

Pembroke Conservation Commission
APPROVED Minutes of March 26, 2007

Note: CC is used in the minutes as an abbreviation for the Conservation Commission.

Attendance and Roll Call

Present: Lea Anne Atwell, Carol Bertsimas, Kevin Gagne, Ammy Heiser, Stetson Heiser, Todd Terrien (Planning Board Representative), and Brian Tufts (BOS Representative)

Excused: Janet Anderson (alternate), Laura Scott (Planning Director), and Ayn Whytemare

The meeting was called to order by Ammy Heiser at 7:05 pm.

North Pembroke Road Subdivision – Conservation Easement: Dennis Aubin, the developer, was present to discuss the proposed conservation easement. A sample “Conservation Easement Deed” was provided for CC members to review. As the deed is written, the grantor is the developer and then the Homeowner’s Association once it is formed.

Overall, the CC was pleased with the sample deed, but several changes and revisions were discussed. Section 5C vi as written allows “Nature study, observation, data gathering, or other educational activities” as acceptable uses on the conservation land. “Date” should be changed to “data” and “with permission” should be added. Section 2A stipulates that “There shall be no cutting or removal of living trees or plants from the Property except for those living trees which pose a hazard....” It was suggested that the phrase “which pose a hazard” be removed, so that the CC could remove trees as necessary (i.e. for maintaining a trail), not just those that pose a hazard.

Discussion took place about the stipulation that would allow the Homeowner’s Association to drill a well on the other side of Ames Brook in the conservation easement if needed. The well inside the conservation easement would only be installed if the proposed well did not produce sufficient discharge; however, the test well appeared to produce enough water to supply the proposed homes. Installation of the well on the conservation easement would involve a wetlands crossing and other issues that would be brought before the CC for approval. Dennis indicated that they would add a section that allows the grantor to maintain a portion of the conservation land to install community water supply well if needed.

ACTION ITEM: Laura will send the revised sample deed to Town Counsel for review.

Discussion of Scripture Easement: Joe Tyler who lives at the Scripture conservation easement came to the meeting to discuss options regarding their home. Currently, their home, barn, and horse ring are all within the conservation easement; these areas were not excluded when the Town accepted the easement. Mr. Tyler and his wife purchased the property in May 2000. From 2000 until present, they built a barn, added driveway, cleared land, and added a riding ring and obtained the necessary permits from the town for each improvement. They questioned why the CC would like to have their house and improvements taken out of the conservation easement and

have contacted an attorney who sent a letter to the Town to this effect. Members of the CC agreed that something needed to be done, but that we would need to involve Town Counsel, as the CC did not have any authority to change the deed. The problem needs to be legally corrected so that there are no future problems for the homeowners or the CC. Laura should coordinate with Town Counsel regarding this matter.

Meeting Minutes Review and Approval: Minutes from the March 5, 2007 and the March 12, 2007 meetings were reviewed. Ammy made a motion to accept the minutes from the March 5 meeting with no changes. Todd seconded. All in favor. Lea Anne should be added to the excused list for the attendance record for the March 12 meeting. Ammy made a motion to accept minutes as amended. Carol seconded. All in favor.

Town Meeting Follow-Up: We talked about the need to purchase property for conservation. It might be wise to change our strategy and get appraisals for full market value, rather than conservation value when evaluating property for purchase. Discussion took place about being more proactive in seeking out potential conservation lands. We discussed the need for large, unfragmented pieces of land, particularly land that abuts current conservation land.

Member Binder Material – New Member List. This list was not included in our packets.

Correspondence: The following correspondence was provided for our review.

1. A letter from NH DES discussed changes to the NH Natural Heritage Bureau Environmental Review Process.
2. A second notice of Conservation Property Violation was sent to Robert Rainville and Robin Potter, who abut the Schuett Property and have place a shed on conservation property. If no response is received by our next meeting, this matter should be turned over to Town Counsel.
3. A letter was sent to Kim Burt regarding building a dry well to capture stormwater runoff from their property that currently drains onto conservation property. The CC should be notified in writing once the well is completed.
4. A letter was sent to the Chouniards indicating that the CC does not wish for them to continue mowing a portion of the White Sands conservation property.
5. A second notice of Conservation Property Violation was sent to Brenda Lafratta regarding her infractions on the White Sands property. If no response is received by our next meeting, this matter should be turned over to Town Counsel.
6. PSNH White Sands Memo requesting a meeting with PSNH to discuss usage of the White Sands parcel.

Miscellaneous Items

- a. OEP Conference – April 28, 2007.
- b. Saving Special Places conference – April 14, 2007.
- c. 3/2/07 Budget Update – Reviewed budget passed at Town Meeting. Budget was increased this year from last year.

Town-Owned Property List – Review and Make Recommendations: We reviewed a list of properties that the Town currently owns to make recommendations as to their future usage. CC members identified two large parcels along the range roads (Map 262, parcels 23-1 and 27),

which are 17.5 and 14 acres, respectively that may be appropriate for conservation. Parcel 27 has no road frontage and contains wetlands. Kevin recorded our recommendations on the property list and will give the list to Laura.

ACTION ITEM: The CC would like to review this list again at our next meeting and make further recommendations.

Adjournment: Kevin made a motion to adjourn. Todd seconded. All in favor. The meeting adjourned at 9:05 pm.