



**Lyme Conservation Commission  
Meeting Minutes  
Monday, March 4, 2024, 7:00 p.m.  
Lyme Center Academy Building**

The meeting was conducted in person and via Zoom in accordance with New Hampshire’s “right to know” statute.

CC attendance was in person: Sue MacKenzie (Acting Chair), Ann Flood (Secretary), Meg Sheehan, Matt Stevens, David Lysy, Lin Brown; alternate but appointed to vote: Jill Niles.

Public: Rick Van de Poll (in person); Jim Kennedy (in person); John Biglow (Zoom); Cassie Bernyk (Zoom)

Acting Chair Sue called the meeting to order at 7:03 p.m.

**1. Review and Approve 2024-02-05 Meeting Minutes**

- On a motion from Meg, seconded by Lin, the minutes of the February meeting were passed unanimously on a roll call vote with members who did not attend abstaining.

**2. Land Protection and Easements**

- **Ecological Assessment Update. (Rick Van de Poll was invited to update the CC)**

Rick visited the Lyme Forest and Trout Pond Forest 3 full times and made one short check. His report began with details and some questions that arose about the Town Forest. He first assessed the Western edge last fall, the eastern edge in late December and will continue to assess in the spring because it is the best time to observe wildlife and plants as they emerge from the winter. For example, today he observed many early signs of spring including a calling wood frog (unusually early), a flock of Canada geese, and spring mushrooms that do not usually occur until April. He had four questions to discuss with the CC:

(1) There are two somewhat conflicting maps of the boundary and there is no clear markings in the woods itself to resolve the difference (upper left boundary on the map is in doubt). The two sources for the maps were one drawn by Elizabeth Kilmarx for the Town and the NH GRANIT Data Base (sponsored by University of NH). Rick said he found some features and markings for the boundaries on-site, but they were not clear enough to resolve the problem. He would like some clarity before he is scheduled to give his report in ~August 2024<sup>1</sup>.

Sue mentioned that after all this effort, interest and discussion, we ought to have the Town Forest officially surveyed. Matt recalled that we had attempted to get it surveyed recently but couldn’t find anyone to do it. Rick mentioned that one way to resolve it is to look at any surveys of surrounding

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<sup>1</sup> *From an email to Ann and Blake from Rick on March 11, 2024: “...Matt got back to me on Friday and said that the Town Forest Map that Blake sent me is correct. I've attached it, as signed by Elizabeth Kilmarx, along with an image of the NH GRANIT-based NH Conservation Layer, dated August 2022, that shows the different configuration I shared at the meeting. The names of the conservation lands shown on this map are the ones listed in the database for the shapefile.*

*Going forward, I will use the Kilmarx map as the base map for the town forest.*





**Continuing Ecological Assessment update...**

(2) Rick asked for some clarity on the CC's goals for the forest. Meg said that she wants no active management of the forest but acknowledged that there was no consensus about that. The discussion of goals: There is a consensus that making money from harvesting lumber is NOT a goal. A positive goal is maintaining trails and usage that is appropriate (including education about avoiding destruction of trails or the forest such as during mud season when the trails are fragile) and also educating about appropriate/inappropriate procedures and avoiding destructive use (e.g., bike trails that appear without any authorized rights or rules of appropriate use). Allowing current usage that is safe (e.g., avoiding the Boy Scout Camp's unsafe site but allowing some campfires that are clearly being used in some areas). Removal of invasives is another goal (Rick said that there is invasive honeysuckle in some areas) and preservation and even enhancement of native plants, especially rare or endangered ones, is a goal. Rick responded by mentioning that there is great diversity in the Forest and a potential for doing some forest management without harm. However, there are some areas that are fragile, e.g., vernal ponds. There is 350 years or so of non-native use of the area, including evidence of pasturage in some areas (e.g., stone walls) and evidence of several past 'management' activities on the land (including when privately owned), e.g., ~1920 vacate pasturage, 1940s major harvesting of trees, ~1990 another selective harvest, ~ 2007 harvesting associated with a major storm. These all represent different ages of trees and perhaps goals for the future.

