

## Conservation Commission Minutes 03/07/06

Contributed by Lisa Fellows-Weaver  
Monday, 03 April 2006

Conservation Commission

Minutes

March 7, 2006

Official as of April 4, 2006

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

Present and Voting Designation: Chairman Stephen Roy, Vice-Chairman James Ryan, Loren O'Neil, Steve Hampl, Alternate Pauline Lemelin, and Board Secretary Lisa Fellows-Weaver.

### MINUTES:

2/7/06: Steve Roy makes a motion, second by Jim Ryan, to accept the minutes of February 7, 2006, as written. Motion passes; 2/0/3. Loren O'Neil, Jim Ryan, and Pauline Lemelin abstain, as they were not at the meeting.

### APPOINTMENTS:

Dan Kerns/Johnson Property, First NH Turnpike. Map 216/Lot 19; Map 215/Lot 24; Map 110/Lot 29. Dan Kerns, Bear Paw Regional Greenways, is present along with Tom and Brenda Johnson, Margaret Metcalf representing Peter Johnson, and Gene and Sharon Matris.

Mr. Kerns states that he has been speaking with Tom Johnson over the past year regarding the options for the Johnson field, behind Johnson's Seafood Restaurant. Mr. Kerns states that the parcel is 40 acres. 24-26 acres are prime farm soils, which is approximately 60% of the land, and the rest is wetlands. Mr. Kerns states that from Bear Paw's perspective, this is a great opportunity for the protection of important farm lands. He states that the property is eligible for farm and ranch land protection program grants, which will pay up to 50% of the market value of an easement with federal money.

Mr. Kerns states that the first thing to do is to get an appraisal. He would like to propose to the town that the cost of the appraisal for the parcel be shared. Mr. Kern explains that typically the cost is split by the land owner and the town. If the project proceeds then the town reimburses the land owner. If the project should not go forward then the owner would reimburse the town for their portion of the costs.

Tom Johnson states that the property has been open farm land for four generations and is great for recreation. The family has never refused access for recreation and many people have remarked that the view is beautiful any time of the year. He adds that the PH levels in the soil have always been high for growing grass and corn. He wishes that the property would permanently stay the way it exists. Mr. Johnson states that the land has been leased for farming for 10 years with 8 years left on the lease. Mr. Kerns states that a lease can be renewed and the land owners would be encouraged to farm it. He adds that there is no requirement of public access so any kind of public access issues would be generated by the town if they chose to participate in the transaction and the family; not a third party. Wini Young adds that this area is a very important part of the town as an original open area along Rte 4.

Mr. Kerns states that an estimate for the appraisal would be \$2,500 - \$3,000. A discussion is held regarding types of appraisals; a limited summary appraisal or a full property appraisal. Mr. Kerns explains that a limited summary appraisal is less money up front should the proposal not proceed. Additional appraisal services would then be done should the easement continue more than likely using the same firm, and the difference for any additional services would then be involved.

A brief discussion is held regarding tax benefits, abatements, and current use. Discussion ensues and Mr. Kerns asks if the town would consider paying for more than half of the appraisal if the appraisal were to be a complete appraisal. Mr. Roy states that he feels that the conservation commission would consider paying for more than half of the appraisal as this is a very important portion of town. Mr. Ryan agrees. Mr. Roy further explains the conservation fund and that the fund is established from current use penalties fees. Mr. Kerns explains that there needs to be a target date for the grant and notes that there are 90 days to make the application, get the appraisal, and to agree on a price. He states that it does not need to be paid during the 90 days. Mr. Kerns states that should the commission choose to pursue the proposal, he encourages the commission and selectmen to consider a limited summary appraisal to begin the process. He notes that

Bear Paw would find an appraisal company that would be able to get the appraisal completed within the time frame. Mr. Roy asks the Johnsons for their opinion. Ms. Johnson replies that she would like to get the limited summary appraisal so that the project could proceed and then have a full property appraisal completed.

Mr. Kerns states that Bear Paw could get the appraisal company and begin the process, and would intend to complete the farm grant application as a joint effort with the town and Bear Paw. He adds that it does not require that Bear Paw hold the easement but ultimately that is what Bear Paw is interested in doing. That would be an agreement with the town, Bear Paw and the property owners. Mr. Roy asks if the owners were to decide to sell the easement to an entity, would they sell to the town or to a private land trust company such as Bear Paw. Ms. Johnson replies that that has not been determined. Mr. Roy explains that there are primary holders of an easement and an additional holder; an executor. He adds that the town would want a role in the easement.

Ms. Young explains that once all of the transactions are completed and the easement is done, Bear Paw would walk the land to check on the easement, see if the boundaries are well marked, and there are no encroachments on the easement. Mr. Kern explains that if there is an encroachment by a third party, Bear Paw would work with the land owners to correct the situation. Typically it generates a conversation with the property owner; however, it could involve court appearances. The enforcement at that point would be the responsibility of the primary easement holder to enforce the terms of the easement.

General consensus of the commission is that they do not see any problems with the commission paying for more than half of the appraisal costs, if necessary. The Johnsons agree with pursuing the proposal with an appraisal and meeting with the selectmen.

Jim Ryan makes a motion, second by Loren O'Neil, for the NCC to recommend starting the process and to explain the proposal and cost sharing of the appraisal to the selectmen. Motion passes unanimously; 5/0.

Staff to email CC members, Ms. Young, and Mr. Kerns of the meeting date. Mr. Kerns will be working on getting 3 appraisal estimates for the meeting with BOS and NCC.

