

**Pembroke Conservation Commission**  
**APPROVED Minutes of April 23, 2007**

**I. Attendance and Roll Call**

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

**Excused:** Todd Terrien (Planning Board Representative)

**Call to Order:** The meeting was called to order by Kevin Gagne at 7:04 pm.

**II. April 9, 2007 Minutes Review and Approval**

Ammy made a motion to accept the minutes as they appear. Stetson seconded. All in favor.

**III. Conservation Land**

**A. Scripture Discussion:** Joseph and Mala Tyler were present to request permission for an addition to their home, as required by the existing conservation easement on their property. They plan to add a dormer to one side to of the roof (east side) and have already applied for a building permit. Brian wanted to clarify that the conservation easement would allow the owners to make an addition to their house that was not specifically for agricultural purposes. Laura confirmed that the conservation easement does say that they can make additions to their home.

Ayn motion to accept building permit as proposed. Kevin seconded. All in favor.

At the time of our meeting, Laura had not received any comments back from Legal Counsel on the ability to amend the conservation easement. We will table discussion on the conservation easement until we have received comments.

**B. White Sands:**

i. PSNH ROW- A meeting is scheduled for May 9<sup>th</sup>, 2007. The meeting starts at 6:30 pm at White Sands, but CC members should meet at the Town Hall at 6:15 pm to carpool down to the property. The intent of the meeting is to look at the property to discuss options for closing off the ROW. Discussion will take place to work out logistics of this proposed change in terms of parking, gate location, rocks to block road, etc. PSNH, CC, RC, Police, Highway, Sewer, BOS, and public are invited. The meeting is open to the public. The BOS eventually will have a public meeting to vote on the proposed changes.

ii. June 3<sup>rd</sup> Clean-up planning. Kevin will be in charge of organizing the clean-up. An announcement will be in the town newsletter. The highway department can pick-up the trash that is collected, but we have to coordinate with them. Since the Town now has recycling, we should separate items to be recycled from general trash.

**ACTION ITEM:** Kevin will coordinate the clean-up, including contacting the Highway Department regarding trash pick-up.

**C. Beck Parcel:** The Farnums had contacted Laura to request to remove a fallen tree. Kevin and Troy Brown visited the Farnum's property to assess the situation. The tree in question, which is approximately 10- to 12-inches in diameter, is located entirely on the Beck parcel in the area that the Farnums had previously been mowing and maintaining. The tree broke off about 15 feet in the air and fell away from the Farnum's property. Kevin indicated that there was no danger to the Farnum's house. Kevin told them that he had to discuss this matter with the CC and we would collectively make a decision. Ayn indicated that trees like this one are valuable habitat for birds.

Ayn made a motion to deny their request to cut down the tree on the Beck parcel because it is potentially valuable wildlife habitat. Ammy seconded. All in favor.

**ACTION ITEM:** Laura will write them a letter regarding the CC's decision. Thank you for contacting us regarding this issue, but please do not cut down tree, as it may be valuable wildlife habitat.

**IV. Draft Policy Review** – Laura provided copies of two draft policies, discussed below, for CC review. Legal Counsel has reviewed and provided comments on both of these policies.

**A. Public Use Policy for Town-Managed Conservation Lands** - The draft policy is specifically for properties that do not currently have restrictions, including properties that contain easements and are outright owned by the Town. The intention of the policy is to provide transparency for how public use restrictions are emplaced on conservation properties. The CC would assess each property in accordance with this policy to determine appropriate public usage. Currently, the CC has no policy for lands that do not contain easement or deed restrictions on allowed uses, and it may appear to some people that we are merely making up rules as we go along. If the CC approves this draft policy, Laura will pass the document around to other Town departments and schedule a public hearing to vote on the policy.

Discussion took place about how the allowed uses would be conveyed to the public once they are decided. Laura indicated that each property and its allowed uses could be listed on the Town website and in a booklet to be passed out at next year's Town Meeting. When we purchase new signs for the conservation properties, they should indicate that the Town should be contacted for a list of allowed uses.

Once allowed uses have been determined, they could be changed at a later date. A suggestion was made that if the CC is going to make changes to the allowed uses for a specific parcel, these changes should be made at a public hearing. The language on page 2 should be changed to indicate that the following uses and activities require written approval by the CC at a "public hearing" instead of at a posted regular meeting.

On page 3, under severability – it should be added that the CC cannot establish penalties – the Town establishes these penalties.

Ammy made a motion to accept the draft policy as amended and for Laura schedule a public hearing regarding the policy. Carol seconded. All in favor.

**B. Conservation Fund Guidelines** - The purpose of the conservation guidelines is to make the process by which the CC spends money from the fund a transparent one. Currently, the CC has no written policy regarding how funds are dispersed. Several minor changes should be made to the policy. In Section II A, “water” should be changed to “rights.” In Section III C, remove the phrase “for a purchase.” In Section III D, “purchase” should be changed to “acquisition.”

The intent of Section III E is that the BOS will sign the deed, and the CC needs to make sure that the BOS will approve the sale and sign the deed. Discussion took place regarding how to protect the Town’s interests in any future purchase and sales agreements for conservation properties.

Kevin made a motion to accept the draft policy as amended and for Laura schedule a public hearing regarding the policy. Stetson seconded. All in favor.

## **V. Membership**

**A. New Member List for Binder** – Corrections should be made to the contact information provided and given to Laura.

**B. Outreach to potential new members update** - Jeff Abbe submitted his volunteer interest form for the CC. Jeff was present at the meeting.

Ayn nominated Jeff for an alternate position on the CC. Carol seconded. All in favor.

**ACTION ITEM:** Laura will add Jeff’s nomination to the BOS agenda for next week’s meeting on May 2, 2007.

## **VI. Miscellaneous Items**

**A. 4/2/07 Budget Update** – Laura provided a copy of the balance sheet in our packets. Laura can find out the balance of the Conservation Fund on a quarterly basis.

**B. Riggins Rules** – Laura provided a copy to all of the boards for general suggestions on conducting public meetings.

**C. NHACC 2007 Dues (\$250.00)** – Our membership dues are due. Membership in the NHACC gets us a discount on the annual meeting and access to policies and procedures of other CCs if we need them. Discussion took place about it is good for the CC to support our state CC.

Stetson made a motion to expend funds for dues. Lea Anne seconded. All in favor.

## **VII. Correspondence**

**A.** Information regarding the **CNHRPC Growing Green Workshop** was included in our packets.

**B. Planning Board Design Review Application Memo** – Laura provided information regarding a design review application (Case #DR07-02) regarding Barloe Properties’ proposal, which would involve upgrading a portion of Third Range Road from a Class VI Road to a Class V Road. The CC does not need to take any action or provide comments at this time regarding the application. Laura is required to give us information regarding this request as part of the process. We would have formal comment if the applicant makes submittal for upgrading to Class V road.

**C. 4/16/07 White Sand Violation memo** – Laura send a third notice of violation to Brenda Lafratta regarding her use of a portion of the White Sands property. We should check the violation while we are at the property for our May 9, 2007 meeting.

**D. 4/16/07 Schuett Violation memo** – Laura spoke with Robin Potter regarding their shed that is currently located on conservation property. They know they are on conservation land and will move the shed to their property.

**VIII. Adjournment:** Lea Anne made a motion to adjourn. Ayn seconded. All in favor. The meeting adjourned at 8:48 pm.

Respectively submitted by Lea Anne Atwell, CC member.

*Next Meetings - May 7<sup>th</sup> and 21<sup>st</sup>*