



**Town of
BROOKLINE, NEW HAMPSHIRE**

Conservation Commission

P. O. Box 360
Brookline, NH 03033

Telephone (603) 673-8855 - Fax (603) 673-8136
Kristen@brookline.nh.us www.brookline.nh.us

**Minutes
Tuesday, June 11, 2019
Conservation Commission
Meeting Start at or about 7:00 PM**

Present: Francis (Buddy) Dougherty, Chairman
Jay Chrystal, Vice-Chairman
Tom Rogers, Member
Jordan Bailey, Member
Drew Kellner, Selectboard Representative
Jerry Jaworski, Alternate
Ron Olsen, Alternate Selectboard Representative

Absent: Eric DiVirgilio, Alternate

Minutes

Drew made a motion to approve the May 14, 2019 minutes both public and non-public as written. Jay seconded. Vote yes 4-0.

Mail - Lady Slipper Public Announcement

Drew said there was an email in the mail in regards to Lady Slippers. They are not illegal to pick but they are rare so look but don't touch. Please take picture only. **Buddy** read the email:

"Would the conservation commission perhaps be willing to put a public announcement out regarding the Lady Slipper (it's a variety of the orchid flower indigenous to our area) and the fact that if you pick it it's gone forever?!

It's incredibly rare, and they seem to like Brookline as I have seen quite a few in the area! They are generally found off the trails in shady wooded areas, and cultivation practices have proven unsuccessful so once they are gone they are gone forever!! They have a very long maturation rate (about 8 years from seedling to blooming flower) but once they are established they live long lives and are a unique and hardy New England perennial!

I have gone back to spot them again when I stumbled across them but alas they are gone... although deer tend to like to eat them I'm thinking given the time of day they were picked! Boooo!!

In any case- I would be happy to write something up for the Commission about them... perhaps we can even put it in the next Brookline newsletter?! They are making a bit of a comeback with being left to their own devices... and while it's not illegal to pick them in this state maybe a little public "did you know??" may encourage their conservation and success in repopulation!!

Thanks! Happy Summer!!

Jill Powner (formerly Adams)"

Jerry suggested they put something on the Facebook page. **Buddy** said they should support this endeavor and see if the local cable guy could do a PSA slide on the cable channel. **Dave Pease** (The Local Cable Guy) was in attendance at tonight's meet agreed.

Overview & Recommendation – trail forks on-line Trail Management Portal and APP (Tom)

Jerry said Trailforks is online mountain bike trail database and management system. This is a crowd sourced database. Users can add data and then we would have the ability to approve or correct the information. This is a free application. We would have an account and that would allow us the ability to add trails or delete trail that someone else has tried to add to the database. We can also use NRPC information to populate the Trailforks data. **Tom** said as they discussed at the last meeting they would be able to add the trails that are on private property and not open to the public but if Emergency Services needed to gain access the trails they would have a map with all the trails in town. You can also mark points of interest like foundations, heron rookery, special features of an area etc. there is also a badge system for example if you sign up to do a 2 mile hike then you would get a badge at the end of that hike. **Jerry** said he would send a link to everyone to review. **Jerry** said they would just need to discuss whether they are responsible for the town of Brookline or just Conservation land. The Board agreed they would just have to take care of the town land only. **Drew** said he was in favor of signing up for this program. **Tom made a motion to allow Brookline Trails Committee to sign up to use the Trailforks program to come up with a database of Town Trails. Drew seconded. Vote yes 5-0.**

Charter for Brookline Trails Committee

Tom said they have nothing in writing yet.

Motion to Recommendation that the Selectboard sign Conservation Easement

Motion to authorize payment from BCC Fund to convey the easement to PLC.

Timber Harvest (Drew)

Drew said at the moment there is only one hiccup Lot F-106 has an easement on it but is not actually owned by the town the attorney will look into this but this will not stop them from going forward with the easements on the rest of the lots. Lot F-106 will already have the benefit of an easement they just need to have it conveyed to the town.

Drew made a motion to recommend that the Selectboard sign the Conservation Easement for the Hobart Fessenden Woods area. Tom seconded. Vote yes 5-0.

