

**TOWN OF HEBRON
CONSERVATION COMMISSION
JULY 9, 2009
REGULAR MEETING
TOWN OFFICE BUILDING MEETING ROOM**

RECEIVED
2009 JUL 16 P 1:58
Ann E Hughes
HEBRON TOWN CLERK

Members Present: T. Loto, T. Nofer, T. Gauthier, L. Maynard, R. Warner
Members Absent: J. Mullaney
Staff Present: J. Soderberg, Wetlands Agent

T. Loto called the regular meeting to order at 7:34 p.m.

***Approval of Minutes-
Regular Meeting- May 14, 2009:***

R. Warner made a motion to approve these minutes as submitted. T. Gauthier seconded the motion. The motion passed with T. Nofer abstaining.

Regular Meeting- June 11, 2009:

The following changes were noted: page 1, New Applications, second paragraph, correctly note that the wetland is parallel to the driveway and page 2, sixth paragraph, correctly note that this violation may be forwarded to the town attorney. R. Warner made a motion to approve these minutes as amended. L. Maynard seconded the motion. The motion passed with T. Nofer abstaining.

Recognition of Guests: None.

New Applications: None.

Pending Applications: None.

Wetland Agent Approvals:

Petition #09-05, John and Maureen Girard, 233 Deepwood Drive- Installation of a deck:

J. Soderberg noted that the Commission had received copies of this application. He noted that the area where they are proposing to install the deck is flat. He approved their application the day after he went out to the site. He added that the applicants have paid the application fee.

The Commission members noted that they have no comments on this application. They also have no objections to J. Soderberg approving it.

J. Soderberg noted that he has notified the applicants of this approval in writing.

Pre-Applications: None.

Other Pertinent Business:

Discontinuance and Abandonment of Certain Roads:

J. Soderberg noted that he is proposing that certain sections of road be abandoned and discontinued by the town. He provided the Commission with a handout outlining his reasons for this proposal along with the list of roads and copies of the assessor's side cards. He noted that the BOS started this process in 1983. It is not clear from the BOS minutes why this process was stopped.

J. Soderberg noted on a town map where these roads were located in town and the history behind each. These roads are not currently constructed. They total 5.34 miles. J. Soderberg estimated that it would cost the town \$12M to construct them (in today's dollars).

J. Soderberg is proposing that these roads (some or all) be discontinued and abandoned so that the town would not be responsible for their construction. If a developer proposes to develop these pieces of land, they would be responsible for the road construction costs.

Even if they are abandoned and discontinued, the landowners would still be able to use these roads to access their properties. The landowners would be responsible for their maintenance.

He is also proposing to discontinue and abandon these roads because the town may have a legal liability for any injuries incurred by persons using these roads.

J. Soderberg explained that if a road were abandoned and discontinued, it would be divided down the middle and each owner's boundary would now go to this point. Some of this adjacent land is private and some of it is state owned.

J. Soderberg then reported that he has already been before the current BOS with this proposal. They asked that he present this proposal to the Conservation Commission and the Planning & Zoning Commission to get their feedback. He will present it to P & Z next Tuesday.

T. Nofer noted that one of the roads under discussion for discontinuance and abandonment is used by mountain bikers. This road would connect Grayville Road to Jones Street. Some consider it to be the best place in the state for mountain biking.

J. Soderberg then noted that this road is not currently up to town standards. Should someone get hurt on it, the town would have a liability.

It was noted that the town has never been sued because someone got hurt on one of these roads.

In order to abandon and discontinue these roads the BOS would have to call a town meeting to get input from the taxpayers and property owners. After the town meeting the BOS could move to abandon and discontinue some or all of these roads.

J. Soderberg asked that the Commission review his proposal and be ready to discuss it at the next meeting.

R. Warner commented that it seemed to him that the BOS would only be willing to act if they had a recommendation from a committee. He would be willing to serve on this committee on behalf of the Commission should one be established.

Beaver and Dam Along Wellswood Road:

J. Soderberg reported that he has contacted DEP for permission to trap the beaver and take down his dam. There will be a problem if the dam breaks loose.

Papermill Road Timber Harvest:

J. Soderberg reported that he has been notified of a timber harvest on Papermill Road. This has been an ongoing, regular process to maintain this forest. They are following an approved DEP plan. Typically he would walk the site to ensure that things are being done properly. Because this has been ongoing maintenance under a DEP plan, he sees no reason to have to walk this site.

Violations:

Violation 08-18V, Patti Matthews, 108 Jan Drive, Hebron- Excavation of soils within a wetland:

Fred Mahr was present on behalf of Patti Matthews. He reported that he has contacted an engineering firm to correct this violation. They will have to remove the dirt in the pond and replant the disturbed side of the pond with plantings and rye seed to stabilize the area.

He then noted that this was an existing pond. They were trying to maintain it when this violation occurred. The pond was silted up and the natural berm had collapsed resulting in the loss of water.

T. Loto noted that he is here this evening because the proper process for maintaining a wetland was not followed. They should have come before the Conservation Commission with their proposal and worked with the Commission to come up with a plan so they could obtain the required permits.

F. Mahr reported that one engineering firm gave him a quote of \$5,000 to fix the violation without coming out to see the site. They cannot afford to spend \$5,000. He has also contacted Tarbell & Heinz and Mark Friend, Soil Scientist. Neither of them has called F.Mahr back.

The Commission noted that if this violation is brought to superior court, it would cost them a lot more than \$5,000.

F. Mahr briefly turned the conversation to his neighbor and how he believed his activities had negatively impacted this pond. The Commission responded that this is immaterial to his violation. What is at issue is how he handled the natural sedimentation of his pond.

T. Loto asked him if he had a plan of action for fixing this violation. He noted that at minimum the Commission wanted to receive an application and a plan to fix this violation by their next

meeting. Their next meeting is scheduled for August 13, 2009. If this application and plan are not received by this date, then the Commission will send this violation to superior court.

F. Mahr asked where and when this meeting will take place. It will be at the town hall meeting room and start at 7:30 p.m.

T. Loto noted that F. Mahr needs to decide who to hire quickly because it will take some time to come up with a plan. F. Mahr stated that he will decide who he will use to fix this violation within the next week.

J. Soderberg will get him an application. He provided him with a copy of the "Applicant's Guide to Completing & Processing an Application for an Inland Wetlands Permit."

Correspondence:

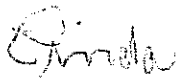
The following correspondence was received:

- Final copy of "Applicant's Guide to Completing & Processing an Application for an Inland Wetlands Permit" (v: 5/14/09)
- *The Habitat*, Spring 2009
- Letter to Patti Matthews RE: Violation #08-18V (dated June 22, 2009)

Adjournment:

This meeting adjourned at 8:40 p.m. The next regular meeting is scheduled for August 13, 2009.

Respectfully submitted,



Linda Bulkovitch
Board Clerk