

Public Hearing: Chair Sam Demeritt opened the Public Hearing held in Conference Room 1 at 7:05 PM. Other members present were Susan Mooney, Deb Kimball, Johan Kerkhove, alternate and Terry Bonser, alternate. Kerkhove was seated for Cheryl Smith and Bonser was seated for Kristen Lamb. Also seated at the table were members of the Board of Selectmen (BOS), Mary Bonser and Mark Carpenter. Also in attendance were Duane Hyde of SouthEast Land Trust (SELT), Tom Howe of the Society for the Protection of NH Forests (Forest Society), and Troy Brown, 203 Raymond Road, Nottingham.

The purpose of the Public Hearing per RSA 36-A: 5 II was to expend \$1500 from the Town's Conservation Fund to the Harvey conservation easement project, formally known as P2. This expenditure will assist SELT for the wildlife study on the Harvey property and will place the town of Nottingham as a fiduciary partner for grant applications.

Duane Hyde of SELT spoke to the conservation easement (CE) project. A summary of his presentation follows:

The property has a total of 1114 acres of which just over 200 acres are in Nottingham. The total project cost is \$3.1 million dollars, of which \$700,000 has already been secured. SELT and NH Fish and Game will be co-holders of the CE. If Nottingham is able to provide more financial support then the town will have an executory interest in the CE.

There will be second snowshoe hike on the property on February 28, beginning at 9 AM. Please register at SELT website.

The habitat and resource assessment demonstrated exemplary habitats, particularly for migrating birds. There will be public trails and parking made available after the project is completed in 2016.

Additional funding sources are or are hoped to be: \$400,000 dollars from LCHIP; \$1,000,000 dollars from North American Wildlife Conservation Act (NAWCA); and from Epping, a warrant article at Town meeting to bond \$230,000 dollars plus an additional \$20,000 dollars from Epping's Conservation Fund.

Demeritt asked Mr. Hyde if the warrant does not pass in Epping, what then? Mr. Hyde said they would try again at the 2016 Town Meeting, and if it failed to pass then, the project would not go forward.

There were no more questions from the Commission members, Board of Selectmen or the audience.

Demeritt closed the Public Hearing at 7:20.

BOS member Carpenter approved the expenditure of \$1500 from the town's Conservation Fund toward the Harvey Conservation Easement project. The motion was seconded by M. Bonser, and they both voted to approve the motion.

Demeritt then invited Mr. Howe of the Forest Society to speak to the BOS members about the Helen Fernald Conservation Easement Project, also known as P1. Introductions were made and Mr. Howe asked permission from the BOS to contact Fredrick Fernald, Mrs. Fernald's husband, by cell speakerphone. Permission was given.

A summary of the presentation follows:

The Helen E. Fernald Trust was established in 1992. The CE will be a Bargain Purchase of the 95.5-acre parcel along Deerfield Road. A Bargain purchase means that the easement will be sold less than the appraisal value and the trust will "gift" the remainder. The appraisal value for extinguishing the development rights is \$560,000 dollars. The Fernald Trust will continue to own and manage the property.

The public benefits of the easement will be the protection of approximately 1000 feet of undeveloped shorefront on Pawtuckaway Pond that will preserve water quality; about 1800 feet of Mile Brook courses through the property and it too will be protected; there is about 1800 feet along Deerfield Road that will not be subdivided into house lots; along the west side of the parcel there is about 4000 feet of common frontage with Pawtuckaway State Park. The parcel has well managed forestlands, habitat for plant and animal species, and some pocket wetlands with very old black gum trees. NH Fish and Game has identified this area as "Tier I Habitat" in the Wildlife Action Plan – "best of the best", stated Mr. Howe.

The CE will allow the Commission to develop a parking area, kiosk and trails if the town wishes, at the town's expense (through the Conservation Fund, or a separate fund raising activity).

The Conservation Commission has voted to support this CE project with a \$250,000 contribution to the Forest Society. The town of Nottingham will have executory interest in the CE; the Forest Society will be the primary easement holder and will assume the responsibility of monitoring the property for CE compliance.

There will be a snowshoe walk on the property on February 26, from 10:00 to 1:00. Please register at the Forestry Society's web site.

Selectman Carpenter asked Mr. Howe to explain what the Forestry Society is. The Forestry Society is a land trust and forestry organization that was founded in 1901. The Society both acquires CE's and fee ownership in lands and owns 176 properties outright (about 52,000 acres) and has over 800 conservation easements (about 120,000 acres in stewardship). There are 10,000 current members; 35 employees, some are part time. The annual budget is about \$4,000,000.

