

MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
October 10, 2007

A meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Present were: Paul Pinkham, David Weathers, Rob Adair, Dan Lucy, and Alternates, Linda Kearney and Connie Briggs.

The Chair appointed Linda Kearney and Connie Briggs full voting members.

Approval of Minutes: It was agreed review/approval of Minutes for 9/12/07 would be postponed until the next meeting.

Kennett Property Discussion: David Houghton of Innovative National Resources Solutions, LLC, joined the meeting in his capacity as consultant working for the Conservation Fund (a 501c(3) non profit organization). He explained he has been in discussion with the Kennett Corporation regarding 302 acres of land in Albany and Conway, and provided a map showing the land in question and its proximity to the Saco Ranger District office.

The Kennett Corporation wishes to sell this parcel of which approximately 150 acres lies in Conway. There have been discussions with the US Forest Service who is interested in buying it. Mr. Houghton has met with the Conway Board of Selectmen who expressed some concerns - their interest is to see it as open space and not to be sold and developed, and Mr. Houghton is seeking counsel and advice of the Conservation Commission as to how to move forward. The property is currently under contract, but no money is at risk as yet.

Mr. Houghton stated the Selectmen's concerns were about protecting the view from Rt. 16. There is also concern about the ski jump which is located in Albany and is used by Kennett High School. He stated his company could probably donate the ski jump to the high school and there are ways of making sure of preserving the view for all time, which could be in the deed.

Mr. Pinkham asked if it would be sold to the USFS and not a conservation easement? Mr. Houghton stated our goal is keeping it conserved, the worry is how to find the dollars to buy it to conserve it. He stated there are a lot of money sources for land conservation in NH. Mr. Pinkham questioned how the Conservation Fund normally acquires their funding for purchases. Mr. Houghton stated we are working before some government organization, we buy and then sell to Fish & Game, park service, town, etc. Conservation Fund has about \$100 million in a revolving fund and about \$200 million credit. He said if we cannot find a funding strategy for the Kennett Corporation piece we would not buy it.

Mr. Houghton stated the USFS is interested, but there are concerns expressed by the Selectmen and it is the Forest Service's policy to work with towns, not against

them. Mr. Pinkham asked if there were no issues with the Selectmen then the Conservation people would buy it and acquire it when the feds could get the dollars? The answer was yes.

Mr. Weathers said the statement was made that the USFS is looking for a letter of encouragement from the CCC before they would proceed. He said it was felt this should be reviewed by CCC and given as guidance to the Board. Mr. Weathers noted the issue is open space, also Selectman Dickinson is asking to see the purchase and sales agreement. He said he does not have a problem with the way the Forest Service manages their wood lots, there would be no buildings going up there; his concern is open space from Rt. 16 to the river and whether that will be maintained long range.

Mr. Houghton said there would be two purchase and sales agreements: one from Kennett to the Conservation Fund, one from the Conservation Fund to the Forest Service, which do not exist at this point; however, he would share both with the CCC. He noted that the Forest Service attorneys work for USDA and want “squeaky clean” title. Mr. Houghton explained the Conservation Fund owns it free and clear and sells it to the Forest Service free and clear which means putting in deed encumbrances; however, he feels they can get the management side of the Forest Service to write the town a letter stating what they will do with the property. He acknowledged it is stronger if it is in the deed, but a letter from the Forest Supervisor assuring the community that their concerns would be addressed would help. The Conservation Fund would endow the USFS, for instance, with \$5,000 that could go to the management of the field as a gift and, as part of their acceptance, it would mean the field would be kept mowed, etc. He said the other way would be to cut the field out of the deal and do the field portion through an LCHIP grant. He does not feel the value of the conservation easement will be much.

He stated with the ski jump, the USFS will not buy that - it is a title encumbrance and also a liability. He suggested the Conservation Fund could cut it out and donate it to the high school before selling the remainder to the Forest Service. Mr. Weathers said as far as breaking the field out and then turning it back over to the town, he would recommend that the town not do that because of the erosion problems on the other end of the field. The cost would be \$300 to \$400 per foot to stabilize the stream bed. Mr. Adair pointed out rivers meander. Mr. Weathers made reference to the Conway Scenic Railroad and what it is costing to rectify that situation, noting in this case the town would own it. Mr. Briggs asked why not just let the river go where it will? Mr. Weathers stated there is too much activity and concern about the railroad to just think it is going to go away. Mr. Lucy pointed out that just the mowing of the view is an expense to the town.

