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**TOWN OF
BROOKLINE, NEW HAMPSHIRE
CONSERVATION COMMISSION**

**P.O. BOX 360 – 1 Main Street
BROOKLINE, NH 03033-0360**

<http://www.brooklinen.h.us>

**Minutes
Tuesday, December 14, 2021
Conservation Commission**

**Present: Francis (Buddy) Dougherty, Chairman
Jay Chrystal, Vice Chairman
Tom Rogers, Member
Jerry Jaworski, Member
Sean McNair, Alternate
Drew Kellner, Alternate Selectboard Representative**

**Absent: Dana Ketchen, Selectboard Representative, Roy Wallen, Alternate
and Eric DiVirgilio, Alternate**

Buddy called the meeting to order.

Sean read the rules for the Hybrid meeting:

- Any meeting attendees participating via Zoom are asked to activate the “mute” function until called upon by the chair
- Meeting attendees via Zoom must use the “raise hand” function under the “reactions” tab to participate in the meeting – and will be permitted to comment once and if called upon by the chair.
- Anyone providing comments during the meeting must first identify their name and address
- The “chat” function for Zoom participants will be disabled by the meeting administrator or otherwise not addressed; “chat” items will not be part of the public meeting/record
- Meeting attendees via Zoom will not be listed as attendees in the minutes (except Board members)
- The meeting’s physical location is the official meeting room. Should technical difficulties arise with the remote portion, the meeting will continue at the physical location.

Wallace Brook – Steve Spader

Steve said there was an error on his part about where he thought the property line was. (For clarification, there was only one property line in question. That property line extends from Wallace Brook Rd. to the zenith of the triangle of Parcel "A" (noted on previous surveys) which is approx. 210'. It was initially thought by the Spaders and BCC that a marker approx. 26' due West was the corner marker. The recent Meridian survey clarified the proper location.)

He said he's lived here for 33 years and had an agreement with the previous neighbors Ruth and Milner Wallace to maintain that little area they allowed him to plant bushes and maintain a lawn. Earlier this year Meridian was out to do a survey and yes, he had said they could do their job as

long as they don't go onto his property. He later told them if they needed to access a portion, they could do that through his property. **Drew** said he appreciated the honesty, but once Steve had engaged Meridian Land Service, they had to find another way to get out to that property bound which means they had to get a boat to access it through the swamp pond. This in turn costs the town more money to have this boundary line surveyed. **Steve** said Meridian didn't come with a boat to access the boundary points in the pond. It seemed as though a boat would have been needed to access that point. He also doesn't believe it was necessary to add the second boundary marker at the zenith of the triangle as there was already a marker there from an earlier Meridian survey completed in 1998. **Drew** said going forward they need to maintain the basic level we would need you to reshape the property, so that small portion of your lawn is on your property and not on towns property. He also said once the dam is lowered, they cannot have you out there seeding the dam again for the beavers. **Steve** said he only put tree clippings out there because once you break that beaver dam down, they are in hyper mode to cut anything down in there and create the dam back up again. He is just trying to save the landscaping in his own yard he has already lost two 30 year old rhododendron bushes. **Drew** said you can cut all the tree trimmings you need to you just can't deposit those on town property. By seeding the dam with clippings, you were putting them on town property. **Drew** said there is also grass clippings. **Steve** said the grass clippings were there because the beavers had dug into the embankment and after the pond was drained, he added the grass clippings to the hole so the kids in the neighborhood wouldn't get hurt. Now that the water level is lower, they tend to play out there. **Steve** said he and his wife had to do remediation to the embankments on their side of the pond due to the lowering of the pond. The removal of the hydrostatic pressure when the pond was lowered caused some of the embankment to crumble which threatened their property. At his own expense, he had to shore up several areas. There are also several points along the embankment of the town land and the abutters lot that were eroding into Wallace Brook due to the work by the Brookline DPW during the dam removal in September 2021. **Drew** said the problem now is access to the dam, originally it was 75 feet closer and was easy to get at. Now they've rebuilt it 75 feet further from the road where they were going to access it from. They will be accessing the beaver dam using heavy equipment from the Borkowski's property to install a beaver deceiver. **Jay** said once the beaver deceiver is in place the damage the beavers are doing will become a temporary situation, as soon as that beaver deceiver starts working, they will go to a different waterway. **Steve** asked the board if he could purchase that land or if he could do a lot line adjustment and swap land. **Drew** said we would need attorney general permission to do something like that you would also need the Conservation Commission to agree to this and to do a lot line adjustment and swap land you would need to prove that what you're swapping would be more valuable to the town to conserve. The reason why this area has been conserved is because of the esker and in his opinion a swap would not benefit the town. **Steve** asked The Board how the town residents were to access Wallace Brook now that the pond was 75 feet from the road. The access point off Wallace Brook Road does not allow for safe egress/ingress with watercrafts like the prior dam. Fishing from the shore is limited due to the new dam and pond. Winter activities such as skating is also limited. **Tom** said not all conservation land is accessible to the public. **Steve** said Ruth Wallace made it clear in the deed to the Conservation Commission that she had intended that this