(3) Rick asked for help in establishing the historical uses and value of the forest. The CC suggested he contact Adair Mulligan and the Lyme Historical Society more broadly to establish this. He is interested in evidence of its having been a farm dump, a settler project, a Boy Scout camp, any aboriginal use, etc. The CC asked about possible aboriginal uses but he said there was little evidence, and there is only a handful across the State in such areas.

(4) The Boy Scout Camp's history and intended future use is the last item. The CC recommended contacting Jim Mason as one of the original developers of the site. While the CC has tried to make contact through the Lyme School about interest in restoring the site, there has been no response and there is no Boy Scout Troop in Lyme at this time. The site is hazardous at present and would take major repair efforts to restore. There is no interest in using it or restoring it or maintaining it that has emerged. CC recommends not just pulling tarps (which will promote decay but, since there is pressure treated wood, will take too long to return to nature), but actively dismantling it. Rick also noted that there is use elsewhere of grills and firepits. They seem to have been used responsibly but are a fire hazard and relate to the CC's role of property management.

Further discussion was about trails and trail management. Existing trails need some work to avoid high water problems and mud season. Issues about bike trail use included recommendations about proper use (e.g., avoid during wet, closure if bad, may require a gate to restrict usage under some conditions (expensive!). David also noted that we need to coordinate with Orford for trail use and 4-wheel use because some users start from that side of the forest. There was some discussion about changing the road to a Class A trail.

Trout Pond issues—Rick updated the CC about his views but had no specific issues or questions.

Discussion then ensued about steps forward. The most important further clarification for Rick is the boundary issue and what to do about the Boy Scout camp which is potentially dangerous and requires either improvement or destruction.

**Motion: (Meg, seconded by Matt) The CC approves soliciting a proposal for a civil engineer to survey the Town Forest boundaries and to establish monumentation at the corners. Passed unanimously by roll call.**

**The CC also recommends reaching out to the Select Board, Jim Mason, Hank Stokes and other**



interested parties before finalized our recommendation to dismantle the Boy Scout Camp.

### 3. Trails and Land Management.

- **“Friends of Post Pond” Update** – Sue (member of the Friends of Post Pond [FPP]) reported. The cost of training is \$150 per diver and \$50 for other attendees. Aquatic Specialties is currently offering going there for classroom training and Lyme for diving. The FPP is trying to **finalize** having both types of training in Lyme. The DES has authorized use of the DASH boat for 5 days. The schedule is for June 2 and 15 with July 7 and 28 for dives. The recommendation is that divers are responsible for providing their own equipment. A hot lunch for divers, provided in the past, was very welcome **by the** divers and recommended for this year as well. The FPP is recommending buoys to mark milfoil areas with educational announcements for swimmers, boaters, fishers to avoid these areas.
- **Chaffee Management Plan Update** Matt said it is still in process.
- **Post Pond ‘East Meadow’ Project.** Jim Kennedy, representing David Robie, discussed the plans and update of the property. Several years ago, trees were placed in the middle of the pasture and allowed to grow, without intending them to be ‘useful’. They grew into large trees that have now been removed by Redstart Consulting. Rows of chips from their removal were placed to protect the wetland, with the goal of restoring the natural meadow. Work has stopped because the roads are posted. Clean up includes plastics and even old equipment like harvesters. The intent is to allow public access, but due to work now they would like advance notice of the intent to enter the property. They welcome surveying for birds, reptiles, etc., particularly under the aegis of the CC.
- **Town Properties Trails survey.** Lin reported a downed tree near Big Rock trail head. She and her husband **Rich** are willing to clear it.

