

PEMBROKE CONSERVATION COMMISSION (CC)
Approved Minutes of January 11, 2010 Meeting

Present: Lea Anne Atwell; David Baril, Alternate; Carol Bertsimas, Vice-Chair; Ammy Heiser, Chair; Stetson Heiser; Fred Kline, Board of Selectman (BOS) Representative (after 8:07 PM); Brian Mrazik, Secretary; and Ayn Whytemare (before 9:05PM).

Not Present: None

Others Present: Keith Richard, Green Gold Farm; Harold Thompson, Sewer Commission.

- 1. Call to Order** – Ammy called the meeting to order at 7:04 pm.
- 2. Green Gold Farm Map 266, Lot 144** – This parcel includes a total of 47 acres in current use and 2,000 feet of frontage along the Suncook River. Keith Richard expressed an interest in selling a conservation easement to the Town on approximately 43 acres, with the remaining 4 acres at the northeast corner, along Buck Street, to be reserved for a residential lot. Currently, 5 recreation fields are in place on the property, with a sixth planned, on a total of 12 acres, including parking lots. Keith wishes to reserve the right to operate existing and future sports activities on a total of 25 acres. All other acreage will be retained in agricultural use. Ancillary structures associated with recreation (e.g. roofs over fields, pavilions, benches, portable toilets) are either in place, or planned. Keith is seeking approximately \$500,000 for the easement.

Ammy expressed concern with the acquisition of this easement under the guise of conservation when such a large percentage of the property is dedicated to recreational use. Brian asked Keith if he was willing to sell an easement on only the portion dedicated to agricultural use. Keith replied that he was not.

ACTION ITEM: Ammy agreed to take the issue up with the Town Administrator and the Recreation Commission.

- 3. Hillman Parcel Acquisition, 553 Buck St.** – Ammy reported that the date for the on-site interview with USDA-NRCS, the Five Rivers Conservation Land Trust (FRCLT), the property owners, and CC representatives has been postponed to Friday February 26. The appraiser, Sherry Browning met with the property owners and toured the site on December 17th. Sherry stated that the ‘present day value’ will be lower because of the current state of the real estate market, but that her assessment will consider the parcel’s status as prime development land. Sherry’s opinion letter has not yet been issued. The formal appraisal, once issued, is valid for only 120 days, so timing must be carefully planned.
- 4. Review and Approve Minutes of December 14 Meeting** – Ammy requested that item 5c, regarding the Girard parcel, be corrected to reflect that the “Meet Me in Suncook” Committee (MMSC) will discuss placing a plaque on the site. Carol motioned that the minutes be adopted with this correction. Stetson seconded. Six voted in favor, one abstained (David), none opposed. The motion passed.

5. Conservation Land Updates

- a. **White Sands** – David reported that in November he observed that boulders had been moved near the PSNH gate, thus providing access to cars and other vehicles. He stated that a second gate at the bridge would provide the best solution because all traffic to White Sands is forced to pass over the bridge. However, the bridge site is on PSNH property. Under the Town’s 2007 Public Use Policy for Conservation Lands, snowmobiles are only allowed on designated and signed trails. The trail through White Sands has not been designated for snowmobile use. David expressed concern that snowmobile traffic through White Sands will encourage use by ATVs as well.
 - b. **Belfry Court** – Stetson reported that the map of the 100-foot easement around the pond has been recorded, but that there is no written description, nor has the easement been transferred to the deeds. There is also no paper trail indicating that the easement has been monitored since its creation. Ammy noted that two properties are involved and that property owners will have to be contacted for permission to look for spotted turtles in the pond. **ACTION ITEMS:** Ayn agreed to review the Planning Board testimony and minutes covering creation of the easement to try to identify where the disconnect occurred. She will also talk to Everett Hodge regarding placement of appropriate notes on tax cards for these properties. Ayn plans to contact David Carroll, who testified on behalf of the easement’s creation, to ascertain his interest in looking for spotted turtles on the property.
 - c. **Girard** – This parcel consists of 0.246 acres on Buck Street that was donated as a site commemorating a visit by Robert Frost and his wife on their honeymoon. On January 5 Ammy and Stetson attended a meeting of the MMSC to discuss the placement of a commemorative plaque on the site. The MMSC has funds and potential additional donors for the plaque, a bench, and wildflower plantings on the site. The MMSC is also circulating a petition for the placement of a historical marker on the site. The MMSC will attempt to locate the exact boundaries of the site with the two abutters before beginning any site work.
 - d. **Ames Brook** – No new information. **ACTION ITEM:** Carol plans to contact Dennis Aubin to obtain information on the boundary locations and discuss the need for boundary markers.
 - e. **Beck** – No new information. Action on the wildflower planting infractions was tabled.
6. **Range Roads Discussion** – Brian reported that he received a response from the Legal Services Department at the Local Government Center regarding the CCs request for legal opinions on whether the Town had the authority to adopt a permit system to limit motorized vehicle access to Class VI range roads and whether fees could be charged for such permits. The opinion, issued on December 21, (Attachment 1) concluded that the BOS has the same authority to regulate the use of Class VI roads as it does with Class V roads and that classification as a ‘range’ road does not alter this status. The CC discussed whether to pursue action with the BOS. Brian suggested that we not approach the BOS until we had agreed upon a more definitive proposal. **ACTION ITEM:** The CC agreed that Brian will draft a proposal regarding the management of motor vehicle use of Class VI range roads for

discussion and mark-up at our February meeting. Police Chief Lane will be invited to the March CC meeting to comment on the revised draft before it is presented to the BOS.

