

Meredith Conservation Commission

Meredith, NH 03253

Minutes of the Meredith Conservation Commission Meeting.....December 2, 2004

Meeting:

Meeting called to order by Vice-Chairman John Sherman at 6:30 PM.

Members Attending:

Barbara Smyth, John Sherman, Peter Miller, Robert LeCount, Ralph Pisapia, Jacquie Colburn. Alternate members:

Donald MacFarlane, Paul DeFrari, Paula Wanzer, Pauli Novicki.

At 6:30 PM at the suggestion of the Vice-Chairman and a motion made by Smyth and seconded by Pisapia and voted affirmatively (all members polled) the Commission went into executive session to discuss personnel matters. Attending were Frank Michel, Robert Flanders Peter Miller and Town Manager Carol Granfield.

At 7:04 PM by motion of Pisapia, seconded by LeCount and voted affirmatively (all members polled) the Commission came out of executive session.

Minutes:

By motion of Sherman, seconded by Pisapia and voted affirmatively the minutes of the November 18 meeting were approved with the following change:

Under Business, second paragraph change line starting with "There is a carry over: To read "There is a carry over of \$14,206.60 from the 2004 budget representing unused fund balances. It is now anticipated that the funds carried over from the Natural Resource Inventory will be used to complete this project in 2005".

Business: (not listed in order of occurrence)

By motion of Pisapia, seconded by LeCount and voted affirmatively the following invoices were approved for payment:

New Hampshire Association of Conservation Commissions	\$102.00	For handbooks
Belknap County Conservation District	50.00	donation*
Loon Preservation Committee	50.00	"

* These are included in the 2005 budget and should be so charged

By motion of LeCount, seconded by Smyth and voted affirmatively John Sherman was elected Chairman to fill the unexpired term of Mercer. Ralph Pisapia was elected to the position of Vice Chairman to fill the unexpired term of John Sherman. Ralph Pisapia will also retain the position of Treasurer.

By motion of LeCount, seconded by Colburn and voted affirmatively the By-laws changes as shown in the minutes of the October 21 meeting were approved. These changes were made to show the new position of Treasurer. Smyth will prepare a new set of By-laws for distribution to all members.

Peter Miller reported that the grant application prepared by the Commission to the federal Scenic ByWay Program has been approved. The grant is for the portion of Route 3 along the frontage of Longridge Farm. The Town will receive \$84,950.00 further reducing the cost of the Longridge Farm Easement.

John Sherman presented a write up for the Annual Town Report. This was reviewed and minor suggestions were made.

Committee Reports:

Dredge and Fill Committee

The following Dredge and Fill Applications have been reviewed since the last report:

Michelee Ricciuti (38 Main LLC) Mass. Avenue Ext. Tax Map U-3, Lot# 23-1	<u>Recommended Approval</u> Widen and improve existing road
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Paul and Christina Fortier
Roxburt Road
Tax Map R-25, Lot# 3A

Recommended Approval
Driveway across wetlands

WRD (dba Y-Landing Marine)
108 Powers Road
Tax Map U-36, Lot# 7

Recommended Approval
Repair docking Facilities

Timothy M. Page
45 Quimby Road
Tax Map R-25, Lot# 14

Recommended Approval
Utilities across wetlands

Open Space Committee

Discussion during this time was largely concerned with the acceptance or rejection of the proposed Sweetwater grant of \$60,000.00 for "Forever Wild" easement on the Hamlin and former Eames properties. It should be noted that the following members of the public were in attendance and participated in the discussions. Marjorie Thorpe, David Thorp, James M. DeMott, Bob Dietz, Carol Granfield, Town Manager and Selectmen Robert Flanders and Frank Michel.

