

**PEMBROKE CONSERVATION COMMISSION (CC)**  
**Approved Minutes of July 12, 2010 Meeting**

**Present:** Lea Anne Atwell; Carol Bertsimas, Vice-Chair; Ammy Heiser, Chair; Stetson Heiser; Kevin Krebs, Planning Board (PB) Representative; and Brian Mrazik, Secretary (after 7:40 PM).

**Not Present:** David Baril, Alternate; Ayn Whytemare; and Board of Selectman (BOS) Representative.

**Others Present:** Harold Thompson, Sewer Commission; and Steve Fowler (after 9:00 PM).

**1. Call to Order** – Ammy called the meeting to order at 7:07 PM.

**2. Hillman Parcel Acquisition, 553 Buck St.**

- a. Subdivision status** - Ammy reported on the subdivision of the Hillman property which was brought before the PB at their June 22, 2010 meeting. (Refer to Planning Board Minutes for particulars.) The matter was denied for lack of pertinent information and a boundary dispute with the Daneaults. The surveyor, Hank Amsden, who was hired by the Hillman family, was on vacation and not there to present and clarify the proposal. The application was further flawed by the labeling of the larger parcel as ‘Pembroke Conservation Land’. Although this is the ultimate plan, this application should have been submitted as a simple subdivision that would separate the house lot from the larger parcel. Ammy and Stetson have spoken to the surveyor and Jeff Gaeta (Town planner) to be sure that all questions are answered when the application is resubmitted to the Planning Board at their meeting on July 27. Carol and Lea Anne have volunteered to attend.
- b. Need for Special Town Meeting** - Ammy reported that in order to receive the USDA matching funds, the final date for all real estate closings to be accomplished is March 31, 2011. Problems have arisen that may jeopardize closing by this date. From the beginning, the CC has intended to hold two back-to-back closings. The first closing, between the CC and the Hillman Trust, would be for an agricultural easement on the property. In the second closing, the Town of Pembroke would buy the land outright from the Hillman Trust and the CC would then donate the easement to Five Rivers Conservation Trust (FRCT). The first problem is that USDA-NRCS will not permit the Town to hold both the easement and ownership of the property at the same time. The grant agreement with the USDA (which cannot be changed without jeopardizing the \$300,000 in approved funds) specifies that the Hillman Trust is to be the landowner and the CC is to be the holder of the easement. The second problem is that the CC does not have the authority to donate the easement to FRCT without an action by Town Meeting. It is unlikely that sufficient time will remain after the regular March 2011 Town Meeting to accomplish the second closing and the easement donation before the Agreement with USDA and the funding expire on March 31, 2011. This would put the Hillman family in the untenable position of retaining ownership of the land with a conservation easement on it; a situation they specifically wanted to avoid. To resolve this problem, a special Town Meeting will be required in 2010 to approve donation of the easement to FRCT. The CC will request the BOS to approve a special Town Meeting at their meeting on August 23.

The CC also agreed to hold a public meeting on August 9<sup>th</sup> to present the status of the acquisition and the need for a special Town Meeting. **ACTION ITEMS:** Ammy will call David Jodoin to schedule a presentation to the BOS at their meeting on August 23 and schedule a public hearing on August 9. Lea Anne will contact NRCS to request that a representative attend the August 23 BOS meeting.

- c. **FRCT Legal Costs** – Ammy reported that FRCT has requested funding to cover their costs for a legal review of the easement language. This consists of a 27 page document. Carol moved that the CC approve expenditure of up to \$2,500 in Conservation funds for this purpose. Lea Anne seconded. Five voted in favor, none opposed. Kevin abstained. The motion carried.

- 3. **Review and Approve Minutes of June 14 Meeting** – Ammy noted a name correction in the draft minutes. Stetson motioned to approve the draft minutes with the correction. Carol seconded. Five voted in favor, none opposed. Kevin abstained. The motion carried.