Selectman Bonser asked if hunting would be allowed on the property. The CE guarantees public access but does not specifically reference hunting. Mrs. Fernald does allow hunting but reserved the right to post if it gets out of hand. Bonser also asked about passive recreation, "no motorized?" Answer: Passive low impact pedestrian passage is allowed. Bonser, "horseback riding?" Answer: "It will be the land owner's discretion so please contact the land owner."

(Note: Mr. Hyde left at 7:50.)

Selectman Carpenter stated that the public hearing for the Fernald CE project, P1, would be held by the Conservation Commission on Monday, February 16 at 7 PM. He then asked Commission members to attend the following BOS meeting on the 23rd to report on that hearing.

Mr. Howe indicated that they hoped to close on the easement no later than March 14, but may be scheduled sooner on March 9.

Chair Carpenter stated that he was predisposed in a positive way but wants to wait until after the public hearing on February 16. He also said that the Town's attorney, Bart Mayer, was okay with the CE deed language.

At 8:05, the Commission and Mr. Troy Brown **retired to Conference Room 2**. Mr. Howe joined us at 8:14. The recording equipment was turned on. Demeritt made introductions for the viewing audience.

Mr. Brown of 203 Raymond Road was applying for a **Shoreland Permit** to upgrade a 30 foot dock and to build a home at 46 Jampsa Trail, identified as Tax Map 71, Lot 147. They intend to build a "green home" with solar to be tied to the grid. The lot is five acres with 466 feet of shorefront on Pawtuckaway Pond. The permit application, in addition to the new home and dock repair and improvement (from two slips to four slips), also included permission to replenish sand along two sites, one 20 feet long and the other 25 feet long, and to remove some large rocks that would be a hazard to his boat and prop after drawdown. The new dock would have a U-shaped configuration so it would have less of an impact on the environment. After review of the application document the Commission was satisfied that it was complete and reasonable. A motion was made by Mooney and seconded by Kimball to permit Demeritt to sign on behalf of the Commission to "1.) Waive the right to intervene per RSA 482-A: 11; 2.) Reviewed the application and agree that it accurately describes the project and; 3.) Have no objection to permitting the proposed work." All five (5) votes were in favor.

Mr. Brown left at 8:30.

Haley Restoration: There was no representative present to review this NRCS/WRP/RCCD project so it was postponed to another meeting time.

Fernald Conservation Easement Project, P1: Mr. Howe of the Forest Society provided copies of the Commitment for Title Insurance to Commission members and reviewed details of the document. Mr. Howe had covered these details while speaking with the BOS earlier and he pointed out which pages of the document these details were referenced. Mr. Howe also provided copies of the *Conservation Easement Deed, DRAFT 28 Jan 2015* to members which we reviewed.

Mr. Howe left at 8:51.

Lamprey River Advisory Committee (LRAC): Demeritt announced to the viewing audience that there are three positions available for Nottingham citizens to fill. At present, Nottingham has no representation on this Committee. They generally meet once a month to review projects that have an impact on the Lamprey River watershed.

Minutes: The minutes of January 12, 2015 were reviewed and corrected. Kerkhove moved that the minutes be accepted as corrected; Mooney seconded the motion. All five (5) votes were in favor.

The minutes of November 10, 2014 were reviewed and corrected. Mooney moved that the minutes be accepted as corrected; Kerkhove seconded the motion. All five (5) votes were in favor.

At 9:00, in order to review minutes of non-public sessions, it was moved by Mooney and seconded by Kimball to move into non-public session per RSA 91-A: 3.

(Note: These times are approximate since the wall clock was used from this point on. It was discovered after the meeting was adjourned that the original times noted in the written minutes were about ½ hour less than real time. Adjustments have been made.)

There was no discussion appropriate to warrant that this review of minutes be reported in a closed document to be sealed, so none was written.

The minutes reviewed were

- August 11, 2014: Kerkhove moved and Bonser seconded to accept the minutes as read. All five (5) votes were in favor.
- September 16, 2014: Mooney moved and Kimball seconded to accept as corrected. All five (5) votes were in favor.
- September 23: Mooney moved and Bonser seconded to accept as read. All five (5) votes were in favor.
- It was moved by Mooney and seconded by Kimball to seal these minutes per RSA 91-A: 3 III. All five (5) votes were in favor.

The Commission moved out of non-public session at 9:21. The motion per RSA 91-A: 3 III was again made by Mooney and seconded by Bonser to seal the minutes of the non-public sessions. All five (5) votes were in favor.

Bonser moved that the meeting be adjourned. Kimball seconded the motion and all five (5) votes were in favor. The meeting was adjourned at 9:22.

Respectfully submitted,

Susan P. Mooney, Secretary

These minutes were accepted as corrected at the meeting held on March 9, 2015.