Members present: Paul Rushlow, Helen Hanks, Kathi Mitchell, Ben Wadleigh, Chuck Mitchell and Bob Hardy.

Minutes: Kathi Mitchell moved, seconded by Helen Hanks to accept the minutes of August 16, 2010 as read. Motion passed.

Winter Street: Chuck and Vicki Hussman advised the Commission that they plan to sell their property and want to talk with both the school and the town before putting it on the market. The property abuts Buffalo Park and would give access from Winter Street. Chuck Mitchell indicated that the Commission would be interested in a portion of the land for access to Buffalo Park if it were subdivided from the residence and if it did not interfere with the wetlands. The Hussmans will further investigate the subdivision process and be in touch with the Commission.

WRTA: Ken Norton introduced Rich Vandenberg, engineer from Credere Associates who is conducting the environmental review of the “Ernie’s” property. Ken explained that the next phase of the trail construction is for the bridge across Winnipesaukee River. DOT is requiring a different access point for construction and “Ernie’s” would provide that access. The WRTA has funds for land acquisition, but it may not be available by closing time. The biggest issue is the environmental concerns on this property. A grant has been received through LRPC for an environmental review which has been conducted with a report currently being written. This initial review is a “Phase I” surface study and Mr. Vandenberg presented a draft copy of a report of “recognized environmental conditions” which lists at least 6 areas of concern which indicate the necessity of a “Phase II” detailed study of the subsurface.

Both EPA and DES will accept the findings of the two studies which releases the buyer of liability as the studies show the conditions existed before purchase. “Phase II” has not begun, but Credere is working with LRPC for its funding. The “Phase I” report must be reviewed and approved by DES before “Phase II” can begin. Timing is an issue as the closing date in the P&S is November 2, 2010.

Members of the Commission cautioned that the town had run into problems with Riverside Park where a study had been completed but unexpected old tanks were found when construction was in progress. Mr. Vandenberg indicated that the penetrating radar scope testing would locate any existing tanks or other items. Helen Hanks asked whether the costs of removing the building with its mold, lead and asbestos would be included in the report. Ken Norton replied that the
WRTA’s interest in the property is for access and that the building would be demolished, but the costs have not been estimated.

Chuck Mitchell reminded Ken that the Conservation Commission is willing to work with WRTA but has not committed any dollars for the project. Ken responded that the WRTA hopes that the CC will either accept it outright or help with the funding. As WRTA is still fundraising, any amount that the Conservation Commission is willing to commit will help them with the matching funds.

It was agreed that the Conservation Commission will work with Ken to send a letter to DES asking them to expedite the “Phase I” review in light of the closing date.

Selectmen: Sandy Plessner and Pat Consentino were present to discuss two items:

- Simmons Court: This is a town owned property at the end of a cul-de-sac which has collected trash over the years. An abutter asked to purchase the property, but the Selectmen want to keep it. They asked if perhaps there should be a Conservation Easement placed on it to ensure it remains undeveloped. The property is steep and wet and therefore difficult to build on, but if sold someone might try to put a mobile home on it. The current Selectmen want to protect it with an easement. After discussion, Chuck Mitchell asked Sandy and Pat to have the Selectmen consider what kind of restrictions they would like to place on the property and he will send a copy of a generic easement that can be tailored to those restrictions.

- Piscopo: This is a small .5 acre parcel of land that the owner claims is wetlands and wants it to be enrolled in the Current Use Taxation. The Selectmen questioned whether it is in fact wetlands as there are large trees growing on the lot. Bob Hardy commented that the original wetlands determination was spurred by the Conservation Commission when they stopped a road being built on the lot. Chuck Mitchell added that the Commission is not qualified to determine if it is wetlands, but assured Pat and Sandy that trees can grow in wetlands. He suggested that either the landowner or the Selectmen hire a wetlands scientist to make the determination.

Fidelity Insurance: Chuck Mitchell contacted Fidelity Insurance relative to the Martin property and was informed that the case is still open. He was asked whether the Commission would prefer to settle the case by seeking a refund of dollars spent for the purchase or having Fidelity pay the amount the State asks for the property. It was agreed that it would be more advantageous to have Fidelity deal with the state and perhaps it would expedite the process. Helen Hanks moved, seconded by Bob Hardy to go with the option of having Fidelity pay the state. Motion passed. Chuck Mitchell will communicate this vote to Fidelity.

Budget – 2011: Chuck Mitchell will complete and send it to members.
Easement monitoring: Tabled

Correspondence:
- DES – Forestry notice – Rushlow
- DES – Shoreland Protection – Hanson
- DES – Shoreland Protection – Parker

Walmart: Bohler Engineering responded to the Conservation Commission’s concerns of August 16 and agreed to adjust/remove or change all items on the plans. Members reviewed the new plans and still have concern about the amount of snow storage area and whether it would be sufficient for a normal snow storm. They also noted that on page C-11 of the plan the planting dates for lawn and plants were not appropriate for N. H. A letter will be sent to Bohler Engineering with these concerns.

Meeting adjourned at 9:15 pm.

Respectfully submitted,

Eliza Conde, Secretary