



## *Town of Weare Conservation Commission*

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### **Conservation Commission**

Andy Fulton, Chairman  
Stephen Najjar, Vice Chair.  
George Malette  
Michael Dahlberg, Sec.  
Wendy Stevens, Alt.

### **DRAFT MINUTES 6-08-11**

Members Present: Andy Fulton, Steve Najjar, Mike Dahlberg, Wendy Stevens

Guests: Paula Bellemore, PLC , Ian McSweeney, Russell, Open Space Committee  
Henry Tiffany, Debbie Brown

**Open Meeting: 7:13 p.m.**

### **Appointment of Alternate**

Andy appointed Wendy to full member in place of the absent George Malette.

### **PLC-Oliphant/Chevy Hill Conservation Easement**

Paula Bellemore appeared before the WCC to continue the discussion about the Oliphant/Chevy Hill Conservation Easement, specifically the Easement Language and Project Financing.

Steve Najjar has researched the Warrant Article Language authorizing the purchase of the Oliphant property and the Warrant Article enabling the granting of a Conservation Easement by the WCC. Steve read the Warrant Article authorizing the WCC to grant a Conservation Easement.

Wendy Stevens inquired about the Agricultural Provision being removed from the C.E. It was asked of the PLC to remove the agricultural language because the original warrant article stated that the purchase of the Oliphant property was to make it a part of the "Town Forest" and it was felt that the agricultural provision was in conflict with the intent of the warrant article.

Paula suggested that an examination of the soils maps may assist the WCC in their decision making about the agricultural provision.

Ian McSweeney of the Open Space Committee (OSC), spoke about the agricultural provision and possible future agricultural uses.

Steve reiterated his opinion that the agricultural provision should not be included because the original warrant article was for the land to be placed into the "Town Forest".

Henry Tiffany spoke of his families presence on the land in the area for the last 230 years and past uses (part of the Henry Osborne Homestead) of the Oliphant property. Henry stated that his intention when he donated funds to the PLC for the purchase of the Oliphant property was to preserve the historical uses of the property. He also stated that when the original site walk and discussions occurred he did not consider the inclusion of an agricultural provision in the Conservation Easement document.

Andy then spoke to the audience about the approval process for a Conservation Easement.

Ian spoke the definition of "Town Forest" contained within NH-RSA's, but did not have a copy

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available at the meeting. Mike Dahlberg suggested that if the agricultural provision were to be added back into the C.E. that certain sections of the document would need to be revised.

Andy then spoke of potential future uses of the property in an effort to explain the current WCC's mindset in protecting the land and that future generations may not share the same priorities say 100, 200 or 500 years in the future.

Henry Tiffany then spoke of not thinking that the definition of agriculture would exclude pasture or grazing land.

Ian spoke of his interpretation of the intent of the warrant article that enabled the WCC to grant a CE on the Oliphant property. Ian stated that in his opinion the WCC would have to use a "normal template" Conservation Easement. in place at the time of the town vote and that a normal template would include an agricultural provision.

Mike spoke of his understanding of the warrant articles. Mike stated that in his opinion he feels that average voter understands the meaning of granting a conservation easement to mean that the land would remain as protected open space. Mike also stated that in his opinion the laymen would not envision a fifteen page document such as the one currently being presented.

Andy then spoke of "Agricultural Conversion" versus "Forest Uses" and gave examples of open space subdivisions previously approved in the town of Weare that did not address agricultural uses. All agreed that the Agricultural Provision is an evolving issue and that not much attention had been paid in the past but would in all likelihood much more attention would occur in the future.

Paula then spoke of moving the project forward and the C.E. language could be tailored to fit the agreement between the PLC and WCC and to not let the agricultural provision language delay the project unnecessarily.

Henry Tiffany spoke of his pleasure of the fact that the land is currently under protection as a Town Forest property and that he is glad that a C.E. would be placed upon the property and thanked all the parties involved for their efforts. Andy thanked Henry for his efforts and speaking before the WCC.

Andy then began the discussion of financing, past payments made. Steve and Paula had a discussion on their recollection of past payments. Andy shared with Paula our records of payments made and to whom they were made. Paula stated that she would have to do more research of their records to confirm what Andy shared.

Paula stated that the estimated cost of the Oliphant/Chevy Hill C.E. is approximately \$15,000 to \$17,000.

Steve put forward his personal opinion as a taxpayer that he does not support the expenditure of town funds towards the CE since the Town of Weare already has nearly \$300,000 invested in the property.

Andy suggested a 50% split of the stewardship fees with the PLC, not as a motion but as a suggestion only. There was no further discussion on Andy's suggestion.