7. **NHDES Notices** – The CC received copies of two letters issued by NHDES. The first was relative to the Morgan Whiting logging operations and the unpermitted wetlands crossings in the Cofran lot along 6th Range Road. This letter noted that the deficiencies have not been corrected and that NHDES must be contacted by January 30 to set an administrative hearing or fine. The second was a letter to Silver Hill Development Corporation advising that the Alteration of Terrain permit for their business park has been approved.

8. **Application Reviews for Planning Board**

- a. **Map 2 Lot 58, and Map 256, Lot 3, 755 Robinson Road** - The PB requested that the CC comment on a proposed annexation of 2,941 square feet to Lot 3 from Lot 58 and a corresponding lot-line adjustment. The CC will reply that the subject area is designated as farmland of local importance but that the plan is unclear and the purpose is unknown.

- b. **Silver Hill Development Corporation, Dennison Cabinets** – This is a proposed site plan for the Dennison Cabinets manufacturing facility consisting of a 19,200 sq. ft. building and associated parking area. Since chemicals will be used on site and impervious areas will be created, the CC will respond that aquifer and wellhead protection and stormwater management considerations need to be addressed in the site plan approval process.

9. **Town Meeting Items** – Fred reported that the Annual Town Meeting and the Annual Pembroke School District Meeting are scheduled for March 13 and March 6, respectively. The CC determined that no CC items would be prepared for the Town Meeting.

10. **CTAP Open Space Planning Program** - The first meeting of the Open Space Committee is set for Wednesday January 13 at 7:00 PM in the Town Hall. On December 12, Jeff White circulated a flyer (Attachment 2) by email to all volunteers to advise them of the meeting date, time, and location.

11. **Correspondence** – David Jodoin forwarded a letter from NHDRED announcing grants available under the Federal Land and Water Conservation Fund for the acquisition of public outdoor recreation areas. Some \$300,000 is available for the State of New Hampshire.
ACTION ITEM: Fred will forward the letter to the Recreation Commission.

12. **Other Business**

- a. Lea Anne advised that she has completed a GIS training course with UNH Cooperative Extension and has identified two GIS software packages that would potentially be useful to the CC. **ACTION ITEM:** Lea Anne will demonstrate the software at a future meeting.

- b. Ayn reported that she contacted Steve Walker (NH Office of Energy and Planning, LCIP Stewardship) about his interest in leading the proposed winter conservation walk but has not yet received a response.

- c. The CC agreed to set this year's monitoring day for Sunday April 11, with a rain date of April 18. **ACTION ITEM:** Lea Anne will put this information on the CC Facebook page.

d. David advised that trails on the Whittemore Tract are becoming overgrown and would like to see guidance established on the approval process for work to clear them.

e. Jeff White has resigned his position on the PB so the CC will need a new PB representative. Jeff has requested to stay on the CC as an independent member.

13. Adjournment: Fred made a motion to adjourn the meeting at 9:38 PM. Carol seconded. Seven voted in favor, none opposed. The motion carried.

Submitted by Brian Mrazik, Secretary.

Next Meeting – February 8, 2010

Attachment 1



VIA E-MAIL

ATTORNEY-CLIENT PRIVILEGED INFORMATION

December 21, 2009

Brian Mrazik
Conservation Commission
Town of Pembroke

Re: Regulation of Class VI Roads

Dear Mr. Mrazik:

I write in response to your e-mailed legal inquiry concerning whether the town may limit use of its class VI roads only to those vehicles holding a town-issued permit, and if so, may the town charge a fee for the permit.

The difference in road classification between class V and class VI roads is related to maintenance; class V roads must be maintained by the town while class VI roads are not maintained. Otherwise, they are the same with respect to the public's right to travel on them. RSA 231:21-a. Similarly, the classification as a range road does not alter the status of a class VI road as a public highway under RSA 231:21-a. The Board of Selectmen, pursuant to RSA 41:11, has the authority to regulate the use of all public highways, sidewalks and commons within the town. Thus, you may want to bring your concerns about the use of certain roads to the attention of the selectmen to discuss the options that may be available to address those concerns.

I hope that you find this information helpful. Please feel free to contact me should you have any questions or if you would like to discuss this matter further.

Sincerely,

Kimberly A. Hallquist
Staff Attorney

Attachment 2

*What natural resources do we have in Pembroke?
Where is the critical open space that should be protected?
How do we prioritize open space conservation?
What conservation strategies can we use?*

BE INVOLVED WITH OPEN SPACE PLANNING!

Pembroke's Open Space Committee is meeting to discuss these issues and create an updated Open Space Plan for the Town.

Interested? Join us for discussion and add your input to the plan:

Pembroke Open Space Committee Meeting Dates:		
Wed. January 13, 2010	7:00 PM	Town Hall
Other Committee meetings		to be scheduled

For more information, contact Jeff White, Conservation Commission member, at jwhitenh@comcast.net, or Vanessa Bittermann, CNHRPC Regional Planner, at vbittermann@cnhrpc.org or 226-6020.

Funding for Pembroke's Open Space Planning effort is provided through the Community Technical Assistance Program (CTAP), administered by the NH Department of Transportation.



Central New Hampshire
Regional Planning Commission
231 Commercial Street
Concord, NH 03301
603-226-6020
www.cnhrpc.org