#### Applications:

Permit by Notification #9, Installation of a Seasonal Boatlift: Kilar, 52 Fiore Rd. Map 116/Lot 50. Mr. Kilar explains that the application is for a boatlift on an existing dock. He states that they have spoken to the DES and the existing dock is grandfathered per permit #2003-2658 for the new wall when it was installed in 2003. The commission reviews the materials provided and requests that additional footage be delineated along with the plan authors' names and a date, be added to the plans. Mr. Kilar amends the plan accordingly and Mr. Ryan makes a motion, second by Mr. Roy, to accept the PBN application for a boatlift, as amended by the applicant. Motion passes unanimously; 5/0.

#### Town Forester Charlie Moreno

Mr. Moreno is present regarding the proposed town foresting projects and a forest management plan. Mr. Moreno explains that foresting is a weather dependant job. He states that the proposed maintenance of the school lot has been postponed due to weather. He plans to complete the project in the summer months, 2006.

Mr. Moreno explains that the forest management plan began in the late 1980's. He states that it was for four town properties. The School lot was the first project and the forest has since regrown more than what was harvested. It will need another foresting cutting to be thinned out. The second area was the Giles lot. The Parsonage lot and DesLausier's lots are difficult to access and did need time to grow. They may need some rehab work as 16 years has past since they were cut.

Mr. Roy states that the town is behind on the schedule of the foresting of the lots and would like to recommend that an implementation plan be developed. Mr. Moreno agrees and adds that the plans are flexible however, it is a decade behind. He states that the town needs to continue with the first scheduled project for this summer and explains that will be a small income or viewed as seed money to study the rest of the parcels. He suggests that he and the commission look at other properties, update the existing plan, and schedule treatments. He adds that if there are any new parcels, the parcels could be incorporated into the schedule, and create a forest harvesting so that something could occur every year or two.

A discussion is held regarding revenues. Mr. Roy states that deed research needs to be done to determine what revenues are designated from what lot and where the revenues go. Mr. Moreno states that the revenues would be minimal; however, the revenue should be enough to manage the lands and may provide some extra. Over time it will get better as the trees get better. There may, in time, be enough money for conservation projects such as easements and that is a good goal to have over time. He adds that after maintenance and growth there is also education value, and wildlife corridors and values too.

Ms. O'Neil states that there were other lots available on a list that was provided to her by Linda Smith. Mr. Roy requests that Ms. Smith attend the April NCC meeting to discuss a schedule for cutting, determine if there is an account to hold revenues, which town lots can be harvested and if any money can be conservation revenues.

Mr. Kern, Bear Paw Regional Greenways, Map 220/Lot 10.:

Mr. Kern is present regarding a donation of a portion of a 20 acre parcel in Strafford and Northwood. He states that this project is in the beginning stages and would just like to inform the commission. He explains that the land is in the northeast corner of a 1,000 acre block behind Allen Farm Rd. Mr. Kern explains that this land would be a donation of a conservation easement. The property has not been surveyed; however, 14.7 acres is a well managed tree farm with 2 small wetlands. He states that the proposal would be for the Towns of Northwood and Strafford, along with Bear Paws to share in the costs of the transactions, approximately totaling \$10,000., total. Mr. Kern states that the primary easement holder would be Bear Paw. Mr. Roy feels that this would be great. Mr. Kern replies that he will proceed to make a formal proposal.

9:26 p.m. Loren O'Neil and Pauline Lemelin left the meeting.

Non-Public Session:

9:27 p.m. Jim Ryan makes a motion, second by Steve Roy, to enter into a non- public session per RSA 91-A:3,II(d) relative to land acquisitions.

Roll Call Vote:

Steve Hampl &ndash; yes

Jim Ryan &ndash; yes

Steve Roy &ndash; yes

Motion passes unanimously; 3/0.

10:10 p.m. Jim Ryan makes a motion, second by Steve Roy, to come out of non- public session and to seal the minutes.

Roll Call Vote:

Steve Hampl &ndash; yes

Jim Ryan &ndash; yes

Steve Roy &ndash; yes

Motion passes unanimously; 3/0.

Reports:

Natural Community Resources Committee Report:

Historical Preservation Project:

Wini Young explains that the planning board has requested that the NCRC begin a historical preservation project and the NCRC will be going forward with a Northwood history night, scheduled for March 22. She adds that the NCRC will have a table at town meeting for historical preservation and she will have Bear Paw maps at town meeting too.

NCRC minutes are provided.

OTHER BUSINESS:

Code Enforcement Correspondence:

Alukonis, 148 Tasker Shore Dr. Map 111; Lot 24.

The site walk that was scheduled for Saturday, February 18, 2006 at 9:00 a.m. did not take place and a drive by has been scheduled for Saturday, March 11, 2006 at 9:00 a.m.

Correspondence:

Land Resource Management Workshop~2006:

Mr. Hampl states that the workshop for March 22 was completely full but would look forward to attending next year.

Focus: Tamworth, Local Control of Wetlands:

A fax has been received from Focus: Tamworth regarding support for an appeal to the NH Supreme Court relative to local control of wetlands. This is for towns abilities to enact wetland ordinances that are more stringent than state or federal regulations. The NH Association of Conservation Commissions (NHACC) has filed a Friend of the Court brief to support the ruling.

Attached was a sample letter of support that must be sent to the NHACC by March 29. After discussion, Steve Roy makes a motion for the NCC to send a letter of support to the NHACC and copy to the selectmen. Jim Ryan seconds. Motion passes unanimously; 3/0. Randy Hitchcock, Bow Lake Road. Map 210; Lot 33.

A letter has been received from R.S.L. Layout and Design regarding the docks, beach, and accessory building plans. The plan and additional information requested is reviewed.

ADJOURNMENT:

Mr. Ryan makes a motion, second by Mr. Hampl, to adjourn at 10:23 p.m. Motion passes unanimously; 2/0.

Respectfully submitted,

Lisa Fellows-Weaver

Board Secretary

Town of Northwood

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