Members present: Paul Rushlow, Ben Wadleigh, Bob Hardy, Kathi Mitchell, Chuck Mitchell, Jon Scanlon and Helen Hanks. Also present: James Miller, Jasen Stock, John Bernard, Peter Schauer, Katherine Dawson, Aaron Hughes and Robert Hughes.

Jasen Stock and James Miller: The Conservation Easement on property on Perkins Road now owned by James Miller was discussed, revised and approved by the Conservation Commission in June of 2010. Because the owner has changed from Kathryn to James Miller, Bob Hardy moved, seconded by Paul Rushlow to confirm the Conservation Commission’s acceptance of this Conservation Easement. Motion passed. The document was signed and notorized. Mr. Miller submitted a check for $625.00 for the Conservation Easement Fund. The Commission thanked Mr. Miller and Mr. Stock for this generous donation.

John Bernard: Mr. Bernard stated he is here to talk about the culvert on Rte 3/11 that he has installed on his property. He has withdrawn the application for a parking lot on the same property. Helen Hanks commented that the culvert is located within the 20’ wetlands setback. Kathryn Dawson added that the Planning Board has not been adhering to the wetlands setback regulations and although this wetlands permit has been approved by DES, the Board asked that Mr. Bernard meet with the Conservation Commission. Since the work has already been completed it was decided that the Commission would not comment at this time. Mr. Bernard was encouraged to meet with the Commission for any future wetlands issues.

Ray Sellars: Mr. Sellars has submitted a Minimum Impact Dredge & Fill application for drainage work on the east side of his property on Rte 132 and Lancaster Hill Road. Aaron Hughes explained that he and Robert Hughes own the property and Mr. Sellars has an easement in order to access his land. Peter Schauer explained that the access is a driveway/road that has had gravel added over the years blocking the drainage, resulting in drainage onto Mr. Sellars land. The plan is to install larger culverts to divert the water along Bittersweet Lane out to Lancaster Hill Road. Robert Hughes commented that there has been no change to Mr. Sellars property since he purchased the land. Aaron Hughes added that in fact the water is coming from the Sellars property and will be drained under the Hughes’ road. He added that this issue is currently being litigated in the court system. Helen Hanks questioned whether it is appropriate to even discuss this issue before it is resolved legally.

Katherine Dawson suggested that Commission should conduct a sitewalk on the property. She stated that the road is relatively new, beginning as a driveway and upgrading has occurred creating a gravel swale on the Sellar property. She added that the natural flow of water is toward the Hughes’ property. Peter Schauer stated that Mr. Sellars has submitted the wetlands application in order to determine the costs of drainage work for court purposes. Chuck Mitchell added that clearly the intention is to divert water away from Sellars’ property toward the Hughes’ property. Bob Hardy moved, seconded by Helen Hanks to not sign the application but to send a letter to DES with the following comments:
1. The Conservation Commission would like to conduct a site walk in the spring
2. The plan should include the impact of the drainage on abutting properties.
3. The size of the existing culverts should be confirmed.
4. The photos included in the application no longer represent current conditions
5. This issue is in litigation between the landowner and abutters. This should be resolved by the court before final plans are approved.

Motion passed.

Minutes: Helen Hanks moved, seconded by Bob Hardy to approve the minutes of Nov. 21, 2011 as read. Motion passed.

Other: The Rte 140 bridge project is expected to last throughout next summer with completion in November.

Meeting adjourned at 6:55 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 01-16-2012