

**MINUTES OF MEETING
CONWAY CONSERVATION COMMISSION
August 8, 2012**

The August meeting of the Conway Conservation Commission convened at 6:30 p.m. at the Whitaker Homesite in North Conway, NH. Members present were: Paul Pinkham, Carol Lyman, Rob Adair, Dave Weathers, Linda Kearney, Karla Allen, and Larry Huemmler.

1. Approval of Minutes 6/13/12 Notation was made by Ms. Kearney that the word “coy” under REPORTS should read “copy,” and Mr. Huemmler noted the first line reads *January* meeting, which should be *June* meeting. **Motion by Ms. Kearney, second by Ms. Lyman, that the Minutes of the June 13th meeting be approved as edited. Motion carried with 6 votes in the affirmative and Mr. Huemmler abstaining as he had not been present.**

2. Public Comment: None.

3. Reports: Neither Don Johnson or Wink Lees were present to provide reports. Mr. Pinkham reported a Memorandum of Understanding between the town and The Nature Conservancy has been received which is the same as in the past in the amount of \$2,000. Mr. Adair questioned the Scope of Work which Mr. Pinkham read aloud as follows: Regularly maintain trails on the Green Hills Preserve and the Pudding Pond and Hurricane Mtn. Common Land Conservation Areas (excluding the Red Tail Trail); coordinate distribution and routine stocking of trail maps in two kiosks and at visitor information centers as required; maintain kiosk structures and public information provided at each.

Treasurer’s Report: There was no Treasurer’s Report – Ms. Lyman will provide one next month.

Selectmen’s Report: River Road Canoe Activity - Mr. Weathers stated the town thinks Hussey Field has been going well as regards the livery people with no problems known of either putting in or taking out. He said as regards concerns of canoes floating by the swimmers, they have not had any complaints. Mr. Pinkham reported a reliable source has told him that a young swimmer was run over by a kayak.

Mr. Weathers said the town will do experimental matting sometime in Sept. He said all appears to be working well, no traffic jams. Mr. Pinkham questioned why the PowWow attendees can park there, but the canoe people cannot, which he felt is not fair. Mr. Weathers stated it is because they have a special permit for the PowWow weekend.

Ms. Lyman questioned why the town feels obligated to let the canoe people load and unload there. Mr. Weathers said they came before the town looking for an alternative when the Precinct shut them off when there were problems with interfering with the beach - it is a 2-year experiment that is still not finalized. Ms. Lyman said she has had two complaints regarding why they are allowed to do it – one was that by unloading in that spot the canoeists have to carry their canoes down to the water; also negative impact on those using the beach. Mr. Weathers stated they had to carry the canoes previously; it is not having a negative

impact on the beach – the canoe people are not supposed to be on the beach at all. Ms. Kearney commented everybody has a right to use the river. Mr. Pinkham stated traffic is no longer a concern with the canoes in that area.

Number of Members on Conservation Commission - Mr. Weathers reported [with a review of the Charter being conducted] he and Mr. Sires have discussed the number of members allowed for the Conservation Commission. Mr. Pinkham said it is a detail in the town Charter that needs to be correct, noting documentation from 1978 states seven members are to be appointed on 3-year staggered terms by the Selectmen.

Upper Saco Valley Land Trust Update - Mr. Pinkham reported USVLT had asked for a meeting in June and were told we would get back to them in Sept. They have not as yet submitted the suggested “one page” report. In his opinion, unless we hear from them, there is no meeting scheduled with them for next month.

North/South Road Lot - Mr. Pinkham advised we have a deed and a cover memo. The assessor and Town Manager have looked at it and it seems O.K. We have the ability to acquire it, have informed the State, and they have accepted. He will get back to the Town Manager on this. Mr. Adair questioned whether the DOT has drainage in there, and reviewed documentation regarding this.

