC monies are spoken for.

**5. PLANNING BOARD** - The Board approved adding language to Eaton's Ridgeline Protection Ordinance regarding building projects that would be visible from Conway Lake. The Board determined that the Perrie property development would not significantly alter the existing access road across Ken Cargill's land and approved development as meeting ordinance requirements.

**6. FOSS MANAGEMENT** - The fundraiser reached its goal of \$15,000. Marnie, Robin and Dagmar will send thank you letters to all donors.

Marnie spoke to the Mennonite Co-op about being involved in the managing and picking of blueberries on Foss. They are also struggling to find people to work for them. They have been buying from Ryan Bushnell. Marnie and Dick will write up a detailed description of what is needed and discuss further with the Co-op and other potential field managers/pickers.

Dick cut hardwood stumps on Brooks Pasture for the third time. ECC will need to focus on cutting primarily blueberry producing fields going forward as growth of grasses and trees will be impossible to keep up with.

Dick will schedule painting the yellow trail markers at the top of Foss and paint over incorrect markers. The second kiosk by the cellar hole needs to be moved to face away from the sun before it is reprinted. The trail needs one more water bar which Dick and Paul will work on. Water bars also need to be cleaned before leaf drop and ATV and Bear Dog signs need to be posted as needed.

**7. TOWN LAND MANAGEMENT** - Dick reported to the Selectmen about the estimated \$2,000 repair of Willis Bean Road. Selectmen suggested we contact Town Counsel to discuss whether town funds should be used to repair the road. ECC has historically repaired the road for fire vehicle access and because cars were driving through the Shepard River. The question was raised regarding the road's Class VI status. Towns are not permitted to spend money on Class VI roads. Town Counsel recommended an Emergency Lane Declaration to allow the town to spend money to improve a Class VI road to keep it passable for emergency vehicles. ECC voted to request an Emergency Lane Declaration in order to proceed with repairs. A public hearing is required and will be held Tuesday 9/19 at 3:00 pm to discuss.

Paul continues to walk the town boundaries to assess what loans need work. Some of the lots are challenging with wetlands and steep slopes. Paul will mark up map to show what is done – he is working with Dennis to update the NRI

**8. FOREST MANAGEMENT** - Eaton Town Counsel has clarified language in RSA Section 31:113 related to how Town Forest Funds accumulated over time are to be utilized. The phrase "unless otherwise voted by the legislative body" refers to whether the monies will be allowed to accumulate in the fund rather than granting the town meeting broad authority to appropriate money from the fund for purposes other than forest maintenance.

Town Forest designations - The question was raised whether what the ECC has been calling "Town Forests" are officially Town Forests or not. Town votes on Warrant Articles that did not include the correct references to the appropriate RSAs setting up a "Town Forest" may mean we have Town owned land that is forest. Some simple housekeeping at this March's Town meeting can correct this issue. At this time the Jackson Town Forest, Bloise Lot and the Blanchard Lot may be the only official Town Forest. Generally, the selectmen have the authority to manage all real property owned by the town and regulate its use, however, RSA 41:11-a exempts Town Forests from the selectmen's authority, placing it under the management of the Conservation Commission.

Given this situation the Commission began the discussion of whether some land should remain Conservation land and others be correctly designated as Town Forest. Dan Stepanauskas recommends that Foss Mountain stay as Conservation Land and the remainder remain or become Town Forest. Marnie asked whether Town Forest designation allows money to be spent to manage land for flora and fauna as well as forest. Does it protect the land overall? ECC has more say on Town Forest - Town Selectmen can have more say on Conservation Lands. The ECC will continue to discuss this further but set a target of the next Town Meeting to raise the question.

ECC voted to submit Warrant Articles at the March 2024 Town Meeting designating specific parcels of Eaton Town Land as Town Forest and / or Conservation Lands.

#### **9. COMMUNITY COHORT - no issues**

#### **10. OTHER BUSINESS –**

Will check with Billy Angel about mowing Thurston Road cellar hole on Bush Road.

Dick sent photos of damaged fish weir on Snow Brook to John Magee, fish biologist, NH Fish and Game. John made arrangements with DOT to assess damage and plan next steps.

Dick will talk to Abby of Waukeela Camp to discuss management of a clump of Japanese knotweed at the Crystal Lake shore across from the camp.

Paul covered graffiti at Long Pond - thank you!

Bob Craycraft will be training Paul on water testing methodology.

Next meeting: October 9, 2023 at 6 pm.

Meeting was adjourned at 7:37 pm

Respectfully submitted by Dagmar von Schwerin, volunteer.