

Conservation Commission

Wednesday, September 2, 2009
Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman Ken Knowlton, Scott Rolfe, Denise Naiva,
Keith Bennett, David Morse
Members Absent: Ward Peterson(u), Ginger Wells-Kay(e)
Alternates Present: Carol Fairfield
Alternates Absent: Magnus McLetchie(u), M. Lewandoski(u)
Staff: Rick Ball, Denise Rollins

The chairman opened the meeting at 7:00 p.m. He appointed C. Fairfield as a voting member for tonight's meeting.

BOARD'S ACTION-MINUTES:

D. Naiva recommended that the last paragraph on page 2 of the minutes be changed. It should be clarified that the \$7500 donation requested and a legal fee of \$750 is required by the Five Rivers Conservation Trust to do the conservation easement.

On Page 3 in the last line of the last paragraph it says that it's a gateway into Belmont. This statement should refer to the Tioga River property and not the Sanborn Farm property which was the property the members were discussing.

MOTION: On a motion by C. Fairfield, seconded D. Naiva, the members voted to approve the amended minutes of the July 1, 2009 meeting as written. (6-0)

TIOGA RIVER WILDLIFE & CONSERVATION AREA CONSERVATION EASEMENT:

Sarah Pillsbury and Ken Stern of the 5 Rivers Conservation Trust were present to answer any questions that the members had about the Conservation Easement Deed. Ms. Pillsbury told them that she is Vice Chairman and Mr. Stern has been a long time member and knows a lot about conservation easements. She said she met with some of the Conservation Commission members last fall and viewed the property. It took a little time to get back to them since they don't have any properties in Belmont and she had to talk to the board about going out of their existing areas. The board voted to go ahead and start the process of taking over the stewardship responsibilities. They have a lawyer who will view the deed.

S. Rolfe said the members had questioned timber management practices and if they should put timber management in it or not. He wanted to make sure we can do wildlife management in the future. R. Ball said that the new copy has that language in it and does address it. Mr. Stern said that other towns who own land allow forestry management. C. Fairfield asked where the proceeds go if the timber is sold. Ms. Pillsbury said they go to the town since they own the land. Mr. Stern said that in some towns the proceeds from the timber management are dedicated to their Conservation Commissions.

C. Fairfield questioned the word "necessary" on page 4, Section C-i. She asked if a fence or

kiosk are necessary. She suggested using the word useful instead. K. Knowlton asked if they could put in a fence or kiosk. Ms. Pillsbury said yes. D. Naiva asked if the members decided to put up a kiosk do they have to go to them. Mr. Stern said no. This reserves their rights for constructing one.

Mr. Stern told the members that it is the town's land and they can do with it as they wish. The only time permission is needed is if it specifically states that permission is needed. It does state that the Commission has to notify them 30 days prior to doing a timber harvest.

C. Fairfield asked if they should include wind towers in the group of what can't be constructed. R. Ball said it states no commercial use. Ms. Pillsbury said that things can be allowed if both parties agree. Mr. Stern said that as is it is written now there are no towers allowed, no commercial uses allowed. Ms. Pillsbury said the purpose of the easement is to assure that the property will be retained forever in it's predominately undeveloped, forested and open space condition.

C. Fairfield asked if the members approved that no sign shall exceed 32 square feet in size. They did. She would also like to see "research" added on Section 3-C to read that the Grantor reserves the right to conduct educational and research activities.

D. Morse asked if a new town cemetery would be prohibited. Ms. Pillsbury said yes since it would require roads, fertilizers, increased traffic and a parking area. D. Morse asked if it is a difficult process to amend it. Mr. Stern said that most amendments add to the easement like a driveway or a roadway needs to be relocated. It is an offsetting effect, a net positive gain. It can't result in a financial benefit. All are reviewed by the Attorney General's office. The intent is respected and can't diminish the conservation purposes. It has to be a legitimate purpose.

Mr. Stern explained to the members the process of resolving a dispute if that happens. He said it first starts with an informal dialogue where they try to reach an agreement. Then it goes to remediation where they agree on a single impartial mediator who shall be an attorney or an experienced land use or land conservation professional. If the dispute is not resolved it goes to arbitration where someone makes a final decision. The exception to this is if something is causing imminent danger.