Drew made a motion to authorize payment of up to \$25,000 from the Conservation Commission fund to complete the easement to convey to Piscataquog Land Conservancy (PLC). Jay seconded. Vote yes 5-0.

Timber Harvest

Drew said the Conservation Commission has the authority to decide when to cut on town owned property that's under the BCC supervision, but lacking any agreement at town meeting the revenue would go to the general fund. He would like to add a warrant article to the 2020 town meeting that would state they are interested in timber harvesting in order to offset the cost of Conservation Easements and any cost of the harvesting or damage that may come of it. **Jordan** said she thought this was a great idea and would like them to also have a forest management plan in place. This is part of the RSA's. **Drew** said they have a plan in place for the Melendy Morrill property. **Buddy** said they should use any funds they receive from Harvesting to pay down some of the debit. **Drew** said in the future they could share the money with the town but at the moment they have all these plans they will need money for example conservation easements on town owned properties. The Board agreed to go forward with a warrant article for the upcoming 2020 town meeting. **Jordan made a motion to look into timber harvesting activities and to present a warrant article for the 2020 town meeting. Tom seconded. Vote yes 5-0.**

BCC By-Laws

Drew made a motion to adopt the Conservation By-Laws for the year. Tom seconded. Vote yes 5-0.

Taylor Dam

Buddy said the state has sent a letter requesting work be completed around the Dam brush cut and debris removed etc. he has spoken to Matt Sawyer and all the work requested in the letter has been completed. Matt still maintains this area.

Trail from Power lane to Nightingale Road

Tom said Ryan Powers wants to construct a bridge out off of Nightingale Road. This is the trail Ryan created that goes from Powers Lane to Nightingale Road. He reached out to Mike Wenrich and he was ok with the three foot bridge there. **Buddy** said he suggested a culvert instead of a bridge. He believes this would last longer. The Board agreed they had no issues with the bridge construction in this location. **Buddy** asked that they let him know when they will be out there.

Beaver Dam at Palmer Preserve

Tom said they will need to do something in this area it is starting to erode the rail road bed just north of the Cabin and they just resurfaced this area. The Board agreed they would install a beaver box in this location.

Route 13 South Pierce Pond (Averill Road area)

Buddy said about a month or so ago they lowered the water level at the intersection of Route 13 and Averill Road. He would like to request that the Selectboard have the DPW Director put another 6 inches of board back into that dam to raise the water level back a bit.

Nashua River Watershed – Scheduled Hike for Brookline

Jordan said the Nashua River Watershed is hosting its 50th anniversary and will be holding a hike on the 23rd of July in Brookline. They don't need a Representative from Brookline but it would be nice but if anyone wants to attend. **Drew** said he would attend this hike.

Wild and Scenic

Jordan said they have received an official certificate of appreciation from the Wild and Scenic.

NRPC Trail Mapping

Jerry said he will be meeting with Ryan Freedman with NRPC to start mapping on June 23rd. This will take about two days.

Comments to the Planning Board for case:

NRSP # 2019-A: H-102, 103 BCC & Brookline Country Store Site Plan, Proposed Trail Head parking.

The Conservation Commission had no comments other than they are all in favor of going forward with this plan.

Case #2019.3: J-18, Dunton Family Real Est. Trust, Subdivision Plan lot J-8

The purpose of this plan is to subdivide lot J-8 into two lots creating lot J-8-2. Jay said this lot is already on the market for \$77,000. Buddy said this newly created lot is right across the street from the Dunton homestead. **Jay** said they are just subdivision off a building lot. The Board had no comment for the Planning Board in regards to this subdivision plan.

Case #2019-4: D-5, Timothy Austin, Subdivision Plan lot D-51

The purpose of this plan is to subdivide lot D-51 into two lots and define parcel A which is to be conveyed to the Town of Brookline for the purpose of widening end of Captain Seaver Road. The Board had no comment for the Planning Board in regards to this subdivision plan.

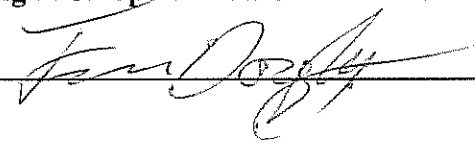
Non-public

Jay made a motion to go into non-public session under RSA 91 A: II (d) for the discussion of possible land acquisition and immediately adjourn the meeting. **Jordan** seconded. Roll call vote **Buddy, Jay, Tom, Jordan** and **Drew** all voted yes.