Mr. Weathers said he feels comfortable, even if it was through a letter that it would be a long range goal to maintain the view, that it would appease several of the Selectmen. Mr. Houghton stated it is very clear in the Forest Service plan that

maintaining open habitat is a priority for the forest. He suggests a letter from the Superintendent, copied to the delegation. He noted also the USFS can “weasel out” of it by saying we do not have the funds, so we could come up with an endowment in an interest bearing account and then there would be no excuses for not maintaining it. Mr. Weathers said he does not want to see any of our taxpayer dollars go into that stream.

Upon question by Mr. Adair regarding the price tag, Mr. Houghton said it is 302 acres, split nearly evenly between Albany and Conway. The price has not been determined. It will be at fair market value as determined and approved by USDA. He estimated somewhere between \$500,000 and \$1 million. Mr. Houghton stated a lot of it is wet and a lot is steep, there are some house sites in there. Mr. Johnson questioned how the Kennett Corporation track abuts the Forest Service. Mr. Houghton said the forest cannot acquire unless they adjust their purchase boundary. (He explained purchase boundary.) It was noted that it also involves some individual landowners and if they ever wanted to sell and Albany said it was O.K., that could happen.

Mr. Pinkham questioned if this agreement is not successful and Kennett continues to own that property what is the best guess of the disposition long term? It was noted that not much of the land is buildable, if some is developable then some of the property along the road would get built. Mr. Houghton agreed there is some development that would go on and it is likely that those would go into houses and likely with “no trespassing” signs. He said they may not be able to build if a field, but that does not mean they will keep it as a field. He stated the Forest Service has money and would keep it open.

Mr. Pinkham questioned letting the Forest Service get that field with the ability to get the maintenance funded. Mr. Houghton said they would like to work with the Conservation Commission and address the Selectmen’s concerns. Mr. Pinkham said we could construct a document that could be agreeable in principle to the acquisition of the land by the Forest Service at the same time assuring that the high school has access to their ski jump. The agreement could note that the objective is maintaining the scenic vista field – the Forest Service buys it and maintains it, or it is kept separate - we do not need to be specific in our endorsement of the objectives of the activity.

Motion was made by Mr. Briggs, seconded by Ms. Kearney, that the Conservation Commission send a letter to the Selectmen saying we think this is a feasible project to proceed with.

Mr. Houghton said CCC support to a Forest Service strategy as one buyer works perfectly well for him. He said the issue with the ski jump sounds like he should go and ask the school if they want it, if they do not, it would be torn down. He said he could then give the Selectmen two options on how they would like to see the field. Mr. Weathers said the letter should state that the long range goal would

be to maintain the viewscape, wildlife habitat, and possible recreation. Mr. Pinkham questioned if the school department were not interested, but a local “angel” wanted to see that the ski jumping capability existed, would that be a possibility? Mr. Houghton stated he cannot give it to an individual, it could be sold however. He could give it to the school.

Motion was made by Mr. Briggs, seconded by Ms. Kearney that, at Mr. Lucy’s suggestion, the motion be amended to specify in the letter those items we are concerned about: long range management to maintain the viewscape, wildlife habitat, and possible recreation.

The motion carried as amended with 5 votes in the affirmative and Mr. Weathers abstaining.

Mr. Pinkham requested he be able to review the language prior to writing the letter, and agreed the letter would be submitted within two weeks.

Mr. Lucy made note that we also need to think about the fact that there are different ways to approach that field – it could become town land and, if so, would become CCC land and would be our expense. Mr. Pinkham stated the way we are addressing it for the moment would be that the Forest Service would acquire it. Mr. Lucy said he is skeptical about an endowment covering it because we are talking about many, many years ahead.

Reports:

Mr. Pinkham provided copies of the proposed 2008 budget with a bottom line of \$19,415 versus last year’s \$17,804, the significant difference being in the Forest & Wetlands Management detail. Other than repeat items is the inclusion of the recommendations of Don Johnson for work that he feels needs to be done, and the property line survey work for Whitaker that has been put off at least 3 to 4 years has been re-entered. Also included is \$3,000 for TNC work that they do for us as well as production of maps we use.

