

PEMBROKE CONSERVATION COMMISSION (CC) MEETING
Draft Minutes of November 19, 2007

Attendance

Present

Members: Lea Anne Atwell, Secretary; Carol Bertsimas, Vice-Chair; Ammy Heiser, Chair; Stetson Heiser, Todd Terrien, Planning Board (PB) Representative; and Ayn Whytemare.

Alternate Members: Jeff Abbe and David Baril

Not Present

Members: Kevin Gagne and Brian Tufts, Board of Selectmen (BOS) Representative

1. Call to Order – The meeting was called to order by Ammy at 7:04 pm. David will vote for Kevin.

2. Public Hearing regarding Scripture Easement

Ammy read the public hearing notice regarding proposed changes to the Scripture Easement. The CC would like the proposed changes to be on the 2008 Town Meeting warrant article. Laura Scott, who has been acting as a consultant for the CC on the Scripture Easement, explained the purpose and the details of the proposed changes. A handout summarizing key information, a timeline, as well as a draft map of the property were also available.

The 10 acre property is privately owned, with the conservation easement held by the Town. The current easement is on the entire 10 acres, which includes the residential structures located on the property. The easement was a gift to the town and was used as a match for funds needed to acquire the Bragfield conservation property. The CC feels that the easement as it currently stands could cause issues in the future. The proposed changes would amend the easement to exclude the residential structures. In addition, changes to the easement language would require a management plan for agricultural activities, and the property would be closed to public access.

Currently, the property is assessed as 2 acres at residential, 8 acres of current use. The proposed easement changes would be to remove approximately 2 acres from the easement and leave 8 acres in the easement; therefore, the tax burden would remain unchanged.

If approved at the 2008 Town Meeting, the Conservation Fund would be used to pay for legal costs and the cost of completing a new survey. The CC has been working with the current property owners, Joe and Mayla Tyler. Town Counsel has reviewed the proposed changes and has no issues. If the article is not passed at Town Meeting, no changes will take place to the easement.

The floor was opened for questions / comments from the public.

Harold Thompson asked what the benefit is to the Town to make these changes? Ammy explained that although there are currently not problems, it could cause legal problems in the future. In general, it is not a good idea to have a conservation easement on a residential structure. Laura also explained that the current easement could be interpreted by future Building Inspectors and CC differently. The proposed changes would create clearer language.

Harold asked if the proposed changes need to go through the Attorney General's office because the easement was a gift. Laura indicated that the Town's legal counsel said it doesn't need to, because the proposed changes don't violate the spirit of the gift.

Harold expressed concerns over the RSA definition of agriculture. Laura indicated that a reference to the RSA's definition of agriculture is included in proposed language. Laura explained that this public hearing is just a first step. The cc will need to go the BOS and have a hearing, then to the 2008 Town Meeting for a vote.

Public Hearing closed.

Carol made a motion to bring the proposed changes to the BOS for inclusion on 2008 Warrant for the proposed easement boundary change / easement language change and an expenditure of up to \$6,000 from the Conservation Fund for costs for a new survey and legal changes. Todd seconded. All in favor.

ACTION ITEM: Laura will write up language to send to BOS and request to be on the BOS agenda for December 5, 2007.

3. Current Conservation Land

a. Ames Brook Follow Up: After the CC's October 22, 2007 meeting, Lea Anne wrote a letter to the BOS expressing the CC's concerns over the Ames Brook easement. The BOS sent a memo that they had received the letter, and invited the CC to their December 5, 2007 meeting to discuss the issue. The CC will also try to discuss Scripture and White Sands at this same meeting.

b. White Sands Update: Laura indicated that she is still unable to get in touch with PSNH regarding the road / gate. The last communication she had with them, PSNH was still clearing things up with their legal counsel.

Another issue that Laura pointed out regarding White Sands is that the Town code (Chapter 66) conflicts with our recently adopted policy to manage town conservation land. This issue was actually raised during our public hearing on the management policy. If there is a conflict, which one is correct? According to state law, the authority should rest with the CC. We should remove mention of White Sands. The Town's legal counsel has already indicated that the Town Code should be repealed, but Geoff Ruggles may need to ask legal counsel about this as well.

The CC would need to introduce a Warrant Article at the 2008 Town Meeting and will need to work with the BOS on this. We will see if we can discuss this issue, along with Scripture and Ames Brook with the BOS at their December 5, 2007 meeting.

c. Monitoring Update: CC members are still completing monitoring. Carol completed Beck. Jeff completed his property.

d. Miscellaneous: The Farnums, who abut the Beck property, have complained numerous times to the Town about the dead tree on the Beck property visible from the back of their property. Carol indicated that in her property monitoring, she noticed the tree. Ayn made a motion to remove tree on the Beck property. Carol seconded. Six in favor. One against. Motion passes.

