

# Conservation Commission

Minutes of Meeting Thursday, July 10, 2025

**Members Present:** Ken Stern, Kelly Short, Audra Klumb, Lance Messinger, Bob Steenson, Steve Seron, Beth Blair (BOS Rep);

**Members Absent:** Theresa Wyman, Charlie Comey

**Guest(s):** Evan Hauptman, Luke Hurley, John Wiencek

Abbreviations used: CC or CCC – Canterbury Conservation Commission. PB – Canterbury Planning Board. DES – NH Dept. of Environmental Services.

## Meeting called to Order 7:03pm

Kelly notes that we will be taking up agenda items out of order to accommodate the guest presenters first and regular business later.

## Agenda Item 2. Code of Ethics and Right-to-Know Law

Kelly reviews the Town of Canterbury Code of Conduct for elected and appointed town boards, commissions and committees, noting that the code and the Right to Know Law are posted in the Meeting House.

## Agenda Item 3: Wetland Permits

a. Dry hydrant on Pickard Road by Town of Canterbury – Evan Hauptman

i. Audra Klumb recuses herself from CCC deliberation because she delineated the wetlands and is an advisor to the applicant.

ii. Evan Hauptman, the excavation contractor for the proposed project presented on behalf of the Canterbury Fire Department and the landowner Michael Frary:

- The Canterbury Fire Department has long sought a source of firefighting water closer to the south end of town.
- The project will install a retaining wall, a 15' wide gravel parking space of sufficient length for a fire truck and a pipe into Bryant Brook near the double culvert at the south end of Pickard Road.

- 28                   ▪ There is an estimated 512 square feet of permanent wetlands disturbance and  
29                   1,400 square feet of temporary disturbance which will be restored upon  
30                   completion of construction.
- 31                   ▪ Evan notes that DES is requiring him to refile the application on a different  
32                   form for a Brook and Floodplain permit at which point the application will  
33                   return to the town for review and signature. The scope of work and the plan  
34                   will remain the same, subject to any comments from DES reviewers.
- 35                   ▪ CCC discussion included questions regarding disturbance and restoration,  
36                   turtles and other wildlife, winter access. No objections were raised.
- 37           iii.    Motion by Bob: “The CCC having no objection to the project as described and  
38                   currently scoped, authorizes the Chair to sign the revised permit application when it  
39                   comes in as long as it is consistent with the scope presented tonight.” Second by  
40                   Ken. All in favor; Audra abstaining.
- 41   c.   Shaker Road Map 204, Lots 1 and 2 – Luke Hurley, Hurley Environmental, and Christopher  
42       Moore.
- 43           a.   Luke Hurley presented on behalf of the landowner, Christopher Moore of Concord,  
44           NH:
- 45                   ▪ This is a standard dredge and fill application for the purpose of installing a  
46                   driveway for a single-family residence to be constructed on the said lots.
- 47                   ▪ Luke described the project as a long driveway from Shaker Road to a high  
48                   elevation where the house will be built. There will be a total of 3 wetland  
49                   crossings with a combined 1,094 square feet of wetland impact.
- 50                   ▪ Crossing 1 = 600sf total impact, 459sf permanent, 141sf temporary. There is  
51                   no stream in this location. A 34’ x 24”x18’ arch pipe is proposed to equalize  
52                   drainage.
- 53                   ▪ Crossing 2 = 740sf total impact, 604sf permanent, 136sf temporary. There is  
54                   an intermittent stream at this location. A 34’x49”x33” arch concrete pipe is  
55                   proposed to allow wildlife to pass through.
- 56                   ▪ Crossing 3 = 600sf total impact, 528sf permanent, 72sf temporary. This is a  
57                   shrub wetland, no stream. A 32’ x 15” HPDE pipe is proposed to equalize  
58                   drainage.
- 59           b.   CCC discussion, questions and comments:

- 60                   ▪ Audra observes that the plan calls for silt fence and notes that silt socks are  
61                   considered best practice and are a far better option than silt fence. Luke  
62                   agrees to change the plan from silt fence to Siltsock.
- 63                   ▪ Audra would like to see the wetlands identified on the entire site. This  
64                   information will be useful to determine if the proposed driveway path is in fact  
65                   the best path to minimize impact on wetlands. The wetlands on the remainder  
66                   of the site do not need to be formally delineated, an overhead view will suffice.  
67                   Luke noted that while the driveway follows advantageous topography and is  
68                   appropriately located, he understands the request and will identify the other  
69                   wetlands.
- 70                   ▪ Ken questions whether the 15” pipe proposed at Crossing 3 is adequate as 15”  
71                   pipes tend to clog easily. Luke notes the comment and said the engineers will  
72                   review.
- 73                   ▪ Ken noted that the last stretch of driveway is a 15% grade. This is very steep  
74                   and some permanent erosion controls may be needed. Bob suggested they  
75                   consider paving this section as it will be very difficult to keep a gravel surface  
76                   from eroding. Luke will review with the landowner.
- 77                   c. Motion by Bob: “To authorize the Chair and Vice Chair to draft and submit a letter to  
78                   DES based on the minutes of this meeting noting the CCC’s concerns and the agreed  
79                   upon changes to the plan, copy to Luke Hurley.” Second by Ken. All in favor, no  
80                   abstentions.
- 81                   ▪ Luke will email the revised plans to the Town.

## 82                   **Agenda Item 6. Other Business**

### 83                   b. John Wiencek – Wetland Buffers

- 84                   i.     Mr. John Wiencek, seasonal resident of Harmony Lane, Canterbury, appeared before  
85                   the CCC to note his concern that the Town of Canterbury Zoning Ordinance does not  
86                   currently specify wetlands setbacks, why he feels strongly that we should have  
87                   setbacks and his perception of a disconnect between the CCC and the Planning  
88                   Board on both the desirability and process for enacting buffer regulations.
- 89                   ▪     John stated that he first expressed his concern to the Chairman in March 2024.  
90                   Following a variance application on a neighboring property he was surprised  
91                   to discover that the town does not have wetlands setback requirements.

- 92                   ▪ He noted that the CCC discussed the issue in the July 2024 and September  
93                   2024 meetings and did not take action, instead deferring to the Planning Board  
94                   jurisdiction over the zoning ordinance.
- 95                   ▪ John recapped at least two Planning Board meetings where the PB chair and  
96                   members said in their view a wetlands buffer ordinance should originate from  
97                   the Conservation Commission.
- 98                   ▪ He further noted that Audra brought up a 100' buffer at the CCC meeting in  
99                   October 2024 during a discussion about the state's Prime Wetland process.  
100                  John said he was not sure if a 100' buffer is the right size.
- 101                  ▪ John inquired if there were prior attempts to pass such an ordinance in  
102                  Canterbury. He referenced the Town of Moultonborough where a wetlands  
103                  buffer ordinance failed once, was scaled down to a 25' setback and passed  
104                  this year.
- 105                  ▪ He feels that a modest proposal of 20' would pass in Canterbury and offered  
106                  to help the town pitch the idea to the voters. He feels that this has taken too  
107                  long already and we must act. John further stated that a proposed ordinance  
108                  will show up on the ballot next March regardless of whether the CCC and PB  
109                  support it or not.

110           ii. Kelly thanked John for coming in and said that while she personally likes the idea of a  
111           buffer, pointed out that wetland setback ordinances can be complicated and have  
112           many details that need to be figured out. In addition, there is concern about how the  
113           town would administer and enforce a setback. She also noted that with regard to  
114           timing, the PB and CCC bandwidth last year was consumed by the updates to the  
115           Master Plan, leaving little room for new initiatives.

116           iii. Kelly polled CCC members for comment:

- 117                  ▪ Audra clarified that she did not propose a 100' setback last October. She was  
118                  explaining the state's process and protections for designated Prime Wetlands.  
119                  One component of such a designation is a 100' buffer enforced entirely by the  
120                  DES.
- 121                  ▪ Audra also noted that while she is favor of wetlands buffers, setback  
122                  ordinances must be written correctly and be extremely clear as to what types  
123                  of wetlands are included, which activities and what types of structures are  
124                  permitted and which restricted, and the process of such determinations  
125                  outlined very specifically.

- 126                   ▪ Bob stated his opposition to a wetlands buffer ordinance for Canterbury on  
127 the following grounds:

- 128                   ○ RSA 482-A is comprehensive and sufficient to protect wetlands as  
129 demonstrated by tonight's permit discussions.
- 130                   ○ Enforcement and monitoring is resource intensive and the town does  
131 not have the capability to do so effectively.
- 132                   ○ Significant development in town is covered by PB site plan review.
- 133                   ○ The burden of permitting and compliance can be onerous and would  
134 fall almost entirely on single family homeowners who may want to do  
135 something as simple as erect a garden shed.
- 136                   ○ It is important in any organization and especially in small town  
137 governance to understand what you are solving for when enacting  
138 regulations. In our case, Canterbury has a strong conservation ethos,  
139 considerable amounts of protected land including wetlands, DES  
140 protection is robust and therefore a local wetlands ordinance is  
141 impractical and unnecessary.