Drew made a motion to come out of non-public session and seal the minutes. Tom seconded. Roll call vote Buddy, Jay, Tom, Jordan and Drew all voted yes.

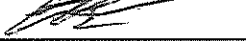
Adjourn


Jay made a motion to adjourn the meeting at 8:40pm. Drew seconded. Vote yes 5-0.

Francis (Buddy) Dougherty, Chairman, 

Jay Chrystal, Vice-Chairman, _____

Tom Rogers, Member, 

Jordan Bailey, Member, 

Drew Kellner, Selectboard Representative 

Minutes submitted by Kristen Austin

Next meeting will be held on July 9, 2019

Brookline Conservation Commission By-Laws

Section I - Purpose and Authorization

The Brookline Conservation Commission (hereinafter, the Commission) was established in 1971 for the purpose of ensuring the proper utilization and protection of the natural and watershed resources of the Town. The Commission provides a focal point within the Town for environmental concerns and related issues.

The Commission consists of five (5) members appointed by the Board of Selectmen following rules of procedure for the conduct of its business under RSA 36-A.

The Commission may advise the Planning Board and other local bodies on conservation matters. It may act more directly to protect natural resources by acquiring, with the approval of the Selectmen or at Town Meeting, the full fee (title) or a lesser interest in land or water resources. The commission may then manage these conservation areas. If authorized by the Town, it may manage duly designated Town Forests (RSA 31:110-114) and open spaces.

Section II - Membership and Terms of Office

A. Appointment of Members

The Commission shall consist of five (5) members appointed by the Board of Selectmen.

B. Alternates

The Commission shall encourage the Board of Selectmen to appoint, in addition to regular members, not more than five (5) alternate members who may serve, upon designation by the Chairmen, in place of a regular member, in the event of absence or disqualification. The terms and multiple membership requirements for alternates shall be the same as for regular members.

Section III – Officers and Their Duties

Election of Officers

The Commission shall elect, by a majority vote at its annual meeting, the following officers from among its membership. The term of each full time member shall be limited to three (3) years; however, any full time member shall be eligible for re-election. The Chairman and Vice-Chairman are elected yearly by the Board.

1. Chairman

The Chairman shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred on such officers. The Chairman may affix his/her signature in the name of the commission.

2. Vice-Chairman

The Vice Chairman shall act for the Chairman in his/her absence and have authority to perform the duties prescribed for that office during the Chairman's absence.

3. Non-Elected Full Time Members

A Secretary may be hired by the Commission who will be responsible for the maintenance of the minutes and records of the Commission, with the assistance of staff as may be available. The Secretary shall prepare the agenda for regular and special meetings of the Commission, provide notice of meetings to members, arrange proper and legal notice of meetings and hearings, and prepare such correspondence and fulfill such duties as the Chairman may direct.

Section IV Meetings

Updated 6/11/2019

Conservation Commission By-Laws

A. Regular Meetings

Meetings of the Commission shall be held monthly and shall be open to the public. The time and place of the meeting shall be selected by a majority vote of the Commission. The following general rules of procedure shall govern the conduct of such meetings.

1. Quorum Required.

A majority of the membership of the Commission shall constitute the quorum necessary in order to transact business at any meeting. In the event of the absence of a regular member, the Chairman shall designate, upon opening the meeting, an alternate to act in the absent member's place. In the event that the Chairman and the Vice-Chairman are both unable to attend a meeting, the quorum is to designate the temporary chairman for that meeting.

2. Notice of Meetings

Notice of time, date, and place of any meeting of the Commission shall be posted in two (2) public places *or* printed in any paper of general circulation at least twenty four (24) hours, excluding Sundays and legal holidays, prior to the meeting.

3. Records Required

Minutes of the events of the meetings shall be taken and shall include the names of members in attendance, persons appearing before the Commission, a brief description of the topics discussed, and a record of any actions taken. Such minutes shall be available for public inspection within one five (5) business days of the meeting. Minutes of Executive Session shall conform to the requirements of RSA 91-A: 3.

