

Conservation Commission Minutes 12/06/11

Contributed by Lisa Fellows-Weaver
Wednesday, 22 February 2012

Conservation Commission

Minutes

December 6, 2011

Official as of January 3, 2012

Chairman Steve Roy calls the meeting to order at 7:00 p.m.

Present: Chairman Steve Roy, Paul Lussier, Jim Ryan, Wini Young, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

Absent: Vice Chairman Steve Hampl, Tom Chase, Mike Matson, and Alternate Loren O'Neil.

MINUTES

September 20, 2011

Mr. Roy makes a motion, second by Mr. Lussier, to approve the September 20, 2011 minutes, as amended, as follows:

Page 1: Add: ...is…

Motion passes; 2/0/2. Mr. Roy and Mr. Ryan abstain, as they were not at this meeting.

November 16, 2011

Mr. Roy makes a motion, second by Mr. Ryan, to approve the November 16, 2011 minutes, as amended:

Page 3: Add additional information relative to the email received from Mike Matson regarding the Woodman Park Project.

Motion passes; 3/0/1. Ms. Young abstains, as she was not at this meeting.

Conservation Easements – Update

Wallman ~ Map 228; Lot 16

Mr. Roy provides an update as to the Wallman conservation easement project. He states that the easement language has been received and forwarded to town counsel for review. Town counsel's comments have been received and are provided to the commission for review. Mr. Roy states that changes recommended are as follows:

1. the town is acting through the conservation commission to acquire the easement interest;
2. making sure that the easement stipulates that there is reserve right to subdivide the 40 acre parcel into two, 20 acre parcels, and the easement purposes will be subject to both 20 acre lots if the subdivision right is ever exercised; and
3. signature block added

Mr. Roy notes that comments were also received from town counsel relative to arbitration issues if there were ever any contesting of the easement or activities.

Mr. Roy notes that the Society for the Protection of NH Forests ("The Society") removed Christmas trees as it is not considered as forestry but as agriculture. Additional minor changes were made and the definition of forest practices. He asks if the document should go back to town counsel for additional review. Ms. Smith replies that these changes were for clarification only and it should not be necessary to be reviewed by town counsel again.

Mr. Roy makes a motion, second by Mr. Ryan, to distribute town counsel's recommended changes and comments to the property owner and the Society for the Protection of NH Forests.

Ms. Smith states that with the right to subdivide, the farmhouse parcel has the excluded area and the other parcel also has an excluded area. She asks if that area has metes and bounds noted on the plan. Mr. Roy replies no and states that if the future owners decide to exercise the right to subdivide and pursue the use of the exclusion area for its allowed use, a single domestic structure, then they are required to meet all local permit requirements and have the property surveyed and provide a copy of the exclusion area to the grantee, "The Society". Mr. Roy states that it defines the exclusion area to be 1 acre and it must have a maximum of 100' of frontage on Winding Hill Road.

Further discussion held regarding future development of the lot. Ms. Smith states that an exclusion area is only for the conservation easement. She adds that on a 1 acre lot, there must be a well, septic, and house. Mr. Roy states that the septic system is a separate section in the language and extracts the septic system from totally being in the exclusion area and sets it up, if necessary, based on the structural size and soils on site, that there is a certain allowance outside

the exclusion area that can be accommodated. Ms. Smith asks if there are any concerns with what can be in the cc easement and in compliance with the state of what can be in a conservation easement. Mr. Roy states that the state will make sure that it is all on the property and in the provision of the easement language. Ms. Smith states that it appears that the language is building development into a conservation easement. Mr. Roy states that he believes that everything will all be on one acre. He feels that the provisions of the septic system shows why and where everything goes and does not contradict the conservation efforts.

Mr. Ryan states that the 100' frontage may not meet the zoning standards. Mr. Roy states that this is not a house lot that is subdivided from the 20 acres; the entire house lot is the 20 acres. Discussion ensues as to the classification of the road and if it is on a Class V or Class VI. Ms. Smith states that there may be a need for zoning relief in order to build. Mr. Roy states that the area is on the paved section and should meet the road requirements.

Ms. Smith states that if the commission votes to approve forwarding town counsel's comments, there should be a plan to grant the chairman authority to act on the commission's behalf to complete the project, as necessary, as the property owner seeks to have the project completed no later than December 31.

Motion passes unanimously; 4/0.

Mr. Roy states that he will be meeting with the selectmen on December 13 to address the land acquisitions.

Mr. Ryan makes a motion, second by Mr. Lussier, to allow the chairman to act on the commission's behalf to address issues to complete the project, as necessary. Motion passes unanimously; 4/0.

Gallagher ~ Map 228; Lot 3.

Ms. Smith states that the appraisal from M.H. Beecy Appraisal Services has been received and is reviewed. Mr. Roy references the exclusion area around the house and general discussion is held.

Mr. Roy makes a motion, second by Mr. Ryan, to accept the appraisal, as submitted. Motion passes unanimously; 4/0.

A discussion is held regarding the cost per acre as compared to prior land acquisition projects. Mr. Roy states that the total appraisal for this project is \$1,350 per acre. Members further discuss the prior purchases and feels that this proposal is a good parcel of land and the commission should make an offer and proceed.

Ms. Smith provides an estimate of funds in the conservation commission land fund; approximately \$164,000. She reads the non-public requirements. The commission decides that it is not necessary to go into non-public session to discuss the easement.

A discussion is held regarding making an offer. Mr. Roy suggests offering \$85,000 for the easement. Members agree that \$85,000 is a fair price to offer and agree to send a letter to the owners.

Mr. Roy makes a motion, second by Mr. Ryan, to send a letter to the property owners offering \$85,000. Motion passes unanimously; 4/0.

The commission discusses title insurance for the Wallman and Gallagher parcels. Ms. Smith states that town counsel has indicated that title insurance is not so critical with the Wallman parcel; however, town counsel has recommended the title insurance for the Gallagher parcel as the purpose is to protect any potential that could extinguish the easement. Ms. Smith states that the Wallman project is a donation; however, the Gallagher project involves spending a fair amount of money and it is wise to protect the town's investments. Mr. Roy states that the cost would be covered if something should fall apart. He adds that "The Society" will get their own title opinion and will purchase their own title insurance for the Wallman property. He states that they will also do the same for the Gallagher project. Mr. Ryan asks about the value and or validity of the difference. Mr. Ryan makes a motion, to request Ms. Smith contact town counsel regarding the title search value and validity. Mr. Lussier seconds. Motion passes unanimously; 4/0.

Mr. Roy makes a motion, second by Mr. Ryan, to pursue the title search and insurance, if recommended by town counsel, for both properties. Motion passes unanimously; 4/0.

Mr. Roy makes a motion, second by Mr. Lussier, should language be received and be required to be reviewed again by town counsel, Ms. Smith will forward accordingly and upon receipt send to all parties involved for their incorporation into the easement or adjustment of the easement language. Motion passes unanimously; 4/0.

Mr. Roy states that he will be attending the selectmen's meeting, Tuesday, December 13 to discuss the two acquisition projects.

Tom DeMeritt, Upper Deerfield Rd. Map 235; Lot 2

A site visit is scheduled for December 10, 2011 at 9:00 a.m.

Mr. Ryan makes a motion to adjourn. Second by Mr. Lussier. Motion passes unanimously at 8:26 p.m.

Respectfully submitted
Lisa Fellows-Weaver
Board Secretary