



**Lyme Conservation Commission  
Meeting Minutes  
Monday, November 1, 2021 at 7:00 p.m.  
Lyme Center Academy Conference Room**

**Members present in person (minimum of four needed for quorum):** Blake Allison (Chair), Susan MacKenzie (Vice-Chair), Ann Flood (Secretary); Tom Colgan, Matt Stevens

**Invited guests present in person:**  
Jeff Smith and Donn Downey

**Members Present by Zoom:**  
Lin Brown, Meg Sheehan and Sara Zahendra (Alternate)

**Invited guest present by Zoom:**  
Rob Wipfler

**No public attended.**

Chair Allison called the meeting into public session at 7:00 pm. He reminded the members of the RTK rules for allowing some members and the public to meet in person and by Zoom, i.e., a quorum must be present in person and all votes need to be made by roll call.

**1. Review and Approve Minutes from 2021-10-4 Meeting**

- On a motion by Tom, seconded by Matt, the October minutes were approved as submitted with three minor corrections as suggested by Ann. Vote was unanimous by roll call with Meg abstaining, because she did not attend the meeting.

**2. Land Protection and Easements**

- **Post Pond Monitoring Program Update – Sue**

The Chair had previously distributed a recent email exchange between Sue and Amy Smagula, DES overseer of Post Pond's aquatic invasive program. He also distributed the most recent update of Post Pond's "Long Term Eurasian-Water Milfoil Management Plan" and a Weed Control brochure. Sue expressed concern that Amy seemed to discount the availability of local divers who were willing to volunteer to become trained to monitor and remove milfoil in Post Pond and was instead proceeding to contract out these services. Sue indicated that local divers were very successful in conducting these services responsibly in Mascoma Lake, and that she had been in contact with local divers here who were ready to volunteer. A question was asked about the possibility of funds to reimburse such volunteer divers whose training would cost \$150 a piece. The Chair indicated that some funds would likely be available to reimburse these expenses although they are not specifically in the CC budget as such. There was general agreement that this would be desirable to offer if funds could be used for this purpose. Sue will proceed to try to identify volunteers to be trained for Pond Pond activities.



### 3. Trails and Land Management

- **Forester Jeff Smith re Forest Management Plans**

(The Chair had distributed the Lyme Town Forest Management Plan and some maps and offered to loan any member a copy of the Trout Pond Forest Management Plan.)

Jeff Smith and his colleague Donn Downey have prepared forest management plans for Thetford and are otherwise active in related town activities. They work together on forest management and Donn is expecting to take over Jeff's duties when he retires in ~ 5 years. Jeff prepared the Lyme Town Forest Plan ~ 10 years ago and is very familiar with the Trout Pond Plan. They attended the meeting at the invitation of the Chair to begin a conversation with the CC about updating these plans. They indicated that it is general practice to update management plans about every 10 years and so both plans are 'due' to be reevaluated.

They indicated that there are several reasons to revisit the plans ~ 10 years, most notably that the forest and other property involved has grown and evolved, the CC has changed membership, forest management practices have changed, and issues such as climate change and other priorities and values for recreation, concern for habitat loss etc. have changed. They were there to answer questions and encourage discussion about the goals for such properties, including potential use of tree harvesting and other forest management issues, but also other related community issues. The Chair had distributed a Valley News article on Fairlee's somewhat contentious experience over their town forest and noted that we might want to consider holding a hearing for Lyme citizens to weigh in on management of these properties. Members briefly discussed such issues as: land owners could change their priorities, which could impact uses of the forest; plans not actually being followed by appropriate actions despite good intentions; the desirability of looking at long range and overall plans instead of 'just' focusing on issues such as bridge or trail repair or responding to specific requests or problems like tree blow-downs (i.e., focus on the forest and not just the trees); fire and access to containing fires; the value of canopy gaps such as for wildlife habitat; and considering the value of new style management including 'reforestation' (letting the forest 'go wild') and applying for carbon credits, which could provide funds for going wild.

There was consensus with the suggestion that old boundary markings should be 're-blazed', both as a way of keeping markings current but more importantly as a way of canvassing the properties and their current status and potential. Matt and Jeff volunteered to investigate the latter for follow-up. Jeff and Donn expressed a willingness to continue the discussion with the CC in the future.