Mr. Johnson made reference to the Forest Management Plan for Whitaker Woods and Whitaker Homesite, noting it is an opportunity to get up to date in the digital age. He proposes a new updated plan from the ground up - an inventory, all mapping, trail location, in a GIS fashion; a new map that would be easily produced.

Mr. Johnson prioritized the items he feels need to be done as follows:

- 1) Stabilize newly graded and constructed hiking/ski trails
- 2) Create Forest Management Plan
- 3) Consulting – Meetings, reports, presentations, reconnaissance and recommendation report on all lots.

- 4) Reconnaissance and Recommendation Report on all lots – specific points of interest being Whitaker Woods scarification results and follow-up; Puddin Pond scarification results /harvest results and follow-up; Hubbard Davis TSI results; Whitaker Homesite harvest and white pine release; Common lands (East Conway harvest results and Hurricane Mt. Compartments I & II TSI release wildlife openings and harvest results follow-up.
 - 5) Brush saw samplings in Shedd woods
 - 6) Mow landing on north side of power line at Whitaker Woods
 - 7) Mow landing off Bancroft Loop
 - 8) Mow landings on west slope of Hurricane Mt. Road
 - 9) Mow landing at Puddin Pond
 - 10) Fertilize trees planted in 2007 in Shedd Woods
- Mr. Weathers made note that he would like especially that item #10 get done.

Mr. Johnson said he will prepare a report after this is all done and give recommendation for the next 1 to 5 years.

Mr. Johnson said he looked at Common Lands two years ago and was really excited about the results there; also on Hurricane Mt. Rd. TSI release work done and wildlife openings. He said in the future it would serve us well to put machines in there and grind it down, keeping it open.

Mr. Pinkham noted there is a meeting on Oct. 12th to discuss the budget. Mr. Johnson said he is putting together what he needs to do to complete the work that needs to be finished this fall (about \$8,000 that we have not been billed). He expects to go up by Quarry, flatten out part of Wellinghurst Trail, will ease the corner, going around and tying into upper Armstrong Alley, and do some grading, etc. He expects to be in there in a couple of weeks. He will have to come in off Oak Street with the stone with a small dump truck.

Tree Farm Meeting – Mr. Johnson reported 175 people turned out for this, a good show. The town got good exposure. The Tree Farm Chairman gave us good recognition.

Selectmen's Report: Mr. Weathers stated the main concern of the Selectmen was tonight's presentation by David Houghton (see Pg. 1).

Mr. Weathers reported he has been contacted by Jason Butters who would like a letter from the CCC/Town to approve his putting up a portable tree stand (would require no nails) for hunting on East Conway Road. Mr. Johnson had some question about that law, noting he called Fish & Game who stated as long as the property is not posted it is not necessary to obtain permission from the town.
Motion was made by Mr. Briggs, seconded by Ms. Kearney and carried by unanimous vote, to provide the requested letter.

Signs: Ms. Kearney reported that the signs have been ordered. She has spoken with Cort Hansen and needs him to define directional signs. Mr. Pinkham suggested just having arrows made. They will be 1-1/4" green letters on white signs and will come with holes ready for installation. Cost will be \$4 per sign for a total of \$376.

Pudding Pond Bog Bridges: Mr. Adair reported that on National Public Lands Day, September 29th, a dozen members of the New England Mountain Bike Association's White Mountain Chapter replaced 250 linear feet of bog bridges on the scenic Pudding Pond Trail. The Nature Conservancy's Wink Lees coordinated ordering and delivery of the tamarack planks and cedar round sleepers. Wink also assisted in ferrying the material to the worksites.

The project was funded by monies remaining from a Recreational Trails Program grant obtained by the Town of Conway and NEMBA in a joint project that replaced the Pudding Pond bridge in 2005.

Wetlands Applications: Mr. Weathers reported an application has been submitted for Dolloff Hill – Summit View property of Kennett Corp. They will not get final approval on Phase I until they have Phase II. Total impacted area is 6900 sf. He stated CCC can comment if we wish within 30 days from the date the Town Clerk receives the application. Mr. Weathers did not feel it would be necessary to comment.

Next Meeting Date: November 14, 2007.

Motion was made by Mr. Weathers, seconded by Ms. Kearney and carried, that the meeting be adjourned at 7:55 p.m.

Respectfully submitted,

Gail T. Currier, Recording Secretary