

PEMBROKE CONSERVATION COMMISSION (CC)
Approved Minutes of December 13, 2010 Meeting

Present: Lea Anne Atwell; Carol Bertsimas, Vice-Chair; Ammy Heiser, Chair; Kevin Krebs, Planning Board (PB) Representative; Brian Mrazik, Secretary; and Ayn Whytemare.

Not Present: Stetson Heiser; and Board of Selectman (BOS) Representative.

Others Present: None.

1. **Call to Order** – Ammy called the meeting to order at 7:11 PM.
2. **Conservation Land Monitoring Review** – Carol reported that she has completed monitoring for the Beck, Clark, and Scripture parcels. There are still tree tops and brush on the Beck parcel near 20 Melissa Dr. Leaves have also been dumped behind 440 and 442 Pembroke St. **ACTION ITEM:** Carol will contact Jeff Gaeta to establish a process for handling these types of encroachments. Ayn reported that she monitored the Baxter parcel. She noted that a conservation sign had been pulled up but there were no more indications of paintball or ATV activity on the site. Kevin finished his monitoring report for the Ames Brook site. He noted that ATV trails off of 7th Range Road are revegetating. Conservation signs are intact but he could not find any boundary markers on the front side of the easement along Ames Brook. Ayn suggested that the CC consider purchasing a metal detector to facilitate locating iron-pin boundary markers.
3. **Hillman Parcel Acquisition, 553 Buck St.** – Ammy reported that the meeting with the BOS on November 15th went well. BOS members signed a Purchase and Sales Agreement conditioned upon the CC conducting public hearings and subsequent approval at Town Meeting. The request for a Special Town Meeting to approve donation of the Conservation Easement to Five Rivers Conservation Trust (FRCT) was denied, as anticipated. Ammy followed up by sending an extension-request letter to USDA-NRCS (Attachment 1). NRCS advised that they will reply with their decision after the first of the year.

Ammy reported that the following items have now been completed: easement document, survey, extension letter, appraisal, and conservation plan. The title document will be completed by the beginning of January. Two Warrant Articles are being drafted for Town Meeting (March 12) by Dave Jodoin. The first is for approval of the expenditure of funds. The second is for approval of the donation of the agricultural easement to FRCT. The CC agreed that the first article should include a statement that Federal cost sharing is involved in the purchase. Ayn suggested that the CC have the appraiser attend the Town Meeting and/or any public hearings to address questions regarding the appraised value. **ACTION ITEM:** Ayn agreed to look into the Town's assessed value of the Hillman property, which is significantly lower than the appraised value.

Ammy reported that two public hearings need to be scheduled before Town Meeting. The CC agreed that the public hearing dates should be established at the next meeting. Ayn suggested that the hearings be held in the Town Library. The CC also discussed other methods to inform citizens about the Hillman acquisition, including signs and direct mailings.

- 4. Review and Approve Minutes of November 8 Meeting** – Ammy noted that the \$10,000 figure in the third sentence of Item 2 (Hillman Parcel Acquisition), Paragraph A (Appraisal) was incorrect. This sentence will be changed to note that the final appraised value compares closely to the value provided earlier in the appraiser’s letter of opinion. Approval of the November 8 minutes was moved to the January 10 meeting because a quorum of members who attended the November 8 meeting was not present.

- 5. Planning Board Applications Review**
 - a. Map 561, Lots 18 & 44, Kruger Site Plan Amendment** – This is an amendment to show current conditions which include, in part, a go-cart track, amusement center and hobby shop. Maintenance of go-carts and other equipment is also performed on the property. The CC agreed to submit a comment expressing concern about potential fuel and solvent spills since the site is in the Soucook aquifer district.

 - b. Map 632, Lot 11.1, Krazy Kids Minor Site Plan Change of Use** – This is a change of use from a Bingo hall to a children’s entertainment center. The only change external to the building involves the layout and restriping of the existing parking area. The CC agreed to a ‘no comment’ response on this action.

- 6. Open Space Plan** – Ammy reported that the planned presentation of the final Open Space Plan (OSP) to the PB at its November 23 meeting was cancelled.

- 7. Other Business** – Ammy reported that the BOS meeting on January 17 will include a public hearing on The Northern Pass power transmission line project.

- 8. Adjournment:** Ayn made a motion to adjourn the meeting at 8:40 PM. Lea Anne seconded. Six voted in favor, none opposed. The motion carried.

Submitted by Brian Mrazik, Secretary.

Next Meeting – January 10, 2011

Attachment 1

Ammy Heiser, Chairman
Pembroke Conservation Commission
311 Pembroke Street
Pembroke, New Hampshire,

December 2, 2010

Rick Ellsmore
State Conservationist
2 Madbury Road
Durham, New Hampshire, 03824

Dear Mr. Ellsmore,

I am writing to request a closing date extension for the Farm and Ranchlands Protection Program (FRPP) agreement between the Town of Pembroke and the United States Government, agreement number 7314280905. Our current deadline for completion, per the cooperative agreement, is March 31, 2011. The reason for the extension request is due to the fact that the Town of Pembroke's future plans are to purchase the parcel in fee. The Town cannot own the property and hold the easement and so we are working with Five Rivers Conservation Trust to be the easement holders. According to New Hampshire law, RSA 41:14a, in order to donate the easement to another entity, we need Town Meeting approval.

Our town meeting is March 12th, which is days from the NRCS closing deadline of March 31, 2011. On November 15th, the Conservation Commission requested a Special Town Meeting in order to donate the easement and the Board of Selectmen unanimously denied it. The Board would only consider taking important business to the regular Town Meeting. We realize that waiting until March, for the annual Town Meeting, will not allow us sufficient time to complete the items in the FRPP checklist in the Timetable set forth by the FRPP.

We have been working closely with the people at NRCS to successfully file all the necessary documents:

- Funding: We have filed the certification of Matching Funds and the Conservation Commission, as well as the Board of Selectman has approved the expenditure of these funds for purchase.
- Survey: The Hillman parcel first had to be subdivided in order to separate the house from the farmland. The minor subdivision was approved in August. The surveyor, Hank Amsden, has just submitted the final survey to NRCS with all the necessary inclusions. The survey is currently in the NRCS review process.
- Easement Deed: The Easement Deed was approved by the Town's lawyer and also Five Rivers Conservation Trust and the Conservation Commission and was submitted on November 23rd. The easement deed language is currently in the NRCS review process

- Appraisal: Sherri Browning of Browning Valuations is our appraiser and she plans to submit the finished appraisal by December 6th.
- Conservation Plan: Leigh Grimes, the dairy farmer who plans to continue farming this parcel, as he has for the past 50 years, has been working with Mike Lynch to finish his Conservation Plan. It also should be sent off by next week.
- Title Commitment Policy: Tom Masland, from Ransmeier Spellman is doing the Title Documentation and Commitment and has informed us that the documents will be submitted in January. Tom has been the lawyer for Five Rivers and so he is very familiar with the parcel and the FRPP requirements.
- Baseline Documentation: Five Rivers plans to do the baseline documentation soon.

I believe this project on track to have a successful completion and we plan to have everything completed prior to May 31, 2011, which coincides with the expiration date of the Purchase and Sales Agreement between the Town of Pembroke and the Hillman Family Trust.

I believe that the Townspeople are in support of this purchase of prime conservation land and so I anticipate a successful vote at Town Meeting in March. I appreciate your consideration on this matter. Thank you for your time.

Sincerely,

Ammy Heiser, Chairman
Pembroke Conservation Commission