### 4. Project and Application Review

- No Items Submitted

### 5. Outreach and Education

- **Salamandar Brigade** Sara was not present to update but others reported that the plans were similar to last year’s, including that people were being asked to volunteer near their homes and not to be overly aggressive/unsafe but to help amphibians cross safely to the extent possible.

**March event with UVLT.** Cassie was invited to explain the plans and intent and to request co-sponsorship with the CC. The original intent was to offer a snowshoe event but, given the weather, they are renaming it a spring walk. The intent is to meet on March 23 at 1pm for a 1.5-2 **hour** walk, starting at the Lyme Hill Conservation Parking lot off Rte 10. David asked about ‘rain date’ plans either due to weather or muddy trail conditions. Cassie said the rain date would be March 30 and the plan is to ask everyone interested to sign up on their website so they would



know whom to contact if there was a change in plans. The CC expressed enthusiasm about endorsing the plan and attending if possible. Cassie will try to promote (and CC will endorse on Lyme Listserv). Overall, the enthusiasm to co-sponsor was high.

## 6. Other Business

- **The Connecticut River Hydro Power License Renewal Comment Period**

There was discussion about whether to consider signing on with a comment from Ross McIntyre. Meg suggested that a better approach is to have the CC become an intervenor in the FERC relicensing proceeding, she would be willing to consider being a pro bono lawyer for the CC as intervenor and speak to the lawyer(s) representing CRC if that would be helpful. Intervention would give the CC more clout in having its concerns heard because it allows a ‘voice’ rather than just being one of many commenters. She recommended doing a simple version of requesting to be an intervenor and then ‘piggybacking’ onto the FERC. The CC endorsed Meg’s suggestions.

- **Wakeboating** The CC encourages people to support the proposals.
- **Amendments for ShoeStrap Road.** The CC generally endorses the amendment to make Shoestrap Road a Class A Trail. The CC encourages members and others to individually express their opinion.
- **Changing size of the CC.** Matt suggested increasing the size of the CC to include more regular members. Ann asked if there were implications about the number of people who must be present to reach a quorum. Sue found that the current rules **impose a seven member limit** and the interpretation is that all seven must be present at a meeting, so ‘alternates’ are appointed voting if there are fewer than 7 regular members present. John expressed his interest and willingness to become a member. Lin noted that she and others are at the end of their terms in office. The issue will be considered in the future.

NOTE: After the meeting, Blake (who had not been present) at Ann’s request added a clarification about the size (minimum and maximum) that is built into the NH Statutes, **“Universal Citation: [NH Rev Stat § 36-A:3 \(2022\)](#)”**

**36-A:3 Composition of Commission.** – The commission shall consist of not less than 3 nor more than 7 members. In a town which has a planning board, one member of the commission may also be on the planning board. In a city which has a planning board, one member of the commission may be on the planning board. In cities, the members of the commission shall be appointed by the mayor subject to the provisions of the city charter, and in towns the members of the commission shall be appointed by the selectmen. Alternate members may be appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing



authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Members of a conservation commission shall be residents of the city or town which they represent. Members of a conservation commission also may serve on other municipal boards and commissions, including, but not limited to a historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.

**Composition of Commission continued:**

**Source.** 1963, 168:1. 1973, 550:2. 1974, 44:2. 1987, 318:1. 1995, 138:1, eff. July 23, 1995. 1997, 31:1, eff. June 27, 1997.

<https://law.justia.com/codes/new-hampshire/2022/title-iii/title-36-a/section-36-a-3/#:~:text=36%2DA%3A3-Composition%20of%20Commission.,be%20on%20the%20planning%20board.>

**7. Publicity**

- No Items Submitted

**8. Adjournment**

- On a motion by Ann, seconded by Lin, Sue adjourned the meeting at 9:04 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ann Barry Flood".

Secretary

If matters of business warrant it, the next meeting of the Lyme Conservation Commission will take place in person, and via a Zoom teleconference link at the Lyme Center Academy Building on Monday, April 1, beginning at 7:00 p.m.