



Gilmanton Conservation Commission

PO Box 550
Gilmanton NH 03237-0550

REGULAR MEETING

Minutes of the Meeting August 9, 2011

Member Attendance: Tracy Tarr, Chair; Dick de Seve, Vice-chair; Joe Derrick, Member; Erin Hollingsworth, Member; Sue Hale-de Seve, Alternate seated in the absence of Member Patrick Hackley.

Public Attendance: Nanci Mitchell, Paula Gilman

Meeting was called to order at 7:01 pm.

Nanci Mitchell provided information regarding the Geology Program Atop Mount Major. Jay Long, author of *Stepping Stones Across New Hampshire: A Geological Story of the Belknap Mountains*, will speak about the geology of the range as seen from the summit of Mount Major.

Commission Members requested the flyer be added to the Municipal Website.

A. Update on Land Protection Projects

1. Bartlett Conservation Easement Update

The Bartlett Conservation Easement approved December 2010, is still in the process of mortgage approval, while the questionable boundary, has since been clearly marked. Final paperwork to be approved will be provided at a later time.

The Bartlett's are working with their attorney regarding his concerns and have reviewed those concerns with Tom Howe of the Gilmanton Land Trust. They have a new version of the easement language with changes to the property description and a minor change to the mortgage subordination.

The Bartlett's are waiting to proceed until after their daughters wedding on August 20, 2011.

2. Proposed Gilman Conservation Easement Change – Meeting with Paula Gilman

Commission Members reviewed pages 4, 8, 14, 15, and 20 of the Easement Deed language final draft. BOS will have to again review the amended language for final approval.

Member Hollingsworth moved that the Gilmanton Conservation Commission approve the changes made since December 14, 2010, to the Conservation Easement Deed with Restrictive Easement under the provisions of NH RSA 36-A:4. The Conservation Easement Area consists of approximately 49.14 acres, situated on Stage Road, so called and, Hawkins Lane, so called, a private road, in the Town of Gilmanton, County of Belknap, State of New Hampshire, shown as "Total Conservation Easement Area" on a plan prepared by Ronald A. Johnson, LLS, of Harold E. Johnson, Inc., and titled "Conservation & Restrictive Easement Plan for Paula L. Gilman, 50 Hawkins Lane, Gilmanton, Belknap County, New Hampshire", dated August 22, 2005, and last revised

November 23, 2010. The Residential Area subject to the Restrictive Easement consists of approximately 3.56 acres, situated on Hawkins Lane, so called, a private road, in the Town of Gilmanton, County of Belknap, State of New Hampshire, shown as "Residential Area (not a separate lot) Subject to Restrictive Easement, 155,073 sf, 3.56 acres" on above plan subject to:

- 1. Review by Town Counsel***
- 2. Acceptance of changes by the Board of Selectmen,***
- 3. Mortgage Subordination from Laconia Savings Bank, and***
- 4. Update of the Title Opinion***

The Chair of the Conservation Commission is authorized to sign this conservation easement deed.

Alternate Member Hale-de Seve seconded the motion as provided; the motion passed unanimously.

The Commission went on to discuss the next steps to finalize the transaction:

1. Town Counsel Review of the document – Nanci Mitchell has been authorized as GCC Rep.
2. Baseline documentation – Nanci Mitchell will assist Commission Members.
3. Get Laconia Savings Bank to subordinate the mortgage – Paula Gilman will continue to work with LSB to finalize the paperwork.
4. BOS acceptance of the amended easement language.

The Commission briefly discussed obtaining the BOS approval pending the subordinate mortgage and concluded it would be better to seek the BOS approval once the plans and documentation are complete and finalized.

5. Signing of the documents, if not done at the time of the BOS acceptance.
6. Update Title Opinion – Desiree Tumas will update the title search at the BCRD.
7. Recording of the plan and easement language – Desiree Tumas will record the plan and documents following the updated title opinion.

3. BeaverWoods Reserve – Review of Potential Timber Trespass

Members Hollingsworth and Derrick visited the property and will return with the GPS to better locate the features on the property.

During the walk of the property it was observed that a trail/path varying in width had been cleared and the previous property owner contends that a portion of the path are not on the easement property. As for as any timber trespass, only one felled tree was located during the walk. Further efforts will be made to determine why the tree was felled.

Having no further business to discuss with Nanci Mitchell, Chair Tarr and the Commission Members thanked N. Mitchell for her continued assistance in the easement matters.

4. Update on conservation/education outreach

There were no discussions

B. Non-public session per RSA 91-A:3.II.d

7:53 pm *Vice-chair de Seve moved to enter Non-public Session per RSA 91-A:3 II(d). Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, Member Hollingsworth seconded the motion as stated; the motion carried with a 5-0 Roll Call Vote.*

The Commission entered Non-public Session for the purposes of review and approval of the Non-public Minutes of the Meeting pertaining to the possible purchase for conservation.

1. Review of July 5, 2011 – Non-public Minutes

Member Derrick moved to approve the July 5, 2011, Non-public Minutes of the Meeting as amended, Vice-chair de Seve seconded the motion as stated; the motion passed unanimously.

2. Review of July 21, 2011 – Non-public Minutes

Vice-chair de Seve moved to approve the July 21, 2011, Minutes of the Meeting as amended, Member Hollingsworth seconded the motion as stated; the motion passed unanimously.

8:12 pm *Vice-chair de Seve moved to come out of Non-public Session, Member Hollingsworth seconded the motion as stated; the motion carried with a 5-0 Roll Call Vote.*

Vice-chair de Seve moved that the Commission seal the July 5, 2011, and July 21, 2011, Minutes of the Non-public Session as divulgence of information contained in the minutes would likely render ineffective the proposed action described in the Minutes, Member Derrick seconded the motion as stated; the motion carried with a 5-0 Roll Call Vote.

