

SUNAPEE CONSERVATION COMMISSION

Overview of Pertinent Laws, Responsibilities, Priorities, Resources

Approved June 2022

NH Conservation Commission Law: RSA 36-A:2

1963 - State Law, in general the city or town conservation commission shall:

- Properly utilize and protect natural resources for the protection of watershed resources of their town.
- Conduct research into local land and water areas,
- Seek to coordinate activities of unofficial bodies organized for similar purposes
- Prepare and distribute information for its work
- Keep an index of all open space, all natural, aesthetic or ecological areas, marshes, swamps, and wetlands.
- Recommend a program of protection or better utilization of all such areas.

Sunapee Conservation Commission (ConCom)

1965 - ConCom established by Town Meeting warrant article vote.

- Conservation Commission (Protection) Priorities, as published Jan 2010
First Priority: Water quality
Next Priorities (unranked):
 - Wildlife habitat
 - Ag & forest land
 - Recreation land
 - Unfragmented open space
 - Scenic resources
 - Historic resources
- ConCom Funding: town appropriations, income from timber sales, gifts
- ConCom administers designated land parcel funds (Dewey Woods & Garnet Hill Park funds)
- See separate condensed Sunapee ConCom History.

NH Town and City Forests Law: RSA 31:110 to 112

1975 - State Law, in general town forests shall:

- Be established by town vote with land purchased, gifted, leased.
- Encourage the proper management of timber, firewood and other natural resources through planting, timber stand improvement, thinning, harvesting, reforestation, and other multiple use programs consistent with the forest management program.
- Be managed by a forest committee or ConCom of 3 to 5 members appointed by selectmen with terms of 1 to 3 years, include a town tree warden if one. Chairman shall serve without compensation and report annually to town and to Director of the NH Division of Forests and Lands. Vacancies filled by appointment.

Sunapee Town Forests

2002 - Town Forests established by Town Meeting Warrant Article 20 including:

- Forest Lots:
 1. Ledge Pond Lot, 104-ac Map 10, lot 15
 2. Dewey Woods, 101-ac comprised of 5 parcels: Map 6 Lot 6, 7, 9 Map 23 Lot 7, 21
 3. Tilton-Morse Lots, (Ski Tow Hill) 20.5-ac in 2 parcels: Map 6, lot 1 and Map 4 Lot 21E
 4. Tyler-Bartlett Lots (Garnet Hill Park) 50-ac Map 6 lot 47
 5. Flint-Webb lot of 1971 (Wetland west of Rte 11, south of Trow Rico) 40-ac Map 8, Lot 6
 6. Barrett (Archery) Lot (w/ municipal sewage treatment plant) 41-ac Map 5 Lot 22
- ConCom authorized to manage the town forests under RSA 31:112 II
- Non-lapsing town forest maintenance fund established for proceeds from managing forests.
- 2012 Warrant Article 19: Added Fieldstone Drive 26-ac (access to Flint-Webb lot)

- 2014 Warrant Article 33: Added Wendell Marsh North
- 2017 Warrant Article 29: Added Wendell Marsh South

NH Conservation and Preservation Restrictions Law: RSA 477: 45-47 (Conservation Easements)

1973 - NH law, in general established to:

- Create conservation, preservation, and ag preservation easements as legal agreements between land owners and land trusts or conservation groups which place permanent restrictions on land use to protect natural, historic, or ag use features consistent with protection of environmental quality.
- Limit or prohibit subdivision of the property, erection of structures thereon, and may prohibit commercial activity, topsoil removal, activities that disturb wildlife habitat.
- Permit uses including: agriculture, forestry, wildlife management.
- Allow or not allow public access.
- Run with the land and bind future land owners.
- Be enforced by a regular, documented monitoring program.

NH Land Trust (LCIP)

1986 - LCIP founded by organizations concerned about rapid and indiscriminate growth.

- 1987 NH legislature authorized \$20mill for purchase of land or development rights.
- ConCom is responsible for local administration of program.
- 1988 ConCom authorized to contribute funds for buying conservation land.
- 1989 LCIP first land protected: 500+ acres in Sunapee of ag, forest, and wetlands by land owners: J. Johnson, G. Nielsen, R. Webb, J. & E. Harrison (land bordered by Rte-103, Young Hill Rd, Stagecoach Rd) with public recreation route along 10,000-ft former railroad tracks.

NH Land & Community Heritage Investment Program (LCHIP) Law RSA 227-M

2000 – NH law established LCHIP as an independent state authority to:

- Grant matching funds for community & non-profit conservation and preservation of NH natural, cultural, and historic resources.
- Funding by a fee on docs registered at County Registry Offices and sale of Moose plates was established in 2008.
- Town of Sunapee Participation: 2009 ConCom authorized to contribute funds to qualified organizations to purchase conservation land not held by town.

Ausbon Sargent Land Conservation Trust Easements in Sunapee (town & private ownership lands)

1987 - private, non-profit Ausbon Sargent Land Preservation Trust was founded.

