

Pembroke Conservation Commission

Meeting Minutes

June 8, 2020

In attendance: Ammy Heiser (Chair), Carol Bertsimas (Vice), Ayn Whytemare (Secretary), Wendy Weisiger, Holli Germain (PB Rep), Mike Crockwell (BOS Rep). Also David Jodoin (Town Administrator), J Lerner. David Baril entering at 8:00pm

Due to COVID-19 social distancing orders made by the Governor and recommendations by the CDC, the Town of Pembroke, following a Declaration of Emergency by the Conservation Commission Chair, is providing meeting participation via teleconference in the interest of public health and safety.

Declaration of Emergency Read by Ammy Heiser at the call to order at 7:00 pm

1. Call to order/Attendance

2. Planning Board Applications

- a. **San Ken Homes** Ayn and Ammy attended remotely. Concern that frontage was not enough even with Open Space Zoning regulations. Water, wetlands and traffic still a concern. Independent hydrologist requested, results to be discussed on June 23, 2020. SanKen hinted that if plan not accepted then they would be heading to court to enact the original plan.
- b. **Other** No other PB applications at this time

3. DES Letters and applications None to review.

4. Review/Approve Minutes March 9 2020 Carol moved to accept with minor change, Wendy seconded. Ammy-yes, Carol yes, Wendy-yes, Ayn yes.

5. Land acquisitions

- a. **Sixth Range Road 260-42** Purchase price of \$6,000 accepted by BOS and sale is now final.
- b. **Whittemore Donation Lot 565-59, 59 White Sands Road** Ayn recused herself because she is related to the people making the donation. A year ago Ammy spoke to the owners son, Edward Whittemore (Ted) , who has power of attorney for his father, Fred Whittemore who is in declining health. Ammy was enthusiastic about receiving this as a donation to the town. At Ammy's suggestion Ted hired Tom Masland to aid this process and the resulting map and documents have been distributed. Before we accept it, the BOS needs to formally accept the donation. Letter attached. Ammy attended BOS meeting and answered questions. Eventually, all saw the wisdom of this plan and approved

the donation. Ammy completed a draft rating sheet, River frontage +3, Aquifer and watershed +3, Parcel size and addition to other conservation pieces +2, Wildlife (From Natural Resources Inventory by Rick VandePol) +2, Agricultural +1, Trail access +3, Cultural or historical significance +2, Scenic Vistas +2, Land use restrictions +3, Funding opportunities +3. Total score 24, which is a high score and a very valuable piece for the CC to acquire. Carol moved to accept this parcel, Wendy seconded. Vote: Ammy-yes, Carol-yes, Wendy-yes, Holli-yes. Ayn-abstained.

- i. Ted requested that town fees be lifted, BOS offered to cut fees in half and Ammy offered to have PCC pay the remainder of all fees. Carol moved that we pay for all described fees. Ammy-yes, Carol-yes, Wendy-yes, Holli-yes, Ayn-abstained.
- ii. **Site Visit Walk** BOS interested in attending as well. David Jodoin will check with the BOS to see if they would like to before the next BOS meeting.
- c. **Skip Hillman piece** Owner decided not to ask us to buy the land and has made other plans for it. It does not abut any conservation parcels.
- d. **Other** In 2017 we had 534.7, before this acquisition we had 692.8 acres. We are making progress!

6. Conservation Lands

- a. **Center Hill** Tree has been removed and bill has been paid. Tax abatement requested, letter attached. Essentially the PCC would have normally paid the taxes from the time of the sale, and he is requesting an abatement since he pre-paid all the taxes for 2019 (\$3,599 is the amount to be refunded). Our current account from the LUCT has had new funding and we have plenty. Ayn moved to pay the amount, Carol seconded. Ammy-yes, Carol-yes, Wendy-yes, Holli-yes, Ayn-yes, David-abstained. David Jodoin will record that tomorrow.
- b. **Hillman** Lee Grimes and Jay Pritchard leasing the land jointly.
- c. **White Sands** Wendy tried catching up with a motor bike that had gotten past both gates. She posted a "No Motorized Vehicles" sign and suggested we post more of them.

ACTION ITEM: Wendy will get more No Motorized vehicles signs

- d. **Beck** Monitoring walk with Ammy, Carol, Wendy and Brian Mrazik. Sign on Route 3 moved and previous tree it was on is dead and should be removed because it is hanging over the road. Ammy put a call into the State of NH to see if they will take care of it and has not heard back. Wendy does not believe it is not too involved if we can get DPW to stop traffic so we can fell it. David Jodoin said that the State will not allow us to stop traffic on "their" road. David Jodoin will speak to Pembroke Public Works to see what they can do. Carol sent out violation letters about dumping yard waste, we should check up on that in the fall.