The members discussed how the easement deed will be presented to the Board of Selectmen. R. Ball said they could put it on their agenda and have the Conservation Commission members attend and do a presentation. Mr. Stern said that it is important for the Selectmen to be informed. He suggested that he could send the Selectmen information explaining what a conservation easement is. The members agreed that it should be brief about one page. D. Morse said he would like to have a public hearing on it even though it is not necessary to have one. He would like to have the public be able to give their comments. R. Ball said he would have the town lawyer look it over also.

EAGLE SCOUT PROJECT:

Alvin Nix gave the members the three proposals for his eagle scout project. He had to develop three although he is only going to do one of them. He is going to do the bird houses and duck boxes project which has been approved by his troop.

DOG PARK:

Lisa Clutters was present to discuss her plan for a dog park in Belmont. At the August 17th Board of Selectmen's meeting the Selectmen suggested that she come to the Commission to see if they might know of a piece of land that would be suitable for a dog park. She did a presentation for the Selectmen and told the members she could e-mail it to any of them if they were interested. She's looking for a flat 2 acre parcel. It would be an off leash dog park where they would fence in an

area where the dogs could be taken off their leash so they could run and play. She feels that it would be an amenity for the residents. They would fence off a large portion of the two acres and leave some for parking, facilities and a dumpster. The group called Happy Tails Dog Park will be financially responsible for it. They are only asking from the town to use a piece of land. They have a lawyer working for them pro bono. The owners will be liable not the municipality and they would carry liability insurance. People who want to use it will have to sign forms that state that their dog has not shown signs of aggression, are current on their vaccinations and are licensed by the town.

K. Knowlton explained to her that the Conservation Commission buys pieces of property to leave in their natural state. They buy properties that are of significant importance to wildlife, flora and fauna. They will have to look at what their mission is and make sure if they were to allow this it is conducive to what they are allowed to do. They don't want to lose sight of their purpose.

Ms. Clutters thanked them for their time. Chairman Knowlton said the members would discuss it and let her know of their decision.

Members continued their discussion. S. Rolfe said that it sounded like a very developed area with parking and porta potties and questioned what would happen if the group ended.

D. Naiva said that their mission statement is to conserve properties in their current state and to preserve wildlife.

MOTION: On a motion by C. Fairfield, seconded by D. Naiva, the members voted not to look further into finding a piece of property for a dog park. (6-0)

The members will send Lisa Clutters a letter explaining what their mission is and it is not in their mission statement to have that type of activity on their properties.

TOWN FOREST TRAIL DAY:

S. Rolfe told the members that he and K. Knowlton met with Tim Hayes who owns the neighboring property to the Town Forest. He is willing to help and offered the use of his equipment. They will brush out the trail on Saturday. The date to do the work is still set for September 26th. R. Ball said he is working with Jim Fortin to get material delivered. They will put it in the field. He is also getting an estimate from the Huot Technical Center for the bridge across the beaver dam. He will also ask for an estimate on the fish platform.

ANDREW SANBORN FARM:

K. Knowlton asked if they should get the field cut this year or wait. K. Bennett has volunteered to do the cutting. He said that it hasn't been cut in 2 years so he suggested they cut the entire field this year then start the cycle of cutting it every 2 years. The members agreed and they also want him to leave a 30 foot buffer on all sides.

STAFF REPORT:

TAX LOT 211-091-018:

R. Ball said that Peter Dutile of Leavitt Road and Federal Street notified him that the owners of tax lot 211-091-018 had made a motor vehicle track on the property that abuts theirs. The abutting property is part of the open space subdivision at Boulder Drive and Stonington Drive and was created to be conservation land and prohibits the use of motorized, wheeled vehicles. Steve Dalton sent Mr. & Mrs. Cacciatore a letter stating this. Mr. Dalton and R. Ball met with them and they said they would comply.

PASSIVE VS. ACTIVE RECREATION:

R. Ball gave the members a list of the standard definitions of passive and active recreation. He told them to read and edit them.

TRI-TOWN AQUIFER:

R. Ball said that the tri-town aquifer group met for the last time. The Planning Board is looking at adding the municipal well areas, the areas that are outside of the aquifer district. Northfield has an ordinance and Tilton is looking at placing a comprehensive aquifer ordinance on their ballot next year.

ADJOURNMENT:

MOTION: On a motion by D. Naiva, seconded by S. Rolfe, it was voted unanimously to adjourn at 9:50 p.m. (6-0)

Respectfully submitted,

Denise Rollins