property be accessible to the public and not warehoused. Residents have had recreational access to this pond for over 30 years. The Board thanked Steve for coming in.

Ghost Train

Buddy said they had received a check from TARC in the amount of \$2,729.38. They said this is for 2020.

Turkey Trot Event

Tom said they had a great event it was a quick and easy setup they were finished and gone by 10:00am on thanksgiving. **Drew** said they made \$2,200 from this event. **Tom** said there were 97 runners.

Move unused funds to BCC fund

Drew made a motion to move all unexpended Budget Funds to the BCC General Fund with the exception of the unused Lake Host and Milfoil line item which will go into the General Fund. Seconded by Jay. Vote Yes 5-0.

Palmer Preserve Beaver Deceiver

Jerry said he went to the Palmer Preserve and found that they have built up the dam again and the water is spilling over, and they have lost the beaver deceiver. The beaver deceiver that they installed at the bridge is still working on the other side of the rail trail.

Rail Trail damage

Buddy said he noticed that a portion of the Railroad bed has been used as a galloping track and the repetitive use has damaged the railroad bed. This is the section that is also used for the Ghost Trail Rail Race every year in October. The Board agreed they should add signage to the Railroad bed that states due to damage to the Rail Trail they will be limiting all equestrian use to walking and trotting. No cantering and galloping will be allowed.

Drew made a motion restrict equine activity by not allowing cantering or galloping on the rail trail due to trail damage and erosion. Tom seconded. Vote yes 5-0.

Conserved Lot Identification (see attached document)

Jerry said this discussion is a continuation from the August 2021 meeting. He has emailed out a list of lots that the Board will need to discuss and decide if they should be added to the lots that are under the Conservation preview. They reviewed the printed document (attached) that Jerry had put together with all the lots. The Board agreed to add the following lots to the list of Conservation Commission Conserved lots:

Lot B-37 and Lot B-71 located in the Palmer Bartell area

Lot C-46-3, located by Whitcomb-Bross

Lot B-101, Lot B-54, Lot B-55, Lot B-94, and D-18-5 Melendy-Morrill Woods

Lot K-66-20 located by the Oak Hill Town land

Lot K-58 located by the Nissitissit River

Lot C-11 located by Spaulding Brook

Lot J-39 located between Laurelcrest Drive and Averill Road includes a Fire Pond

Lot J-39-49 Located on Laurelcrest Drive this is an open space lot

Lot K-80 located between Route 13 and Blueberry Lane include wetlands

See attached for maps and locations

Buddy asked Greg Martin to stay for the non-public discussion. **Greg** agreed.

Non-Public

Jay made a motion to go into non-public session under RSA 91-A:3, II (d) for purpose of land acquisition and RSA 91-A:3 II (c) reputation. Tom Seconded. Roll call vote Buddy, Jay, Tom, Jerry, Sean, and Drew all voted yes.

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

Appoint Alternate

Drew made a motion to recommend to the Selectboard that Greg Martin be appoint as an Alternate to the Conservation Commission for a 3-year term expiring in March of 2024.

Adjourn

Jay made a motion to adjourn at 9:00pm. Drew seconded. Vote yes 5-0.

Francis (Buddy) Dougherty, Chair, _____

Jay Chrystal, Vice Chairman, _____

Tom Rogers, Member, _____

Jerry Jaworski, Member, _____

Drew Kellner, Alternate Selectboard Representative _____

Minutes prepared by Kristen Austin

Next Conservation Commission meeting will be held on January 11, 2022