- 1992 Gordon-Chetwood Lot, 19.5-ac at Jobs Creek Rd with lake shore by Twin Islands
- 1992 Otter Pond Assoc. w/ ConCom, backup grantee, Lot, 2-ac of wetland at Oak Ridge Rd
- 2000 Webb Forest Preserve, 376-ac managed woodlot at Harding Hill Rd
- 2002 Webb Harding Hill Farm, 37-ac, managed woodlot at Harding Hill Rd
- 2003 Jolyon Johnson Lot, 34.1-ac in 2 parcels at Route-11
- 2004 Simpson Reserve Lot, 114.8-ac Red Water Creek wetlands at Hells Corner Rd
- 2004 Marcia Wright Lot, 27-ac Red Water Creek north wetlands, at Route-103-B
- 2006 Webb Dane Lot, 74-ac managed woodlot at Cross Rd
- 2006 Webb Harrison Lot, 69-ac managed woodlot at Youngs Hill Rd
- 2010 Stockwell Lot, 1.69-ac wetlands at Otter Pond
- 2010 Town Forest - Ledge Pond, 103-ac including 41% or 5,100-ft of shoreline
- 2013 Town Forest - Wendell Marsh North 136-ac, Ryder Corner Rd
- 2015 Sorento/Gallup Lot, 37-ac at end of Avery Rd
- 2017 Town Forest - Wendell Marsh South, 143-ac
- 2018 Town Forest - Wendell Marsh Expansion, 39.5 ac

- 2019 Rowell-MacWilliams Lot, 265-ac at Perkins Pond Rd and Dodge Pasture Rd
- 2020 Nutting Farm, 84.4-ac at Stagecoach Rd

Other Sunapee Conservation Land:

NH Fish & Game Department Land:

- 1959 Wendell Marsh Dam Lot, 10-ac with Sugar River dam operations to benefit water fowl & fish, at Route 11.
- 2001 Dobles Lot, 99-ac woodlot at Dobles Road

NH Current Use Law: RSA 79-A

1973 - NH law, in general established to:

- Preserve open space by assessing land at its actual current use value, not at its highest and best use, typically as developed land.
- Requires min. 10-acre undeveloped ag or forest parcels; wetlands of any size.
- If land is removed from current use, a one-time 10% land use change tax (LUCT) is assessed based on market value at time use changes. Land owner at time of change pays the tax.
- Land may be subdivided as long as lots meet 10-acre min.
- An additional 20% reduction in land assessment is available if land is open to rec activities such as: hiking, fishing, hunting, nature observation, skiing, snowshoeing.
- Land placed in current use, retains status forever unless land use is changed or the parcel size changes to below 10-acre min.
- NH Current Use in 2019: 3,000,000+ acres of 5,740,000 total acres.
- SUNAPEE Current Use in 2019: 6,542 acres of 13,484 total acres or 49% of land; owned by 153 parties in 234 parcels.
- New London, Newbury, Newport & Springfield: CU land is +/- 10% of Sunapee. Croydon and Goshen are about 80% current use. (From NH Bulletin and NH Dept of Revenue Admin)
- 1997 ConCom receives 50% or \$2,500 max cap of use change tax (LUCT) paid in town each year. In 2003 cap was removed.

NH Wetlands Permits

1972 - NH law allowed local ConCom to review & comment on Dredge & Fill permit applications.

- Activities in wetlands, waterbodies, and adjacent land requires state, local, and/or federal permits. Activities can include: excavation, fill, dredge, removal, construction of structures.
- NH DES Wetlands Bureau administers and monitors applications & permits.
des.nh.gov/water/wetlands/permit-assistance
- 3 wetlands permit application types:
1) Mineral Dredge 2) Expedited Minimum Impact 3) Standard Dredge & Fill
- At start of DES review, applications are sent to local ConCom for review and comment.

Natural Resources Inventories (NRI)

- NRIs are integral in the process of identifying and prioritizing natural resources.
- Support land use planning, voluntary land conservation, and resource protection.
See UNH Extension Service: extension.unh.edu/nhnriguide
- Tool to educate the public, update masterplans & zoning, and review proposed developments
- Establish priorities such as water resources, wildlife habitat, farmlands, scenic views
- Establish goals such as water resource assessment, updating regs, public education
- Updating NRIs: Review prior resource maps, master plans, conservation priorities

- NRIs include:
 - 1) Water Resources & Wetlands:
 - Surface waters (ponds, rivers, lakes, streams)
 - Water shed mapping, water quality monitoring/change
 - Floodplains, imperious surface mapping
 - Ground water, aquifers, wellhead protection areas
 - Public water sources / Private water sources (Public sewage system coverage area)
 - Wetlands and hydric (wetland) soils
 - Wetlands buffer zone size adequacy
 - 2) Wildlife Resources:
 - See 2015 NH Wildlife Action Plan for endangered resources and declining habitats
 - Wildlife species inventory (community sightings and locating vernal pools)
 - 3) Farmland:
 - Active farm inventory, prime farm soils locations
 - 4) Forests:
 - Mapping forest types (NH is 82% forested, development reduced this by 5% since 1960. In 1870 Sunapee was about 80% open land.)
 - NH Natural Heritage Bureau: List of rare Plants, Animals & Exemplary Natural Communities
 - 5) Unique Geological Resources: Mines, quarries, rock features (examples: historic mica mines, historic/active granite quarries, Indian Cave, Bears Den, Pulcifer Rock)
 - 6) Cultural Resources:
 - Scenic: vistas and viewpoints, scenic road designations,
site.google.com/view/lakesunapeescenicbyway
 - Recreation: Hiking & snowmobile trail inventory, discontinued roads, parks, lake & pond public access, fishing spots
 - Historic: Graveyards, dam sites, stone walls, cellar holes, archaeologic sites, historic buildings, abandoned roadways
 - 7) Conservation & Public Lands: Private land w/ conservation easements, town, state, federal lands.
 - 8) Unfragmented Blocks: Undeveloped landscape significant for wildlife habitat with few or no roads (Class 5 and 6 excluded). They are defined by road network & development and categorized by size.
- Other Important Map Resources:
 - Topographic: Steep slope zones and ridgeline protection
 - Zoning & Parcel Tax Maps
 - Regional Conservation Plans
 - Municipal Water and Sewer System maps