

PEMBROKE CONSERVATION COMMISSION (CC)
Approved Minutes of November 8, 2010 Meeting

Present: Carol Bertsimas, Vice-Chair; Ammy Heiser, Chair; Stetson Heiser; Kevin Krebs, Planning Board (PB) Representative (until 8:35); and Brian Mrazik, Secretary.

Not Present: Lea Anne Atwell; Ayn Whytemare; and Board of Selectman (BOS) Representative.

Others Present: Joe Tyler.

1. Call to Order – Ammy called the meeting to order at 7:09 PM.

2. Hillman Parcel Acquisition, 553 Buck St.

- a. Appraisal** – The appraisal of the property has been finalized. The established market value is \$694,500, with a value of the conservation easement set at \$579,000. This compares closely to the value of \$580,000 estimated in the earlier ‘letter of opinion’. The Hillman family had originally agreed to sell the parcel for \$600,000. Ammy discussed the difference between the asking price and the appraised price with Town Attorney Jae Whitelaw and it was decided to approach the Hillmans with an offer to split the difference. Ammy talked to the property owners and a price of \$589,500 was agreed upon. Therefore, funding for the purchase breaks down as follows: \$289,500 - USDA Farm & Ranch Preservation Program (50% of appraised value of conservation easement) and \$300,000 - Town of Pembroke Conservation Fund. The final appraisal report (100+ pages) will be delivered before Thanksgiving. Carol motioned that the CC accept the purchase price of \$589,500. Stetson seconded. Five voted in favor, none opposed. The motion carried.
- b. Survey** – Ammy contacted the surveyor and determined that the survey has been submitted to the Town for recording. The survey was filed late because a stamp had not yet been obtained from a wetland scientist.
- c. Special Town Meeting** –Town Attorney Jae Whitelaw has written an October 28 letter to the BOS summarizing the situation with regard to authorities for donating the conservation easement to the Five Rivers Conservation Trust (FRCT) and the need for a Special Town Meeting to do so. Tom Masland, attorney for FRCT, also requested that the BOS be asked to approve the acquisition at their next meeting in order to avoid further costs to all parties should the BOS oppose the action. Ammy will present both of these items to the BOS for approval at its November 15th meeting. Ammy also talked to NRCS regarding the possibility of an extension of the agreement deadline of March 31, 2011. Authority for extensions has recently been moved from the national to the state level within NRCS. The only basis for extension is circumstances beyond the control of the CC. The NRCS representative suggested that if the BOS declines the CC’s request for a Special Town Meeting, that the CC should immediately send a letter to the NRCS State Conservationist requesting an extension.

- d. **Title Work** – Ammy discussed the need for a title search with Jae Whitelaw. Since Jae does not do title work, it was decided to inquire of Tom Masland (FRCT Attorney) if he would be able to do so. FRCT approved Tom’s work on this and a cost estimate, dated November 2, has been received from the firm of Ransmeier and Spellman. The costs are estimated at \$1,500 for the title research and materials preparation and \$1,275 for the title insurance premium. Brian motioned that the CC authorize expenditure of up to \$1,500 from the Conservation Fund for the title research and materials preparation. Carol seconded. Five voted in favor, none opposed. The motion carried. Carol then motioned that the CC authorize expenditure of up to \$1,275 from the Conservation Fond for Title Insurance. Stetson seconded. Five voted in favor, none opposed. The motion carried.
- e. **Upcoming Deadlines** – Ammy noted that the final easement language, appraisal, and survey documents are due to NRCS by December 1.

- 3. **Scripture Easement** – Ammy reported that she had contacted the Town Building Inspector and advised him that the CC had no concerns with the Tyler’s plans to add dormers to their house. Ammy also gave the Town Planner a copy of the easement for review and asked that he comment on the Tyler’s proposal to construct an indoor riding arena. Ammy also called the previous Town Planner, Laura Scott, to get a historical perspective. Laura suggested that if a building is to be added on the property, the management plan should be amended accordingly and the CC can then approve or disapprove the amendment. Ammy advised Joe Tyler that a written request describing the size, location and use of the proposed building is needed before the CC will take an action on it. Ammy also stated that the CC will await the Town Planner’s input as well. If these items are received at least a week prior to the December meeting, the request will be addressed by the CC at that meeting.