- 142                   ▪ Steve felt he lacks sufficient technical expertise to weigh in at this point.

- 143                   ▪ Ken noted he was involved in the last attempt to pass such an ordinance in the  
144 early 2000s. Much effort was expended and it was defeated. There was strong  
145 pushback on these bases:

- 146                   ○ There are wetlands everywhere – walk 100 yards in any direction and  
147 there will be something that could be defined as a wetland. To have an  
148 effective ordinance you would have to map everywhere – an enormous  
149 undertaking.
- 150                   ○ It would be a real impact on homeowners.
- 151                   ○ There is a strong environmental ethic in this town. And also a strong  
152 sentiment that people are good stewards of their land and are thus  
153 sensitive to being told what they can and can't do.

- 154                   iii. Kelly inquired of the Commission members if the CCC should confer with the  
155 Planning Board to see if this is a shared concern, review other town ordinances to see  
156 if there is a practical approach and what it might take to enforce an ordinance.

- 157                   ○ Audra, Steve and Lance felt it is worth talking to the PB.

- Bob was a flat no.
- Ken said he has no problem talking but does not personally have the time or energy to pursue.

- Action item: Kelly to confer with PB Chair Brandan O'Donnell.

- iv. John made a final point that approximately half the towns in NH have a wetlands setback ordinance and he feels we should join them. There was no discussion of the efficacy or enforcement of those ordinances. The Commission again thanked John for coming in.

### **Agenda Item 3: Permits**

- b. Forestry permit by notice Map 229, lot – Chuck Rose. No action required.
- d. Forestry permit by notice Map 236, Lot 1, Lot 1-1 – Jeff Leidinger. No action required.

### **Agenda Item 4: Property Management**

- a. Riverland – field does not need mowing at this time. The parking lot and beach path were overgrown. Ken contacted the Town Administrator and the Highway Department promptly mowed both. The CCC thanks the Road Agent and his crew for their efforts.

- Action item: Ken to contact Chris Aikens about mowing the field in September.

- b. Bench at Schoodac – Bob has refinished the bench donated by Beth Blair. August 3<sup>rd</sup> selected for installation by Ken, Bob, Lance and Audra.

- c. Footbridge at Kimball Pond Dam – Lance volunteered to weed whack the summer growth. Lance is leading the footbridge subcommittee and will work out details for installation, likely in September at this point.

- d. Robert S. Fife Conservation Area –

- Rock removal: Ken contacted John DeWare and let him know the field is dry enough for work to commence.

- Mowing: Past practice has been to mow half the field each year, letting the other half grow for wildlife habitat. The proliferation of the bittersweet and other invasives suggests that we might better control them by mowing the whole field this year. Kelly to check budget and Ken to ask Chris Aiken for cost estimate.

### **Agenda Item 5: By-law Review**

189 Topic postponed for a future meeting.

190 **Agenda Item 1: Approval of Minutes from Meeting 5/8/25**

191 Motion to accept the minutes of May 8, 2025 by Ken. Second by Lance. No edits or  
192 corrections. All in favor of the minutes as drafted. Kelly and Steve abstained due to their  
193 absence from the meeting.

194 **Agenda Item 6: Other Business continued**

195 a. **Lot on 106** – The selectmen accepted the lot which the CCC declined to accept for lack of  
196 conservation value and sold it to Brian Magoon for an operating yard. The CCC supports this  
197 action.

198 a. **Shell Meeting House Road** - There is new information on the status of discontinued roads.  
199 The Selectmen are reviewing the status of roads discontinued prior to 1928. There was a  
200 change in State law at that time. This continuing discussion may impact the status of several  
201 roads in town. . Shell Meeting House Road falls into this category.

202 e. **Briar Bush Town Forest** – Discussion of the management of this town owned property. Kelly  
203 recommended consulting with the county forester on the potential for harvesting  
204 marketable timber and advice on whether any stand improvement work would be  
205 worthwhile. Ken will invite the County Forester, Tim Fleury, to walk with us on September 11  
206 at 6 pm

207 f. Steve reports on the recent meeting of the Clough Pond Association. The association has a  
208 vigorous Millfoil watch program in place.

209

210 **Agenda Item 7: Review Workshop with Five Rivers**

211 Item not taken up.

212 Motion to Adjourn 9:11pm. All in favor.

213 Next meeting August 14.

214 Respectfully submitted, Bob Steenson