- e. **Whittemore Town Forest** Carol, David and Ammy monitored. Found a tree stand and the only problem was at old broken bridge and evidence of full-size trucks going through the wetland. Chief Gilman noted many violations and out of state users. David J. Noted that we are not allowed to block a town road. Snowmobile Trail Dawgs group had worked on the bridge that is now unpassable, but they do not currently have the resources to complete the repair. We are interested in blocking area on the conservation parcel which allows people to get into the wetland, not involving the road at all. Sadly, whatever we do may just pose a challenge with big mud trucks to get things out of the way.

ACTION ITEM: David Jodoin will reach out to the Trail Dawgs about their plans, the Fire Dept and Pembroke DPW about solving the problem.

- i. Carol noted that more signs and posts are needed for this parcel. Wendy clarified that tree stands are allowed without landowner permission as long as they are not permanently attached to the tree or any cutting of trees or branches is done. She suggested that it might not be worth our time to remove every one, but instead leave notes in a bag requesting that they remove the stand after hunting season is over.

ACTION ITEM: Carol will take care of new signs and posts and work with others to put them up.

7. Other Business

- a. **Range Roads** The pandemic means than many people were using the RR, Town posted “No Parking” signs and Pembroke Police were out handing out warnings and tickets. Is it time to close the RR to everyone other than land owners and emergency vehicles? Wendy suggested the book “A Hard Road to Travel” 2015 version. Any changes need to go through BOS, no other town allows ATVs all year round on RRs, all others at least limit travel during mud season. Limiting ATV traffic would be a good place to start, and then we could think about other measures. “Ground Rules for protecting our Range Roads” a better approach than “prohibiting” activity. Having a meeting with law enforcement is a good place to start.

ACTION ITEM: Ammy will reach out to Chief Gilman to see if he can attend our next meeting on July 13th.

- b. **New Planning Board Rep** Holli Germain is our new PB Rep, Brent Edmunds had to resign and we welcome our new member.
- c. **Poirier Closing Costs**
- d. **Other** PB member and Chief Gilman suggested that we use Drone surveillance to check up on Range Road and Conservation Land violations. Not a substitute for monitoring but worth considering. David Baril stated that he has seen a game camera on Kimball and Fourth Range Road, perhaps they could help us if they have seen anything.

ACTION ITEM: David Baril will reach out to the Land Owner to see if it belongs to them and if they have useful information for us they could share.

- e. **Election of Officers:** Ayn moved that we stick with a winning combination of existing officers. Carol seconded. Wendy-yes, David-yes, Holli-yes, Carol-yes, Ayn-yes, Ammy-yes.

8. Mail and Correspondence Bill from the Department of Corrections for signs, which has been paid.

9. Adjournment Carol moved to Adjourn at 9:19pm, Ammy seconded. Ammy-yes, Carol-yes, Ayn-yes, David-yes, Wendy-yes, Holli-yes, David J.-yes

NEXT MEETING ON JULY 13TH

Edward B. Whittemore
53 Westwood Road
West Hartford, CT. 06117
Tel: 860-573-9179

August 11, 2020

Via e-mail: djodoin@pembroke-nh.com

Board of Selectmen
Town of Pembroke
Pembroke Town Hall
311 Pembroke Street
Pembroke, NH 03275
Attention: David Jodoin, Town Administrator

Re: Proposed Land Donation to the Town

Dear Selectmen:

This letter serves as our family's written request for your Board to consider and act favorably on the proposal to donate land to the Town, as described below (the "Donation Proposal"). I describe below a bit of background about the property, and our Donation Proposal. I also include a formal request for your Board to approve regarding fees.

The Whittemore family has owned the property located at 374 Pembroke Street for generations. The parcel consists of approximately 100+/- acres, and runs from the street southwest towards the banks of the Merrimack River. Currently, our family's farmhouse home (the Aaron Whittemore Homestead) sits at the front of the property. The rear of the property is leased to a tenant farmer, for the cultivation of corn and other crops. These uses will continue after the completion of the land donation.

