

**DRAFT Minutes of the Peterborough Conservation Commission  
October 21, 2021 meeting, 6:30 p.m., Town House, Peterborough**

Present: Jo Anne Carr, Swift Corwin, John Kerrick, John Patterson, Francie Von Mertens, Robert Wood; Chris Anderson, Bridgette Perry, Scott Perry, Steve Roberge, Bob Strong,

Francie Von Mertens introduced Bob Strong, abutter to the Fremont Field conservation land, who would like to assist stewardship of the property, including forming a Friends of Fremont group—stewardship assistance both needed and welcomed.

**Conditional Use Permit (CUP), Windy Row driveway**

Applicant Chris Anderson explained that running underground utilities within an existing driveway would cross the Wetlands Protection Overlay Zone in two areas. He explained that material excavated from the trench in the WPOZ areas would be set aside within the dirt driveway, avoiding impacts to the WPOZ.

The one permanent impact would be a pull box located 10 feet to the side of the drive, with the electrical line and two-foot-wide trench diverted from the drive to the pull box. Mr. Anderson has requested that Eversource alter its standard pull-box spacing to remove it from the WPOZ, or allow an additional pull box as another means of removal from the WPOZ. A pull box requires excavation with approximately 100 s.f of impact. As sited on the plans, it would be placed in upland that is within the WPOZ. Eversource has disallowed an additional pull box; and as yet hasn't responded to shifting the pull-box location.

Von Mertens cited a narrow area where the drive crosses a stream culvert. Extra care will have to be taken there to avoid fill spilling into the WPOZ.

Robert Wood will arrange a site visit preliminary to writing a letter of comment to the Planning Board for its November 8 meeting.

**Monadnock Rod & Gun Club site plan application for three new enclosed shooting stations 50, 75, and 100 feet distant from targets within an "environmental collection shed."**

Swift Corwin reminded members of soil contamination issues as well as filling wetlands and diverting stream flow on the abutting Perry land, as well as Gun Club land—all requiring remediation by court orders and NH Department of Environmental Services (NHDES) rulings dating back up to three years.

Letters from attorney Phil Runyon, representing the Perrys, and attorney James Callahan, representing Mr. Ed Kania, a close neighbor to the Rod and Gun Club, were delivered that afternoon, documenting infractions and NHDES and court rulings requiring remediation steps to be taken by the Club.

Abutter Scott Perry reminded members that his court suit relating to a long-range shooting range with berm that trespassed well into his property required lead testing that determined levels far exceeding the legal limit, especially in the berm area. Targets placed in front of the berm included vehicles rigged with Tannerite that explode when shot.

As yet soil and water testing has not been done on Rod and Gun Club property as required by NHDES.

The Town's cease and desist order appears to prohibit shooting on the long range only. Regarding the new use being applied for, Mr. Perry said it's located in an area where wetland restoration work, required by NHDES, is to take place. He also said that by court ruling, excavated soil from his property can be stockpiled on Gun Club land

before being trucked out. He suggested that the logical stockpile area is the clearing where the proposed shooting range is located.

Deadlines for the Club to submit restoration plans to NHDES have repeatedly been continued. A deadline for plans for the Perry land was to be in two days.

Given delays over the years to remediate soil and potential groundwater contamination, Swift Corwin will recommend that the Town Administrator request that NHDES not continue any deadlines relating to the Gun Club infractions.

Jo Anne Carr wondered if the extensive clean-up needed qualifies for the NHDES Brownfields Program. She and Town Planner Danica Melone are on a brownfields advisory committee. She will make appropriate inquiries.

ConCom comment on the site plan application will be drafted when requested by the Planning Board at its November 8 public hearing—in the event the Planning Board does not deny the application at that meeting. Town Planner will request a site visit that will assist ConCom comment by confirming that the jurisdictional wetland indicated on the plan with shooting sheds located on its perimeter is a filled wetland.

ConCom members are encouraged to attend the November 8 meeting and the site visit.

### **Concord Street shoreland clearing**

Regarding clearing vegetation along the river discussed at the ConCom's September meeting, Robert Wood read the list of trees removed and distances from the river. Members agreed that there appear to be no issues regarding state shoreland regulations, despite a complaint filed with NHDES. By the state's basal measurement point system, remaining trees meet state requirements, however they are not evenly distributed.

As for issues with town shoreland regulations, and a request from the Planning Board that the ConCom work with the landowner on a revegetation plan for the 0-100 range from shore, Wood made the following points:

The 50-foot buffer remains naturally vegetated, following town regulations. One canopy tree was removed from the buffer, the stump ground but not removed. Within the town's shoreland 100-foot buffer, it appears that at least three healthy canopy trees were removed, along with leaners and dead trees that helped form an intact canopy.

Wood suggested that the ConCom recommend to the landowner that at least six native trees be planted in the 50-100-foot distance that are "canopy trees" – trees that in time will grow to achieve canopy height. Also suggested was a lower story of native shrubs and/or small trees, along with encouraging native ground cover species.

Von Mertens will communicate this to the landowner, and provide a list of native trees and shrubs.

Wood will determine how to communicate to NHDES the ConCom's sense that the clearing was within state shoreland protection regulations.

### **Budget items approved**

Hire Sturdy Thomas/Good Digs LLC) to remove invasive thicket on Fernald Field with his "raptor" mower not to exceed \$700, or a half-day's work (by voice vote: Von Mertens motion; Wood second).

NH Association of Conservation Commissions annual dues: \$350

Reimburse Carl Staley (\$271.60) for hemlock planking that he and other neighbor volunteers used to replace larger bridge at Wheeler Trail conservation land.

**Field mowing** Walcott Field Good Digs LLC ((\$382.50); Fremont Field Steve Black (\$782 to be partially reimbursed by neighbor) /fvm