

**TOWN OF WARREN
CONSERVATION COMMITTEE
MINUTES OF SPECIAL MEETING
SEPTEMBER 2, 2007**

MEMBERS PRESENT: Robin Bennett (departed 10:30 AM), Jim Edgcomb, Tara Hamilton, Susan Hemmeter, Margo Wade, Chair.

OTHERS PRESENT: Alec Newcomb, Don Swain, Newcomb Consultant

AGENDA:

- 1) 9:00 AM – Call to Order at the Municipal Building
- 2) To discuss the Newcomb Subdivision
- 3) Adjourn – 10:00 AM

I. CALL TO ORDER

Ms. Wade called the meeting to order at 9:15 AM.

II. NEWCOMB SUBDIVISION – DISCUSSION

Background: The group came together to discuss further the Newcomb subdivision, which received DRB approval on August 3, 2007. To date the application has been before the DRB on six occasions plus site visits. Members of the Conservation Commission were present at all DRB meetings where this application was reviewed. The following represents a summary of today's discussion:

After review of the plan and other information available on the town's mapping web site, Jim Edgcomb believed the updated map dated August 29, 2007 may show potential for a well protected wild life corridor. A question arose about the timing of discovering the presence of critical deer habitat and if we had known about the critical habitat ahead of time, would the plan have looked much different?

Alec Newcomb stated that he and his family would not be apposed to a permanent conservation easement and/or development of a trust to permanently protect the conservation resources of the parcel. It was their original intent to protect the undeveloped land via language contained in the covenants.

Susan Hemmeter asked if the town could have a consulting biologist walk the parcel to confirm the Hirth report, as those participating in today's discussion are not wild life biologists. The parcel contains a significant amount of critical deer habitat (e.g. deer yard, deer wintering area). Alec was initially hesitant to allow Arrowwood Environmental, who is currently working with the town on a natural heritage assessment, walk the parcel.

Susan stated that the State process, under Act 250 review, a 300 to 600 foot habitat buffer is imposed on developments.

Don Swain stated that the project has not been presented as a "no impact" project. Don conducted the initial wetland evaluation and determined that no wetlands were present in the areas contemplated for development therefore a wetlands specialist was not brought into the project for further evaluation.

Don stated the State mitigation policy for preservation of critical habitat is a 1 to 2 ratio for on site mitigation (2 acres on site protected lands for every 1 acre impacted by the development) or a 1 to 4 ratio for off site mitigation (4 acres off site protected lands for every 1 acre impacted by the development). This project as approved contemplates approximately 48 acres of protected lands with approximately 5 acres of impacted lands. This ratio exceeds the State requirement. These figures do not include the future development of the lower section of the parcel only the lands included in Lots 1 through 5. It is the applicant's position that the Hirth reports erred on the side of caution and conservatively portray the location of the critical deer habitat.

There was discussion about the thinning areas as approved and how to enforce/control the number of trees allowed to be cut. And further guide the thinning in such a way to save the most important trees to maintain the deer wintering areas. Also discussed was strengthening the protective language in the covenants to better convey the importance of the habitat to future property owners.

Tara pointed out that critical habitat is considered a secondary conservation area in the regulation while slopes greater than 25% and surface waters and associated buffers are considered primary conservation areas. Primary conservation areas received more protective language in the regulations than secondary conservation areas. The subdivision plan shows impact to primary conservation areas, specifically steep slopes and stream buffers. Don stated that the road servicing the lots was pre-existing and that constructing a relocated road would cause more impact. Therefore using the existing road was practical and will have less impact. He acknowledged that the road and one of the building envelopes encroached on the 50 buffer for the intermittent stream, but development did not impact the buffer of the continuous stream. The steep slopes included in the development areas actually represent rock ledge, rock out crops or 25% grade areas where stumping will not be allowed.

The applicant was receptive to strengthening the covenants to better protect the conservation areas. Alec was also supportive of having a wild life biologist mark the trees most important to the critical habitat. Though he was not supportive of any changes to the application that would require the DRB to reopen the review process. Nor was he supportive of a site visit by the biologist before the permit appeal period had passed. The CC offered to assist with drafting strengthened language and the application accepted the offer. The strengthened language will focus on tightening up the language pertaining to protection of habitat, surface waters and buffers, and slopes. It was agreed that Don and one of the Arrowwood consultants would mark trees important to the preservation of the critical habitat before any cutting of the thinning areas begins. The focus of the tree identification will be towards preserving the critical habitat.

There was discussion about what the conservation easement would look like and who would hold the easement. The CC will research the options and present the information to the applicant at a later date. Of note is that the thinning areas may be contained in the easement, but will receive less restrictive treatment than the undeveloped areas. The development areas, including roads, building envelopes, utility lines and septic areas will be excluded from the conservation easement.

There was discussion about how to satisfy the requirements of the DRB for purposes of filing the survey plat (mylar) while also including mapped information pertaining to the conservation areas. To

accomplish multiple goals an addendum to the plat may need to be filed in the land records. Also to allow the applicant to move forward with road construction and tree clearing this fall.

The applicant and the commission agreed to continue working together to further mutual goals with regard to the subdivision project and priorities of the Warren Town Plan.

Next Steps Include:

- the CC will draft strengthened covenants language for consideration by the application
- the CC will research the process, content and provisions/vehicle for the conservation easement
- on a mutually agreeable date, Don Swain and Arrowwood will identify and mark trees not to be cut, which are important to the preservation of the critical habitat within the thinning areas
- after Tuesday (9/4/07) the applicant will allow the full parcel (84 +/- acres) to be included into the Town wide natural heritage assessment

There was discussion about potential costs associated with Arrowwood's visit to the property, which may require more work than would be normally included in the natural heritage assessment. To that end, should there be additional costs above those already included in the assessment the Town and the Newcombs will split the amount.

MOTION by Susan Hemmeter, seconded by Tara Hamilton, that the Conservation Commission would not be voting for or against appealing the Newcomb Subdivision as approved by the Development Review Board on August 3, 2007. VOTE: unanimous; motion carried.

Margo acknowledged the applicant's and commission member's contributions to reach this agreement and thanked everyone for the participation, as this process has required a fair amount of work and effort all involved.

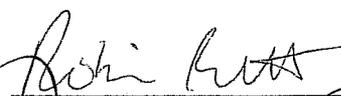
II. ADJOURNMENT

MOTION by Tara Hamilton, seconded by Jim Edgcomb, to adjourn the meeting. VOTE: unanimous; motion carried.

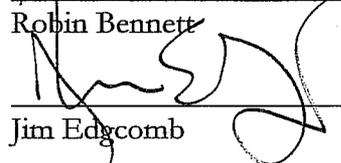
The meeting adjourned at 11:00 AM

Respectfully submitted,
Margo Wade

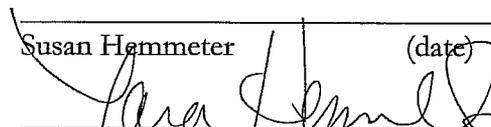
Conservation Committee



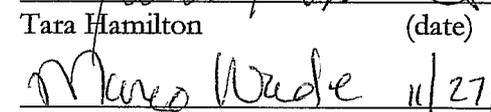
Robin Bennett (date) 11/27/07



Jim Edgcomb (date) 11/27/07



Susan Hemmeter (date) 11/27/07



Tara Hamilton (date) 11/27/07



Margo Wade (date) 11/27/07