Our father, Frederick B. Whittemore of New York, N.Y., has owned the property (parcel 565-57) in part since 1972, and outright for the past 7 years. Our father is 89 years old, and, due to his declining health, has given his power of attorney to me and my older brother, Laurence F. Whittemore, III. We have determined, in consultation with our father and our cousins who reside in N.H., to offer a portion of the property as a gift to the Town.

The enclosed maps (prepared by Mark Sargent at Bartlett & Associates) describe in detail the property, and the proposed parcel along the river (the "river parcel") that we propose to give to the Town outright.

This river parcel consists of approximately 10.36 acres of riverfront land, situated along the river and to include the old railway bed – the "rail trail". The river parcel to be donated would be annexed to the nearby parcel, which is land already owned by the Conservation Commission (parcel 565-59). The proposed new lot line was drawn to coincide with the Eversource right-of-way. The proposed new lot line would sit to the north of the old railroad

right of way, to ensure that the Town has ample space for its use of this parcel as part of the planned continuous "rail trail" along the river from South to North in Pembroke.

We understand that the Donation Proposal must be considered by the Conservation Commission and the Town's Planning Board, but that the ultimate decision to accept the donation of this parcel lies with your Board.

I hereby request that the Board consider the Donation Proposal, and would ask that you let us know that the Town is interested in acquiring the parcel as a donation by our father, Fred Whittemore.

I have reviewed a worksheet prepared by the Bartlett firm as part of the plan review application to the Town's Planning Department for the lot line adjustment to facilitate the gift. The application would ordinarily involve the payment of fees of approx. \$1,460, payable to the Town. Because our Donation Proposal is a gift to the Town, and because the river parcel will be enjoyed by Town residents in perpetuity, I hereby request that the Board adopt a resolution waiving the requirement that we pay these fees to the Town in connection with the application. I also request that the Town pay the recording fees for the plan and the deed, payable to the Merrimack County Registry of Deeds.

Ammy Heiser has explained that to us she will attend the June 1st meeting of your Board to discuss the Donation Proposal and answer any questions you may have about the river parcel and the Donation Proposal.

You may also reach me, at ebwhittemore9@gmail.com or (860) 573-9179, or our attorney Thomas N. Masland, Esq. at tom@ranspell.com or (603) 410-6636.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Whittemore".

Edward B. Whittemore, as power-of-attorney for
Frederick B. Whittemore

cc: Frederick B. Whittemore
Laurence F. Whittemore III
Ayn Whytemare
Thomas N. Masland, Esq.
Mark Sargent

TOWN OF PEMBROKE
NOTICE OF ABATEMENT ACTION
19-13 RE

TO: Pembroke Board of Selectmen
FROM: Monica Hurley, CNHA, Assessing Agent
DATE: March 5, 2020
RE: Wilfrid Poirier
4100 N Ocean Drive, #2501
Riviera Beach, FL 33404

| | | | |
|-----------|-----------------|-----------|----------------------------|
| Map Lot: | 563-90 | Tax Year: | 2019 |
| Location: | 210 Center Road | Amount: | Abatement/Refund-No Refund |

The owner has applied for an abatement of property taxes paid in 2019. This property was originally a 100.25 acre parcel with two, separate residential homes. The taxpayer had the property subdivided into three lots recorded after April 1, 2019. One of the lots was purchased by the Pembroke Conservation Commission on June 27, 2019 which contains 87.2091 acres. The taxpayer was compensated for this transaction but there was no contingency for any pro ration of taxes at time of closing. Since the taxpayer was still the owner of record for this lot on April 1, 2019 and this "new lot" did not exist in our tax or billing system until 2020, the taxpayer was still responsible for the taxes for the entire 2019 tax year.

The taxpayer has filed an abatement stating he should be reimbursed for taxes on this lot now owned by the Pembroke Conservation Commission. Our department has completed the subdivision in the assessing system and tax billing system for the 2020 tax year. I have estimated the assessed value of the 87.2091 acres that was originally part of the lot to be as follows:

$$\begin{aligned} 87.2091 \text{ acres} \times \$5,000 \text{ per acre} \times .35 \text{ acre discount factor} &= \$152,615 \\ 2019 \text{ tax rate } \$23.58 &= \$3,599 \end{aligned}$$

I have no recommendation other than to state that the taxpayer and his attorney or other representative should have made a contingency for the taxes that would be due for the entire year at the time of closing. Thus, I leave this to your discretion.

ABATEMENT GRANTED:

ABATEMENT DENIED:

DATE: _____

DATE: _____