C. Review of July 5, 2011 Minutes – Regular Meeting Minutes

Vice-chair de Seve moved to approve the July 5, 2011, Minutes of the Meeting as amended, Alternate, Hale-de Seve seconded the motion as stated; the motion passed unanimously.

D. Review of July 21, 2011 Minutes – Regular Meeting Minutes

Member Hollingsworth moved to approve the July 21, 2011, Regular Meeting Minutes as amended, Vice-chair de Seve seconded the motion as stated; the motion passed unanimously.

E. Discussion of Possible Land Protection Selection Criteria

Member Hollingsworth explained the land protection selection criteria outlined in the draft criteria and checklist. The purpose of the selection criteria is to better determine if a potential parcel would be suitable for easement preservation purposes.

Commission Members will review the document provided and again take up discussions and critique the scaling criteria of the guidelines at the September 13, 2011, regular meeting.

F. Wetland/Shoreland/Biosolid/Intent to Cut Applications

1. Gardner Cove Corporation, Tax Map 419, Lot 91, re: beach replenishment

It was noted that the Gardner Cove application to replenish a beach was approved by NH DES. No further discussions took place.

2. Town of Gilmanton, Lakeshore Drive, re: Routine Roadway Notifications

It was noted that the Town of Gilmanton would be doing routine roadwork on Lakeshore Drive. No further discussion took place.

3. McKenna, Town Farm Road, Intent to Cut

It was noted that an Intent to Cut was reviewed with no additional comment from the Commission.

4. Wilson/Sapire, Loon Pond Road, Intent to Cut

It was noted that an Intent to Cut was reviewed with no additional comment from the Commission.

5. New Applications

There were no new applications for review.

G. Complaints/Violations/Concerns

1. Possible shoreland violations on Loon Pond

Commission Members discussed the possible violations on Loon Pond concluding that there were no violations that were observed.

2. Paul Arshen, 94 Crystal Lake Road

Based on the DES review of the file, there remained an outstanding request, a Letter of Deficiency LRM 11-011 was issued on April 15, 2011, requesting, among other things, the retention of a certified wetland scientist and the submittal of a restoration plan to remove fill in the bed and bank of Crystal Lake.

Mr. Arshen was given until July 15, 2011, to reply. There was no further information on the case at this time.

3. New Complaints/Concerns

There were no new complaints or concerns

H. Review of Invoices/Costs

1. Trail map/information holders

Member Hollingsworth brought in the one of the map/trail information box that was purchased for use at the easement kiosks.

Member Hollingsworth went on to discuss the need to print additional maps for the kiosks and requested the Commission approve up to \$100.00 for the cost of printing and laminating the map/trail info.

Member Derrick moved to approve up to \$100.00 to cover the printing and laminating costs of the easement map/trail information brochures, Vice-chair de Seve seconded the motion as stated; the motion passed unanimously.

2. Computer/ArcGIS

Chair Tarr explained she has researched the costs of the ArcView purchase and the least expensive option available costs, \$1,225.00.

Members went on to review the budget for possible lateral transfer to cover the costs of the ArcView.

Member Derrick moved request to the Board of Selectmen approve a transfer from the following GCC General Funds to the Encumbered Fund for the purposes of the ArcView purchase:

1.	\$ 90.00	Training	01-46111-270-00
2.	\$200.00	Office Supplies	01-46111-650-02
3.	<u>\$250.00</u>	Other Misc	01-46111-690-00
	\$540.00	Total	

Vice-chair de Seve seconded the motion as stated; the motion passed unanimously.

D. Tumas asked Chair Tarr if she had discussions with Tim Warren, Town Administrator regarding a use policy for the new laptop computer. Chair Tarr stated that she had not had discussions and that this was the first she had heard of a policy.

Members of the Commission stated that they didn't understand why there had to be a use policy. It was reiterated that the laptop is "Town owned" property and that there are use policies for computer used at the Town Offices, and it would make sense to also have a use policy for the laptop.

Chair Tarr stated it was the first she had heard that she would discuss the need for a policy with T. Warren.

D. Tumas requested discussions pertaining to a computer use policy be placed on the September 13, 2011, Meeting Agenda.

Having nothing further, discussions were concluded.

3. New Invoices

There were no invoices scheduled for approval for payment

I. Planning Board/Zoning Board applications

There were no new applications for the Planning Board September meeting. It was unknown what the ZBA had on their Agenda for next week.

J. New Business

Vice-chair de Seve noted that at the Shellcamp Meeting, there had been discussion regarding a parcel on Lakeshore Drive that is unbuildable due to the amount of wetlands that make up the lot. The lot was recently sold sight unseen, and the purchase was reversed and the buyer refunded the monies put up for the purchase. The existing property owner is not interested in keeping the lot and would consider deeding to the GCC.

Following brief discussions, it was determined that the parcel would probably be too small to justify the cost to place under a conservation easement.

Having nothing further, discussions were concluded.

K. Old Business

L. Correspondence/Announcements

1. LGC 24th Annual Municipal Volunteer of the Year Awards

M. Upcoming Dates

1. Next regular Conservation Commission Meeting, Tuesday, September 13, 2011 at 7 pm

Chair Tarr called for further business to come before the Commission, hearing none; entertained a motion to adjourn the meeting.

Vice-chair de Seve moved to adjourn the meeting at 9:00 pm, Member Hollingsworth seconded the motion as stated; the motion passed unanimously.

N. Adjournment

Vice-chair de Seve moved to adjourn the meeting at 9:00 pm, Member Hollingsworth seconded the motion as stated; the motion passed unanimously.

Respectfully submitted.

Desiree Tumas
Administrator