Ian suggested adding other properties to the C.E. in order to accomplish cost savings by bundling projects. Andy asked Ian if the OSC had specific properties in mind. Ian then stated that the OSC had met in the past to discuss prioritizing certain parcels for potential C.E.'s but that no official recommendation from the OSC has been made. Steve inquired if bundling properties together could compromise future leveraging of properties in grant applications.

Paula stated that when the PLC considers bundling properties in C.E.'s that the PLC takes into consideration items such as connectivity, wildlife corridors and ultimately the protection and preservation of the Piscataquog River Watershed. Paula stated that the PLC does not bundle C.E.'s very often.

Ian suggested encumbering future funds from logging operations on the Oliphant property in order to finance the PLC's stewardship fee. It was pointed out that the proceeds from a logging operation on a "Town Forest" property have to be placed in the "Town Forest" account and that such payments may very well not be allowed under the statute.

Discussion was had about the survey (marking and blazing) costs of the property. Andy will e-mail Jeremy Turner, Forester from Meadowsend Timberlands for an estimate on marking and blazing the Oliphant Property and the Chevy Hill Property.

Wendy stated that she would support a 50% split with the PLC.

Andy Summarized that there were strong opinions on both sides in regards to the agricultural provision and financing.

Paula suggested that maybe the Mildred Hall Trust could be approached for funds in order to fill the potential gap in funding the project. Some discussion occurred about third party funding options.

Ian stated that the Mildred Hall Trust has stated that their priority is funding projects with a strong agricultural component.

Steve put forth as a potential motion that the WCC pay the survey costs and contribute an additional \$7,500 towards the project.

Paula spoke to Steve's potential motion and stated that she would explore that with the PLC Board of Directors. She also stated that she would explore other third party funding options. She then spoke of moving the project forward. She will speak with the PLC's legal counsel about the wording of the agricultural provision. Paula asked to be placed on the agenda for the July 2011 WCC meeting.

#### **PLC-Eastman Conservation Area-Encroachment Issue.**

Paula inquired about the WCC's investigation of the encroachment issue brought to the attention of the WCC from the contracted forester as well as Robert B. Todd, Land Surveyor.

Mike stated that he had obtained the Owners name and address and suggested the WCC write a letter to the owner and apprise him of the situation and ask him to address the matter to the WCC's satisfaction.

#### **Mountain Road Issues**

Wendy Stevens presented via an earlier e-mail to WCC members documentation of potential illicit activity on town owned property in the Mountain Road area.. Discussion was had about the WCC's role in enforcement of violations. It appears after review of the Tax Maps and the GIS Data Base that some of the violations appear to have occurred on private property. Wendy spoke of dialoging with the Weare Police Department about handling violations on Town Property. Andy inquired about what exactly would we be dialoging about. Steve spoke of violations that occur on public property versus private property. Andy suggested a site walk in order to determine the location and magnitude of the potential violations.

Ms. Debbie Brown then appeared in the meeting room and joined the discussion. Ms. Brown stated that in her opinion on the WCC was overstepping their authority in regards to Public/Private land owner issues and that she thought that the WCC was acting in an outrageous manner. Ms Brown continued to engage the WCC for several minutes more before leaving. Andy thanked Ms. Brown for her time and effort. Mike stated that her opinions and comment would be duly noted in the record.

A site walk is scheduled for Wednesday June 22<sup>nd</sup> at 5:15 p.m. The WCC members attending will meet at the trailhead to Ferrin Pond.

### **Black Fly Treatment**

Andy received an e-mail inquire from a resident about the potential treatment of surface waters with ??? to control the Black Fly Population in town. Minor discussion was had and no one offered any opinions on the matter.

### **Open Space Committee (OSC)**

Ian McSweeney of the OSC appeared before the WCC to discuss the current status of the OSC and the need for additional members. The OSC currently has three members and find it difficult to conduct regular meetings due to scheduling conflicts, etc. Ian stated that the PLC is willing to place an ad in its newsletter asking for volunteers.

Andy said he could possibly make a 4<sup>th</sup> Wednesday of the month meeting. Ian inquired if other members of the WCC would like to volunteer, no one else was able to volunteer.

### **Potential New Member**

Andy received an e-mail inquiry about a citizen becoming a member. Andy stated that he e-mailed a response with the next meeting date and encouraged the citizen to attend the next meeting to discuss a membership. The citizen did not show up to the meeting.

**Meeting Minutes of 5-11-11**

Steve Najjar made the motion to approve the minutes of 5-11-11. Mike Dahlberg seconded the motion. All voted in favor.

**Motion to Adjourn**

Steve Najjar made the motion to adjourn at 10:12 p.m. Mike Dahlberg seconded the motion. All voted in favor.