

Pembroke Conservation Commission
Minutes of August 13, 2007

Scripture Easement Monitoring

Monday August 13, 2007 at 6:00PM CC Members: Ammy Heiser, Todd Terrien, Carol Bertsimas, Stetson Heiser , met with Landowners and **Scripture Easment** Holders, Mala and Joe Tyler on their property and the Scripture easement at 512 Sixth Range Road. We walked the boundaries and posted CC Signs at the NW and SW corners. Carol will return to put up the circular CC markers.

Attendance and Roll Call

Present: Carol Bertsimas (Vice Chair), Ammy Heiser (Chairman), Stetson Heiser, Todd Terrien (PB rep), Jeff Abbe(Alternate), David Baril (Alternate), and Brian Tufts (BOS rep).Kevin Gagne, Laura Scott, Planning Director, Harold Thompson, Sewer Commissioner.

Excused: Ayn Whytemare, Lea Ann Atwell(Secretary),

Ammy Heiser called the meeting to order at 7:10 and appointed David Baril to vote in LeeAnn's absence and Jeff Abbe to vote in Ayn's absence.

Scripture Easement: Ammy welcomed Mala and Joe Tyler and invited them to join the discussion. After this evening's site walk, Ammy questioned the need to correct this easement. Would the time spent and costs incurred be a reasonable use of the CC's time and funds? This easement is flawed in that it was taken on the entire property including the buildings. There are other deficiencies that leave the agreement too open to interpretation which could lead to problems in the future. A new CC may take a very different view of this easement.

Joe Tyler indicated that in his opinion, and the opinion of his counsel, this easement doesn't need changing as it has been working for them. They purchased the property without any title problems and have been honoring the specifics. They've applied for and received permits for anything they've done. To them there's not enough reason to go to all the trouble this change entails.. Any where along the way the process may be derailed. The Tylers may be charged a Land Use Change Tax when the new easement is defined. They may however; petition the BOS to waive this requirement.

Another opinion is that we should use the time and resources of the CC now to clean up this flawed easement and avoid a potential problem in the future that could be significantly worse, both in time and cost. As it is presently written, this easement should never have been accepted by the selectmen nor the CC. It was originally match money for Federal Funds received to buy Bragfield Pond and we suppose, no one had great concerns for the language. Today we have the means to clean it up and it should be done while the town's Conservation Fund will bear the burden of the legal and surveying expenses. The landowners have to approve and sign the final easement and survey. They could make their signature subject to the waiving of the LUCT by the BOS at the recommendation of the CC whose money it would have ultimately become.

The Tylers expressed their willingness to continue the process and their desire to

keep the excluded boundaries close to their present location as described by the Pembroke Assessor for purposes of Current Use Taxation.. Laura cautioned them to think carefully of any uses they might entertain on the excluded portion since the new easement will be virtually unchangeable. They will determine how the boundaries will work for them and E mail Laura with their preliminary thoughts. Kevin Gagne arrived in the midst of this discussion.

White Sands : The CC reviewed the comments solicited from other town committees on behalf of the changes to parking and access at White Sands as proposed by the CC.

The Recreation Commission recommended no swimming as there's no lifeguard and access is difficult if there were an accident.

Paula Malo sent a commentary letter from the Sewer Commission. Harold Thompson attended this meeting.

Comments were:

Compliance with the newly passed Comprehensive Shoreline Protection Act HB 383 as it relates to waterfront and woodland buffer requirements.

Concern for further fence damage with new parking.

The Sewer Pump Facility will need to be upgraded in the coming 5 years. There may be larger space required than is yet defined. As it is now , they require 40 ft on each side for maintenance. Can we factor this into our parking plans?

Would the town, or CC participate in the installation of Security Cameras in the area of the Pump Station?

The Fire Dept had no comment.

The Police are enforcing a BOS "No Parking" Ordinance 300' from Bow Lane on the N and S sides of White Sands Road. Recommend signs for rules and regs, Hours of Admittance, parking usage, carry in/out. The police were concerned about the authority to regulate parking and issue tickets, etc.

The Highway Dept estimated \$4000.00 to perform the site work as described.

Laura described her recent communications with the PSNH. They are trying to determine whether or not they are leaseholders or Landowners. It will stop our plans until that is determined.

Property Monitoring:

Laura has found an easement that was part of the subdivision plan for the area east of Belfry Court and south of Church Road.. It was passed at a meeting at which David Carroll testified about turtle habitat. There is no evidence of a deed nor easement recorded. She is continuing to research this parcel.

David Baril inquired about the protocol for trail maintenance as he is planning a letterboxing event on the evening of Sept 1 at the Whittemore Forest. Light trimming for access on the Eagle scout trails cut in 96-7 with simple hand tools would be reasonable. It was recommended that he stay out of the wetlands. He should inform the police of his night time event.

Minutes

After review and on a motion by Carol Bertsimas, seconded by Todd Therrien, the minutes of the July 23, 2007 meeting were adopted with clarification of the date. Motion carried unanimously.

Member Binders

Laura reconfirmed that the info for the member notebooks is complete except for the 2007 work plan which was never included.

Third Range Rd Upgrade:

The BOS denied the petition by Mr Dumont of Barlow Properties to upgrade 3rd Range Road to a class 5 road from a Class 6.

Other Business:

Laura pointed out the Law Lecture Series: ' Working to Achieve Conservation and Development Goals' to be presented in Manchester on October 17,2007. She will need to know by the end of this week if any members will be attending so she can register them.

_____ is soliciting nominations for Volunteer Awards. We have the nomination applications should we have any recommendations.

Land Acquisition:

The CC acknowledged that Laura's draft letter to landowners of potential conservation land has a good tone and we hope will be effective.

With the advanced hour, Chairman Ammy Heiser asked that the work on Land Acquisition be tabled until the next working meeting Aug27 where it will be the primary item of business.

With no other business and on a motion by Carol Bertsimas, seconded by Stetson Heiser, the meeting was adjourned at 9:10. Next working meeting is 08/27/07

Respectfully submitted, Stetson Heiser