4. SCA & UNH Proposal Work Ideas

Ayn has been working on proposals to these organizations. We discussed potential ideas for UNH. When she last spoke with the contact at UNH, he indicated that they could do some sort of GIS work for the CC. Laura indicated that we have all of the necessary data layers in GIS (aquifers, tax parcel boundaries, etc), but that the Town does not have the program to use the data. Perhaps the interns could build us a “read-only” GIS that we could use to view properties as they come up.

ACTION ITEM: Lea Anne will check out the NH Cooperative Extension Community Mapping Course, which gives a free ArcGIS license as part of the course.

Ethan from SCA–NH Conservation Corps was at our meeting to discuss SCA and possible work ideas for the CC. He explained their Work Crew program. They are based in Bear Brook State Park and partner with AmeriCorps. They have six member crews (two are peer leaders), and six SCA office staff that help out at times.

The CC had discussed having SCA complete conservation property monitoring, including establishing GPS points for the property boundaries and clean-up any trash on the properties. We would need to give training on how to conduct monitoring. First, the CC needs to figure out exactly what we need help with before continuing discussions with SCA. At this point, we don’t have anything that would be suitable for SCA.

Ammy brought up the fact that we need to be doing more extensive monitoring – our documentation needs to be more specific. She went to a presentation at the NHACC conference that was very helpful. We discussed the fact that the CC should go through documentation for all of our properties and make a master list of what all we need to complete baselines (e.g., air photos, topos, etc.).

ACTION ITEM: Ayn will look through files to make a master list of items that we are missing for all of the conservation properties. She will also write up something to send to UNH and will send to us for feedback.

5. Minutes from October 22, 2007: CC member had several edits to the minutes on items 2b, d, and f. Todd made motion to accept the minutes as amended. Stetson seconded. All in Favor. One abstained.

6. Planning Board application for Review & Comments

a. Misc.: The CC received a memo from the Planning Consultant regarding a PB application for a condo development. Ammy reviewed the memo and determined that the CC did not need to review the application, as it had nothing to do with conservation / environmental issues. She returned the memo and checked the “no comments” box.

b. Subdivision Plan – A. B. Heiser, LLC: The CC received a memo from the Planning Consultant regarding a subdivision plan submitted by AB Heiser, LLC for a property on Buck Street. Ammy and Stetson stepped out of the meeting for the CC’ discussion on this issue, and Todd also recused himself from the discussion.

The application is for a straight parcel subdivision, to divide the existing lot into three lots. Lea Anne had stopped by the Planning office and got a copy of the application. The CC reviewed the application, including a site plan. Setbacks from the wetlands are more than ample. The CC determined that the proposal looked good. Carol filled out the form and will return it to Stephanie, the Planning Consultant.

7. Acquisition Update

Ammy, Todd, and Stetson stepped back in to the meeting.

Ammy spoke to Geoff Ruggles, who went to a FEMA workshop on reclaiming land in floodplain areas. In the program, FEMA buys land at pre-flood value. Town is looking for matching funds. Discussion took place about whether conservation funds could be used for this project. The properties may meet our Land Protection Criteria. They will keep us updated on this project.

Stetson provided a report on our land drive:

- David Arsenault has two properties, one that is 71 acres, and another is 60 acres with a house. He is looking to sell the land, at 75% of value. He indicated that a developer told him he could get \$6.5 million for both. One of the properties is currently appraised for \$300,000. The CC decided it was probably worthwhile to walk the property. Stetson and Jeff will schedule a time to visit the property and/or meet with Mr. Arsenault.

- Ritchie White has 45 acres on the Soucook River. The parcel is landlocked and is located next to Krueger's gravel pit and the Fire Academy. The property has approximately 3,000-ft of frontage on the Soucook. He indicated that he would be willing to take \$200,000 for the property. The CC had previously had a conservation appraisal for this property in 2005, which came in at \$100,000. The CC decided that it would be worthwhile to do a site walk. We will coordinate something via email.
- Anges Hillman on Buck Street is selling 42 acres that is currently agricultural, with a house, and along the Suncook River. Stetson called the Farm and Ranch Protection Program to inquire about matching funds and is waiting to hear back from them. This property is potentially worth looking into if matching funds are available.
- The CC has not heard back from Richard Weed.

8. Miscellaneous: Ammy will send thank you note to Carol Maslanka's significant other. Carol recently passed away, and he requested that the CC be recipient of donations instead of flowers.

CTAP Open Space Subdivision Workshop is on December 3 from 4-8 pm. The PB has a copy of the announcement. Ammy is planning on attending.

Todd is on the PB subcommittee that is reviewing the conservation subdivision regulations. He indicated that their committee will be waiting until next year to propose any changes. Perhaps the CC can work with the PB on any changes.

9. Adjournment: Todd made a motion to adjourn. Stetson seconded. All in favor. The meeting was adjourned at 9:49 pm.

Respectfully submitted by Lea Anne Atwell, CC Secretary.