Land Gift - A memo has been received from Mr. Sires that the owner of a parcel in Transvale Acres has offered to give his land to the town – the question is whether to accept the offer. **Motion was made by Ms. Kearney, seconded by Ms. Allen, that the Commission respond to the Selectmen with agreement that they should accept the parcel.** Mr. Weathers stated if the taxes are not paid on it after three years it will be leined; with this he [the present owner] would be requesting the taxes be waived, and we would lose those taxes. **Motion carried with six votes in the affirmative and Mr. Weathers abstaining.**

HEB Survey Work - Mr. Pinkham reported H.E. Bergeron did the survey work for the boundary between Whitaker Woods and the Lynch Property, but the supervisory part of the bill was not rendered. He suggested a thank you letter is needed for the donation. The total cost for marking the boundary is \$391, which is to be paid by the Commission.

Conservation Easements – It was brought forward that Surveyor, Doug Burnell, has located a copy of a Project Agreement between the town and the State of New Hampshire whereby the town acquired the Pudding Pond property. The State had designated its use as recreational purposes. There was question as to whether said agreement may preempt the need to have a conservation easement. Mr. Adair said it does have some verbiage on what is allowed there – it is restricted to outdoor recreation. Mr. Weathers stated it is set up for recreation as set up in 1972 - it is protected. Mr. Pinkham said he is not sure that it is protected to the same degree – unless it becomes a part of a deed or attached to one, it will get lost like it did last time. He felt it should become a component of a plan; it is not in the deed.

Mr. Weathers said when you draw up the easement, you have to adhere to all seven items listed; if not all are met you cannot make any changes. He said you are asking an outside entity to control what you do with the land, and unless you come up with every conceivable use of that land, you will have a tough time controlling it once it is established. He said you are asking a subdivision of the town to be under someone else's expertise, as well as yours, and they can tell you what you can and cannot do. Mr. Pinkham said they can only tell you what you have instructed them to have in there. Ms. Allen noted that when easements first came out there was a problem – people were mixing up “preservation” and “conservation.” People are using it as a way to get a tax break, but do not want anyone to touch their land. She said most easements include a clause stating proper forestry management practices must be followed. She said the biggest thing she sees as a problem is, for instance, SPNHF, which does not allow for having a forester. SPNHF has a very large amount of restrictions, but most of them are starting to ease up – you have to be careful who you are doing your easement with.

Mr. Pinkham said we need to find out where this document gets tied to the piece of land, and suggested it is through the deed. Mr. Weathers said he will go back to the Selectmen with this, but he is totally against easements, noting we have a forest management plan which is multi-purpose and we have direct control over that. Mr. Pinkham stated acquisition of land is cheaper through an easement as opposed to purchase. Mr. Weathers stated we have control already over town owned land. He said he does not want someone from an outside source telling the Conservation Commission, the town, or the voters, what we can and cannot do with our land. Mr. Adair cited consideration of value of conservation easement on private land versus private land in fee, stating we need some consensus from this group as to whether we want to pursue it. **Motion was made by Mr. Huemmler, seconded by Ms. Lyman, that the Commission take no further action on easements for Pudding Pond until we have a reading from Town Counsel. Motion carried.**

Mr. Adair said we spell out the terms of the easement taking into account if ten years from now we decide we want to allow something that's not listed. He noted the Land Trust also requires money for stewardship – a one time fee. They do an annual inspection. He questioned also, besides the stewardship endowment, whether this needs to go before the town as a vote? Ms. Allen said usually you have to go before the Selectmen. Mr. Adair asked Mr. Weathers to find out from the attorney what the approval process is.

Whitaker Trail Plan: Mr. Adair said he has received some information from Cort Hansen.

Whitaker Video: Ms. Kearney questioned the status of this and whether it is a dead subject. Mr. Pinkham said it was felt it was a good idea a couple of years ago, and we should pursue it along with an educational program.

Wetlands Applications: Mr. Weathers said approval has been given for a permit on Skimobile Brook; also Todd Marshall has received approval for the stream bank, for stream bars and riprap, for 1000 linear feet. He stated he will lose more land, but they want him to vegetate the top half rather than use riprap.

Mr. Weathers reported Conway Village Cemetery Assn. has made application for bank stabilization along Pequawket Brook. They will riprap 10' vertically going up the slope and then vegetate the upper portion.

Adjourn: There being no further business, **Motion was made by Ms. Kearney, seconded by Ms. Allen and carried, that the meeting be adjourned at 7:25 p.m.**

**Respectfully Submitted,
Gail T. Currier, Recording Secretary**