- **Lyme Biodiversity Working Group 2021 Recap – Meg**

Meg and Rob Wipfler reported on the Lyme Biodiversity Working Group (LBWG). It is into its fifth year and third year of funding from the Lyme Foundation. The 2021 report is due Nov 30. The LBWG had another very busy and successful season despite the restrictions of Covid-19, working to manage invasive species in Big Rock Nature Preserve and in the greater Lyme community. They do a lot of cutting and monitoring of invasives. They are basically a team of four people and would welcome interest from others to join them. They need someone to help coordinate community efforts, outreach and educational efforts. They have had one paid staffer and are hoping to obtain a second. Except for repairs of stairs on the Big Rock trail, much of the intended repair work is complete. They continue to see fewer invasives and greater biodiversity, including a return of native wildflowers in what had formerly been a monoculture area. Northern Woodlands continued to be interested in their work and published another article with photos.

Members were very appreciative of the LBWG's efforts and success.



- **Town Forest – Whipple Brook Bridge Crossing Repair**

The Chair distributed photos of the bridge crossing repair work.

Russ visited the bridge and determined that it would be appropriate to do replacement rather than repair. For this job, a projected budget (~\$1000) was estimated. Comments included that replacement requires greater expertise and skill than volunteers alone can provide. Matt suggested a hybrid model might be needed, where experts are supplemented by volunteers.

There was some confusion about which bridge was the one requiring repair, with the conclusion that Matt and Russ should investigate both bridges as to the need for repair or replacement so that their budget and work, if needed, can be coordinated.

#### **4. Project and Application Review**

- **Site Visits and NH's "Right to Know Law" (RTK) – Ann**

The Chair distributed Ann's PowerPoint presentation, which was based on her having attended the webinar on RTK law conducted by the New Hampshire Municipal Association (NHMA) in October. Ann reviewed the basics of the NH law and its 'spirit', which is that every NH citizen has the right to know what its local government is debating and passing judgment on in areas over which it has jurisdiction. She discussed a few cautionary do's and don'ts as well as clarifications, including: (1) Avoid discussing any business on emails or listservs, voicemail or other e-services. The point is that the general public does not have access to members' emails and so it is not appropriate to use it for business. It can be used for distributing agendas, draft minutes, etc. but not to discuss or make decisions. The NHMA legal counselors who conducted the webinar suggested considering creating an email for the sole purpose of CC or Town business, because it may be subject to a search for information if any business is conducted on email. The Chair already uses an email address that the Town 'owns' and so it is subject to being monitored and searched and all information is considered public. (Lyme already prohibits discussing Town business on the Lyme listserv, because not all citizens enroll on it.) (2) Citizens have the 'right to know' and so it is inappropriate to create any rules that interfere with the RTK. That includes such things as: you cannot say a meeting for business was below quorum and so was not public; likewise, you cannot say that a number greater than a quorum must be present for it to be public. (3) At the same time, the public's RTK does not mean they have the right to speak at every public meeting. (Note: A hearing is different since it is held to gather input from the public.) A public person must be invited by the Chair to speak. If the Chair invites the public to speak, the Chair should make the rules for them to speak clearly known and then apply them fairly. While the Chair can set expectations about decorum etc., (s)he cannot infringe on freedom of speech.

Regarding site visits, Ann specifically asked the webinar presenters (NHMA legal advisors) about whether a site visit is considered a public meeting and, if it has fewer members than a quorum, is it still a public meeting. The answer was that a site visit is held to conduct the business of the committee/commission and as such should be public. It does not matter that fewer than a quorum show up. It should be announced at least 24 hours in advance in at least two places. The subject(s) of the site visit should be informed that a site visit is public and therefore the public may show up. Minutes should be taken. The committee/commission conducting the site visit should be 'invited' by the subject. This can mean they agree to be site visited if asked or that the process (like an application for zoning) makes it clear that the applicant may be site visited (this is therefore implicit agreement). If the subjects disagree, then the committee has a right to seek a warrant (especially if a site visit is needed to establish something that can not otherwise be observed).



There was some discussion about emails, but the members were particularly surprised by the answer about site visits. The Chair indicated that this information appeared to be in contradiction to what the NH Association of Conservation Commissions informed him a few weeks ago. They informed the Chair that site visits that had fewer members than a quorum were therefore not public. Other members indicated that they thought the rule was that a quorum was necessary for it to be 'public' and they thought that other committees in Lyme (like the Zoning Board) acted that way too. There was consensus that Blake should send the wording from the NHACC to Ann who would follow-up with the same persons who conducted the NHMA webinar and seek their legal advice on the correct interpretation.

## **5. Outreach and Education**

- **No Items Submitted**

## **6. Other Business**

- **No Items Submitted**

## **7. Publicity**

- Blake will supply an article for the November/December Lyme Community & Church News

## **8. Adjournment**

- On a motion by Sue, seconded by Matt, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Secretary

If matters of business warrant it, the next meeting of the Lyme Conservation Commission will December 6, 2021, beginning at 7:00 p.m.

AS APPROVED 2022-01-03

