

MEETING MINUTES

MARCH 31, 2022 – 9:00AM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present via Zoom: Chairman OJ Robinson, Vice Chair, Tamra Ham and Selectman Jack Daly

Public/Staff Present via Zoom: DPW Director, Nate Hadaway, Executive Assistant, Jane Leslie, Fire Chief, Ron Beard, Senior Project Engineer Sam Kenney (Weston & Sampson), Brooke Brown (USFS District Ranger), James R. Detzel (USFS) and Mark Bogosian (South Peak owner).

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 9:03 am.

II. DISCUSSION WITH THE US FOREST SERVICE – SOUTH PEAK WATER STORAGE TANK

Weston and Sampson's (W&S) Senior Project Engineer, Sam Kenney explained that the reason for today's meeting was to confirm what kind of information the US Forest Service (USFS) will require from the Town of Lincoln in order to consider the Town's project application complete.

USFS District Ranger, Brooke Brown recapped the Forest Services' role in assisting the Town of Lincoln to obtain proper approval(s) to proceed with the Water Storage Tank Project up at South Peak. Brown explained that the most important part of the project for the USFS in order to consider the Town's proposal is the "complete package" which is required in order to move the plan forward (to have the **legal deeded access** across private land in order to access the USFS land). Brown further explained that because the exact location for the water storage tank has yet to be determined, the USFS would accept a deeded and recorded access that has some type of wording as follows: *"The final easement location to be specified and agreed upon at a future date,"* which would show that the private land owner(s) are in agreement with this and willing to work with the town (this will also cover the town's interests as well). Sam Kenney remarked that from the Town's perspective, the USFS's flexibility in accepting a *temporary easement* is very important, because the exact location for the water tank is yet to be determined. James Detzel (USFS) clarified that as far as the access portion is concerned, the town is going to need to be able to prove that it has "legal access in perpetuity" and will need a recorded easement (opposed to a temporary easement) from the land owner with a location that will be specified at a later date.

A discussion ensued on the Forest Services' Small Projects Day forum which occurs twice a year (spring & fall) and is part of their National Environmental Policy Act (NEPA) which supports the Forest Service's compliance with the environmental laws and regulations that guide management of the lands and resources of the National Forest System. Ranger Brown remarked that based on what she has been hearing, she is comfortable with putting this project on a categorical exclusion, which would essentially put this on the small projects day track and not require a full environmental assessment (project poses no significant environmental impact).

Brown noted the following are the specific items that they would need to know:

- Implementation time-frame
 - Purpose and need
 - Project description
 - Description of foot print in acres on a map
 - Access method; type of equipment being used, duration of use for construction
 - Any known issues of concern that the Town may be aware of (inform the USFS)
-

➤ Pictures and maps (videos of area)

Ranger Brown explained that the USFS is currently in their Spring Projects Day and the next round will be in the fall (September 21, 2022). Brown recommends that all of this required information be provided to the Project Lead at least 10-weeks in advance of the fall projects day so that the approval process can begin.

Sam Kenney questioned going forward if he should be communicating with Ranger Brown until someone else has been assigned to this project? Brown explained that at the present time, she will be the person that W&S will be speaking with until a new contact is provided. There was a brief discussion about mapping requirements (survey) and South Peak owner, Mark Bogosian joined the discussion.

Sam Kenney explained to Mr. Bogosian that in order to move this project along and obtain a formal approval from the USFS, they will need to work through the actual legal deeded access from the corner of Mr. Bogosian's parcel on to forestry service land from the Water Treatment Plant (WTP) site (i.e., temporary construction easement), however, they will require a more formal permanent legal access to the water infrastructure in perpetuity (recorded easement). Mr. Bogosian responded that he will try to expedite this request with his legal team, and asked Sam if he could draft an email that specifically details what exactly is needed from him and his legal team.

Ranger Brown continued to explain that once the permanently deeded access is confirmed and recorded, they will be able to proceed to the next steps which may require a USFS Resource Specialist to take a look at the proposal and possibly go out in the field and visit the site, and sign off on the same. Kenney asked if there is any way that the Town could begin to advance the NEPA permitting process at this time versus waiting for a formal answer in September? Brown responded that legally they cannot do this and would have to have an analysis to ensure that no one is breaking any federal laws or regulations relative to natural and cultural resources (i.e., wildlife, heritage resources, soils, hydrology etc.) which is why the engineering plans are very important. Brown discussed the cost-recovery component which is standard practice and part of *assisting time* with the staff in processing the proposal and permit (e.g., Resource Specialist, Special Uses Team) and she would provide further information on this from the Special Uses Team.

Mark Bogosian asked if there is anything that Horizons Engineering may be able to provide because they have done extensive work for him up at South Peak (wetland studies, surveys etc.)? Sam Kenney said that this would absolutely help and possibly save the Town some money.

Chairman Robinson asked Sam Kenney if it will be feasible to get all of the pre-emptive engineering work; pictures, and videos prior to the 10-weeks (before September 21st meeting)? Kenney noted that this would bring them to mid-July, and the biggest X-factor with all of this is going to be getting the survey for the tank parcel and access alignment. Horizons may have some of this information already and this work won't need to be done, however, they will have to get someone on-site to do a survey for the +/- 1-acre area for the actual siting of the water tank. The Board thanked everyone for attending today's meeting.

III. ADJOURNMENT

With no further business to attend to, the meeting adjourned at 10:00 a.m.

Respectfully Submitted,
Jane Leslie

Approval Date: April 4, 2022


Chairman O.J. Robinson


Tamra Ham


Jack Daly