

Cornish Conservation Commission

Special Meeting Minutes of Wednesday, November 8, 2006, Approved

Present: Loel Callahan, Bill Gallagher, Mariet Jaarsma, Betty Miller, Don Snowden, Gabe Zoerheide, and guests Byron Champlin, Marie De Rusha, Larry Duval, David L'Heureux, Jim McClammer, Janice Orion, Mildred Richardson, Carla Skinder, Ned Swanberg, Jon Woodhull

The Conservation Commission held a special meeting to discuss the wetlands situation on Jackson Road. The town has been involved with expanding a minor roadside ditch into a significant trench, perhaps 900' long, 12-15' wide, up to 8' deep, which is altering the wetlands along Jackson Road. No permit application was filed with the Wetlands Bureau of the NH Department of Environmental Services. Two citizen complains have been filed with DES and Linda Magoon, DES Compliance Inspector, visited the town on November 1. She recognized that the work (as well as another town project) should have gone through the permitting process and that it has made a significant impact on the wetlands. She will gather additional information then respond in writing, likely requiring the town to hire a consultant to develop and implement a restoration plan.

The group met to share information and determine next steps, including, perhaps, a formal letter to DES and/or the Selectboard. Discussion was lively and touched on the following concerns:

- Review of maps (and additional maps which should be obtained)
- Speculation that this situation has been quietly evolving for a number of years
- Training for new town employees
- Movement of property boundary markers
- The course of the brook has been changed (used to be on other side of wetlands, through two ponds, but now water flows to the greatly expanded channel, essentially draining the wetlands)
- Equipment observed not just in the road, but in the water as well
- Several neighbors indicated that water has never endangered the road in their 20-40 years on Jackson Road
- Clay and silt are reported on lawns and in ponds downstream from the construction activity
- Presence of Blue Heron, American Bittern, and other special wildlife
- Fish eggs will likely die as now is the breeding season and next year's trout will be impacted
- Shooting of beavers
- Wetlands no longer functioning as flood control
- Authority of the Conservation Commission
- The fast moving water in the ditch, as well as recent heavy rains, seem to be eroding the bank, putting the road into more jeopardy now than before the work
- Work seems to be "designed to destroy the wetland"
- Road agent indicated to a neighbor that a permit had been obtained
- File a separate complaint on Mr. Furgat
- Question of intent/willfulness vs lack of knowledge
- Overarching goal is to protect the wetland resource and its functions, and to resolve this problem
- Desire to start restoration process now, expeditiously, before winter sets in and before additional damage takes place; also, the longer we wait, the more costly the restoration
- Other locations in town where work seems a little over zealous
- Jackson Road is a major violation and implications may be surprising to some
- Question of getting additional help from DES in the investigation

Loel made a motion to have the town attorney review and approve any letters to DES and the Selectmen regarding this matter, using Conservation Commission funds. No one seconded the motion so the motion died. Loel changed the motion to have the town attorney review just the DES letter. Bill seconded and the motion passed.

Discussion then went forward on the two letters – major points, general vs specific, timeliness, etc. Perhaps there will be just one letter – a joint one, from the Commission and the Selectboard, to DES. Gabe will draft the letter and then the Commission will meet with the Selectboard.

Respectfully submitted,
Betty Miller