4. Order of Business

The general order of business may be as outlined below:

- a. Call to Order.
- b. Reading and Acceptance of minutes of Previous Minutes
- c. Communications
- d. Committee Reports
- e. Unfinished Business
- f. Public Hearings
- g. Other Business
- h. Adjournment

5. Voting

A motion, duly seconded, shall be passed by a majority of members present, once a quorum has been established, voting in the affirmative.

B. Special Meetings

Special Meetings may be called by the Chairman or, in his/her absence, by the Vice-Chairman. Notice to members shall be at least forty-eight (48) hours in advance of the meeting. Notice to the public shall be in the same manner as for a regular meeting. No business shall be acted upon at a special meeting unless a quorum of the membership is present. The notice of the meeting shall specify the purpose of the meeting and no other business may be considered except by unanimous consent of the Commission members present once a quorum has been established.

C. Annual Meeting

An annual meeting shall be held at the first regular meeting following the close of Town Meeting, but no event later than thirty (30) days following the close of Town Meeting. The purpose of the annual meeting will be to elect officers and review the by-laws, which shall be made part of the minutes of the meeting.

Section V Public Hearings

A. Notice of Hearing

Notice of hearing shall be given at least ten (10) days prior to the date of the hearing by publication in any newspaper of general circulation or by posting in at least two (2) public places. The ten (10) calendar days shall not include the day of posting or the day of the meeting. The full text of any notice need not be included in the notice provided an adequate summary is included in the notice and a location is specified where the proposal; may be viewed by the public.

B. Conduct of the Hearing

The Chairman, or in his/her absence, the Vice Chairman, shall preside at the public hearing, and shall:

1. Convene the meeting and read the legal advertisement announcing the date, time, and purpose of the meeting into the records;
2. Briefly state the manner in which the hearing shall be conducted;
3. Call upon those appearing in favor of, or in opposition to, the proposal to direct questions or comments to the Chair;
4. Call the hearing to a close, as appropriate, outlining the Commission's anticipated procedure concerning the proposal.

C. Record of Hearing

A public record of the proceedings shall be taken in writing and incorporated into the Commission's minutes. The hearing may also be recorded by a sound recording device and such recordings shall be kept on file as part of the public record.

SECTION VI STAFF AND FINANCES

Within the limits of funding made available for its use by the Town Meeting, the Commission may employ such staff personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments shall be made by a majority vote of the members present at any regular or special meeting at which a quorum has been established. The Chairman may be authorized to sign contracts for employing personnel and contracting for consulting services as approved by the Commission.

SECTION VII PUBLIC RELATIONS & COMMUNICATIONS

The Chairman or a duly appointed Commission member or staff personnel shall be authorized by the Commission to act as the principal public relations contact for the Commission. Duties shall be as prescribed by the Commission.

Communications with Town Counsel shall be through the Chairman and shall be confidential to the Commission unless otherwise noted.

SECTION VIII AMENDMENTS

A. Amendments

These By-Laws may be amended by a two third (2/3) vote of the entire voting membership of the Commission only after the proposed change has been read and discussed at a previous regular meeting, and excepting that the by-Laws may be changed at any regular meeting by the unanimous vote of the entire voting membership of the Commission.

B. Filing with Town Clerk

These By-Laws and any amendments thereto shall be places on file with the Town Clerk for public inspection. A complete set of By-Laws, as amended, shall also be attached to the minutes of the Commission's annual organizational meeting and kept on file.

C. Effective Date

These By-Laws, and any subsequent amendments, shall become effective immediately upon passage by the Commission as recorded in the minutes of the meeting at which such action occurs.

SECTION IX RECORDS - ANNUAL REPORT

The Conservation Commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual town or municipal report (RSA 36-A: 2)


Francis (Buddy) Dougherty, Chairman  _____

Jay Chrystal, Vice-Chair _____

Drew Kellner, Selectmen's Representative _____

Jordan Bailey, Member  _____

Tom Rogers, Member  _____

Jerry Jaworski, Alternate  _____

Eric DiVirgilio, Alternate _____