Peter Miller at the request of the Commission had prepared a packet of information concerning the implications of the Sweetwater Trust on the former Eames and Hamlin properties. The packet contained the following:

- FAQs Hamlin/Eames Easements
- Protective Language - Land and Water Conservation Fund Act
- Hamlin Covenants and Restrictions
- Tim Bates Memo - Current Version of Easement (November 15, 2004)
- Tim Bates Memo - Older Version of Easement (August 24, 2004)
- Rick Van de Poll Memo - Biodiversity in Old Growth Forests

This packet of information was made available to all in attendance. Vice-Chairman John Sherman opened the floor to discussion. The following questions were first asked of Peter Miller:

- Q. What is the relationship of the Sweetwater Trust to Northeast Wilderness Trust?
A. Sweet Water Trust will provide the funds once an acceptable easement has been placed on the properties. The Sweet Water Trust will not administer the easement. The Trust did, however, provide Miller with a list of acceptable easement administrators. Miller contacted them and determined that Northeast Wilderness Trust was the one willing to accept this responsibility.
- Q. How large an organization is the Northeast Wilderness Trust and how long have they been in existence?
A. The size of the organization is not fully known. It is known that they have an executive director and a Board of Directors. Rick Van de Poll is a board member, possibly Chairman.
- Q. How many easements does Northeast presently administer, their sizes and location?
A. Unknown. Information will be provided.
- Q. Has an easement document been prepared?
A. Not at this time. It was brought out in later discussion that Northeast web site has an example of their easement document.
- Q. Will there be a backup administrator?
A. Unknown at this time.

Discussion turned to the restrictions which would be placed on timber management and camping if the Northeast easement is accepted, covering both Eames and Hamlin. It was noted that Tim Bates, Town Attorney, in his memo of November 15, 2004 clearly states "the new restrictions to be placed on camping activities and timber management contradict the rights granted to the public and the town under paragraph 4 of Robert Hamlin's Declarations of Covenants and Restrictions dated November 28, 1979. After lengthy discussion among Commission members and comments from several Selectmen it was apparent that some type of written legal release, allowing the new restrictions, be requested from Dr. Hamlin and LWCF.

Commission members expressed concern that the new restrictions on timber management were too restrictive and did not take into consideration the need to repair damage from ice and wind. Final wording on this area will be negotiated.

Discussion brought out that the Town Attorney in his letter to the Town Manager dated August 24, 2004 indicated that in his opinion "a new conservation easement deed can be granted on this town property only with the authority of a specific vote of the town meeting" All Commission members and selectmen appeared to agree that this proposal should go before a town meeting. This raised the question of timing. Can all of the releases

and document wording and other legal requirements be prepared in time for this March's town meeting. Frank Michel pointed out that we now own these two properties so acquisition is not a factor. We cannot afford to do it wrong. If of necessity we cannot make the 2005 town meeting then we should wait until 2006 to present a warrant article for town approval. Robert Flanders stated that until he had seen the final draft of the easement document and had studied all of its implications and was certain that it was to the betterment of the town he would not vote to place a warrant article before a town meeting. Commission members agreed that this proposal must be done right and if it cannot be completed in time for the 2005 town meeting we should wait until 2006. It was questioned whether the Sweetwater Trust would remain active if the project was delayed until 2006. It appeared that to do it right was most important. The potential delay will be discussed with Sweetwater.

Comments were heard from Majorie Thorp, David Thorp and Bob Dietz.

January 6, 2005 is the next scheduled meeting of the Commission. Representatives from the Northeast Trust will be asked to attend to answer any questions concerning the easement. Public input will be welcome.

At 9:25 PM by motion of Pisapia, seconded by Smyth and voted affirmatively (all members polled) the Commission went into executive session to discuss personnel.

At 9:42 PM the Commission came out of executive session.

After coming out of executive session Vice-Chairman Sherman announced that Donald MacFarlane will be recommended to the Selectmen for appointment as a full board member.

Meeting adjourned at 9:48 PM.

Next meeting scheduled January 6, 2005

Respectfully submitted,

Robert A. LeCount