Joe Tyler expressed his concern that every proposed action on his property requires going through a review process to determine its acceptability under the easement and he would prefer that the CC respond to generalized requests regarding the types of actions that are acceptable. Joe stated that a review of specific plans was the role of the Building Inspector, not the CC. Joe was also concerned that the CC membership changes over time and that interpretation of the easement will vary unless the CC commits up front to the types of actions which are acceptable. In particular, he was concerned that the CC’s interpretation of what actions qualify as ‘animal husbandry’ may vary over time. Ammy responded that factors such as size, location, and proposed use of structures must be considered relative to the easement objectives and therefore, more detailed information is needed for review.

4. **Conservation Land**

- a. **Ames Brook** – Kevin reported that he had not completed a report form for his monitoring of this parcel last spring. Ammy provided Kevin with copies of the form. **ACTION ITEM:** Kevin will complete the monitoring report.
- b. **Girard** – Ammy reported that the BOS has approved placement of a bench and plaque on this property commemorating a visit by Robert Frost. Ammy had previously submitted a letter endorsing this plan proposed by the ‘Meet Me in Suncook’ Committee. **ACTION ITEM:** Ammy and Stetson will do the monitoring report for this parcel.

- c. **White Sands** – Harold Thompson of the Sewer Commission called to advise Ammy that gravel has been placed around the pumping station at the entrance to White Sands. Harold also requested approval to temporarily store loam on the White Sands parcel near the station.
 - d. **AGNE - ACTION ITEMS: Brian and Stetson** will monitor this parcel during the week of November 14th. Stetson will call AG to advise them of the plan.
 - e. **Brittany & Gamlin** – Brian reported that he reran the GPS survey that was done on these parcels in the spring to correct some discrepancies. GPS data files in hard copy and CD formats have been included in the parcel folders. Monitoring reports were updated to note the changes.
5. **Review and Approve Minutes of October 11 Meeting** –Carol motioned to accept the minutes as drafted. Stetson seconded. Four voted in favor, none opposed. The motion passed.
 6. **Planning for Town Meeting** – Ammy noted that draft warrant articles for Town Meeting must be submitted by February 1. The CC agreed to go forward with two initiatives for Town Meeting. The first is to see if the Town will vote to approve donation of the agricultural easement on the Hillman Parcel to the Five Rivers Conservation Trust (FRCT). The second is to see if the Town will vote to close unimproved Class VI roads to wheeled vehicles from March 1 through May 31 to reduce damage to roads and adjacent wetlands. The CC agreed that an article to seek general approval of the donation of conservation easements to conservation trust organizations should be pursued in 2012. Ammy reported that Police Chief Lane had inquired about the status of the proposal for springtime closure of Class VI roads. Chief Lane supports the proposal and would like to see a provision requiring that any collected fines be used to support enforcement. The CC is unaware that any action has been taken on this initiative since it was approved by the BOS at its May 17th meeting. Brian stated that the BOS had given Dave Jodoin the lead on drafting an ordinance, but no assignment had been made on a warrant article. **ACTION ITEMS: Brian** will contact Dave Jodoin to inquire about the warrant article and the ordinance and offer his assistance. If Dave agrees, Brian will take the lead on this and contact Jim Goff to obtain the necessary forms for a warrant article.
 7. **Open Space Plan** – The final Open Space Plan (OSP) will be presented to the PB at its November 23 meeting at 7:00 PM. It is the first item on the agenda. CC members are encouraged to attend or send a letter of endorsement. If the PB approves the OSP, a public hearing will be held to amend the master plan to incorporate the OSP. The CC plans to amend its ‘Land Protection Criteria Rating Sheet’ to assure consistency with the objectives of the OSP.
 8. **Adjournment:** Carol made a motion to adjourn the meeting at 9:12 PM. Stetson seconded. Four voted in favor, none opposed. The motion carried.

Submitted by Brian Mrazik, Secretary.

Next Meeting – December 13, 2010