#### 4. Conservation Land Updates

- a. **White Sands** – Nothing new to report.
- b. **Beck** – Ammy reminded Ayn that a site visit and contact with an abutting property owner were required to address this situation.
- c. **Girard** – Jocelyn Carlucci contacted Ammy to advise that the ‘Meet Me in Suncook’ (MMIS) Committee is once again active. A bench and sign are being donated for placement on this parcel and Jocelyn would like an endorsement of this action by the CC prior to the MMIS meeting with the BOS.
- d. **Scripture** – Carol reported that the Tylers have nearly completed the tree removal on this parcel that was previously approved by the CC. **ACTION ITEM:** Carol will conduct a monitoring visit on this site after all work has been completed.

#### 5. Potential Land Acquisition

- a. **Foss Parcel** – JWF Real Estate and Development Corporation offered to sell 3 land parcels (Map 264, Lot 7; Map 264, Lot 4; and Map 567, Lot 1), totaling 67 acres, to the Town for conservation. Approximately 20 acres are currently planted in corn. The price of the parcels, one of which abuts the Gamlin conservation area, would be \$485,000. The parcels are currently zoned R1 for cluster development. Carol and Ayn conducted a site walk of these parcels on June 24 and completed a Land Protection Criteria Rating Sheet for the property. Ayn also did a comparative analysis of the Foss and Hillman parcels. Based on these reviews, Carol motioned that the CC decline the Foss offer. Lea Anne seconded. Six voted in favor, none opposed. The motion carried.
- b. **Cavallaro Parcel 221-243 Fifth Range Road** - Ammy reported that Kathy Cavallaro called to discuss this property. No return call has been made. **ACTION ITEM:** Stetson agreed to return Kathy Cavallaro’s call.

6. **CTAP Open Space Planning (OSP) Program** – Ammy reported that Vanessa Bittermann of the Central NH Regional Planning Commission (CNHRPC) will be presenting the Open Space Plan to the BOS at their August 23 meeting.
7. **Suncook River Meeting on June 24** - Ammy attended the public hearing on the Suncook River channel avulsion that took place during the flood of May 15, 2006. Representatives from the Towns of Epsom, Chichester, Allenstown and Pembroke were in attendance. The Town of Epsom has paid \$60,000 for an engineering study that concluded that the most practical solution to the problem is to stabilize the river in its present location. The cost of stabilization is in the millions of dollars. Pembroke resident Tom Beaumeister has spent more than \$100,000 on silt removal, septic replacement, and elevation of his house in response to the ongoing erosion. Many citizens of each of the towns are seeking to have the State fund the stabilization work or even restore the river to its original channel. Ammy reports that she will attend a follow-up meeting on July 19 at 7:00 PM in the Epsom Town Offices. The Governor, state legislators and candidates are invited to attend. Ammy offered to have the CC participate in a site visit lead by Tom Beaumeister. **ACTION ITEM:** Ammy will schedule the site visit with Tom.
8. **Planning Board Applications for Review** – An action submitted by Nicole’s Greenhouse on Route 106 is before the PB at their July 27 meeting. The applicant is seeking approval of outdoor locations for planned new products including sheds, mulch, produce and a propane tank refilling station. Due to lack of specifics on the proposal, the CC decided to submit a ‘no comment’ response to the PB.
9. **Correspondence** – Ammy noted receipt of a copy of the “Municipal Conservation Funds Guidebook”.
10. **Other Business**
  - a. **CC Facebook Page** - Lea Anne reported that a link from the Town’s website to the CC’s Facebook page has been activated.
  - b. **Old Home Day** – Ammy asked Steve Fowler if the CC could still reserve a booth at the Old Home Day celebration on August 28. Steve said that space could still be reserved by calling Joy Barker. The purpose of the CC participation would be to make citizens aware of the proposed Hillman parcel acquisition and to seek support through a petition. **ACTION ITEM:** Ammy will contact Dave Jodoin regarding the use and protocols of a petition for this purpose.
11. **Adjournment:** Lea Anne made a motion to adjourn the meeting at 9:42 PM. Carol seconded. Six voted in favor, none opposed. The motion carried.

Submitted by Stetson Heiser and Brian Mrazik, Secretary.  
Next Meeting – August 9, 2010