

**Pembroke Conservation Commission
DRAFT Minutes of April 9, 2007**

Attendance and Roll Call

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

Call to Order: The meeting was called to order by Kevin Gagne at 7:05 pm.

Conservation Land

A. Scripture Discussion / Next Steps: Joseph and Mala Tyler were present to discuss options regarding the Conservation Easement on their property. Laura sent them a letter after the last CC meeting dated March 30, 2007, which outlined the steps to resolve the issue. They responded to the letter, and Laura suggested they attend the meeting to discuss options.

Laura had a copy of the conservation easement for the property. The easement is specifically for the scenic enjoyment of the general public. Agriculture and forestry are permitted with a management plan. No structures may be built except as necessary for conservation purposes, and the owner must provide notice to the CC for improvements on the property. In 2001, 2002, 2003, and 2004 improvements were made with permits from the Town. The entire property is 10 acres. Currently, the Tylers are paying full market value taxes on three acres, and the remaining portion is taxed at current use rates.

Members of the CC discussed amending the conservation easement to remove the Tyler's house, barn, and other improvements. Another option is to place an additional easement on the property. In any event, the intent of the original easement must be maintained.

Mr. Tyler asked the CC why the current situation is a problem and why the CC feels that the easement needs to be legally altered. Mr. Tyler indicated that they have not violated the terms of the easement, and that things are fine the way they are. Ayn explained that the CC does not want the responsibility for monitoring the Tyler's personal property (house, barn, riding corral, etc.). The general feeling of the CC was that the issue should be resolved legally as to not cause problems for either the CC or the owner in the future. For example, if the CC had been notified of the building permits the Tylers had previously applied for, the CC could have appealed the permit and had it revoked. It is in the best interests of both the owners and the CC to have this issue resolved.

CC members indicated that Laura's letter was a starting point. The issue of who would pay for a survey was discussed. The general feeling was that the Town dropped the ball with this issue. The Tylers contacted the Town at every step and obtained building permits. Brian voiced his opposition to having the town pay to fix things.

The Tylers agreed that this issue should be resolved. Our general approach, that the Tylers agreed with, is as follows:

- 1) The easement should be reviewed by the Town's legal counsel to see if an amendment is even possible;
- 2) The CC should obtain something in writing that the Tylers are willing to move forward and make a good faith effort to work with the Town to resolve the issue;
- 3) The CC should obtain quotes for both the survey and baseline assessment;
- 4) The CC should approve money for expenses the Town will incur, which will come out of the Conservation Fund; and
- 5) A new survey should be done, a new easement should be drafted, and a baseline assessment should be completed.

This issue will hopefully be on the agenda for next month's CC meeting.

Kevin made a motion send this to legal counsel for review at a cost of up to \$500 and move forward with a verbal agreement from the Tylers that this approach is acceptable to them. Ammy seconded. All in favor.

B. White Sands

The second violation notice that was sent via certified mail to Brenda Lafratta was not accepted at the Post Office. Brian suggested resending the letter both certified mail and regular mail.

Letters dated March 29 from Laura and Police Chief were included in our packets, which addressed concerns regarding the current use of the White Sands Property. Representatives from the Town and from PSNH participated in a walk of the property Site walk on March 23, 2007. The Town is considering closing the PSNH right-of-way for vehicle access. The new parking area would be at the end of White Sands Road. A meeting will be scheduled in May with various parties from the Town to discuss options for the property.

Discussion took place regarding abuses of the property, which include a lot of illegal dumping. The Town recently removed 50 tires from the property. The thought is that closing the road would alleviate some of this illegal dumping. Ayn expressed concern over increased boater traffic and less police patrolling if road access is blocked off. Jeff Abbey, a resident, was in attendance. He indicated the sign restricting parking to cars with stickers was hard to read. He recently picked up 15 bags of trash. He also suggested that the Town give you the parking sticker when you register your car.

Discussion took place regarding the ability of the CC to maintain and monitor such a heavily used property. The property is not specifically designated as conservation land. It may make more sense for the BOS to take over responsibility for the property. Regardless, the CC agreed that closing off the road would be a good first step.

C. Draft Conservation Property Abutter Letter: Laura provided a draft letter to provide to all property owners that abut conservation land. A suggestion was made to add that the CC monitors the conservation property annually, and that the CC can send a copy of monitoring report. This letter will hopefully be sent out in May.

D. Schuett Violations: The Rainvilles have a shed on that is clearly located on conservation property. Mrs. Rainville responded to our violation notice with a proposal to keep the shed where it is and do lot line adjustment. They would give the Town an equivalent piece of their land in exchange and will pay for the expenses. For this solution to work, it would need to be approved by the BOS, a new survey would need to be completed, the deed would need to be changed, and the BOS may require a vote a town meeting. CC members thought this solution was not a practical one. The shed is clearly located on conservation land, and the pin markers are clearly visible.

Ayn made a motion to tell them no thanks for their offer and that the shed should be moved by June 1st. Todd seconded. All in favor.

ACTION ITEM: Laura should send a letter to the Rainvilles conveying our decision.

March 26, 2007 Minutes Review and Approval: Carol made a motion to accept minutes as amended. Todd seconded. All in favor.

Membership:

A New Member List for Binder

B Reappointment (Carol): We support Carol's reappointment. Kevin will write a letter to the BOS.

C. Outreach to potential new members: Interest forms. David wrote a letter of interest; he would like to be an alternate member. Ammy made a motion to accept David as an alternate member. All in favor. Jeff Abby indicated that he is interested in being an alternate member. He should write a letter to the BOS. We also talked about contacting other people who have expressed interest in the CC.

ACTION ITEMS: CC members should contact people who signed our interest form at voting day and who sent in a Volunteer Interest Form. Ayn should contact Carol Ward. Ammy should contact Bette. Kevin will talk to Mike. Lea Anne will talk to Denis and Ryan.

Miscellaneous Items:

A. 3/20/07 Budget update: An updated budget sheet was provided in our packets.

B. Municipal Newsletter Article: Ammy will write an article. Items to include: We should thank everyone for their support at Town Meeting. A clean-up at White Sands will take place on June 3, 2007 at 9 am. CC agendas and minutes are on the web.

C. Name Plates for Meetings: The general feeling from the CC was that we did not need name plates. However, we need to be more formal when members of the public are in attendance. We decided that it would be better to introduce ourselves instead.

D. Farnums: The Farnums, who abut the Beck property, called regarding a downed tree that they would like to cut down. Kevin will go check it out with the Code Enforcement Officer tomorrow.

E. Ayn talked to Merrimack County Conservation Commission. They have lots of educational material regarding watersheds and wetlands. Ayn wanted permission to see what else they can do for us. The CC agreed.

Correspondence: All correspondence is discussed in the sections above.

Town-Owned Property List – Review and Make Recommendations: We briefly discussed the list of Town-owned properties that we reviewed at our last meeting. All Town departments and commissions gave their input. Laura will combine the results into master list to provide to BOS. In May, we will evaluate list of existing CC lands.

Draft Policy Review – post pone until next meeting for more discussion

A. Public Use Policy for Town-Managed Conservation Lands

B. Conservation Fund Guidelines – The CC should consider adding recommended penalties for violations on CC lands. It would be helpful to see the RSA regarding this issue

Adjournment: Kevin made a motion to adjourn. Todd seconded. All in favor. The meeting adjourned at 9:27 pm.