



**Fremont Conservation Commission
Minutes of
November 3, 2014**

Present: Chairman Bill Knee, Co-Chairman Janice O'Brien, Mbr. Pat deBeer, Alt. Leanne Miner, Alt/Recording Secretary Meredith Bolduc.

Chrm. Knee opened the meeting at 7:00 pm.

Chrm. Knee has designated Alternate Leanne Miner to fill the vacancy on the Conservation Commission until such time as the Selectmen have appointed someone to fill that vacancy (allowed by NH RSA 673:12, III). That appointment remains in effect.

MINUTES

Mbr. deBeer made the motion to approve the minutes of the October 6 and October 20, 2014 meetings as written. Mbr. O'Brien seconded the motion with unanimous favorable vote except for Alt. Miner who abstained as she was not present at those meetings.

FALL FOLIAGE HIKE

The Fall Foliage Hike was held on Saturday October 18, 2014.

The hike included two parts.

- Part 1: The new Cooperage Trail connecting the back of the Spaulding Road housing development with Beede Hill Road.
- Part 2: The Glen Oakes Town Forest at the end of Andreski Drive.

Chrm. Knee reported that Dennis Howland has installed the "Cooperage Trail" sign at the kiosk at the end of the Spaulding Road cul-de-sac.

TOWN FOREST

Wildlife and Forest Management Plan:

Forester Charlie Moreno is scheduled to meet with the Commission at their December 1, 2014 meeting to go over the Oak Ridge Wildlife and Forest Management Plan.

SOUTH EAST LAND TRUST – GARRISON PROPERTY
Map 4 Lot 98

The Commission discussed the land acquisition and conservation easement for the Donna Garrison property located at Map 04, Lot 98, off Calef Rd (Rte. 125).

Chrm. Knee noted that a site walk was held by SELT at the Garrison property on October 21, 2014. No one from the Commission was able to attend, but Dennis Howland did attend.

Note: The Members held a special meeting on October 20, 2014 to go over the information submitted by Mr. Viale and formulate the Commissions questions for the Attorney. The sample reverter interest documents provided by Mr. Viale were sent to the Town Attorney to see if this kind of interest is legal and meets the requirements of the statute (RSA 36-A:4-a). The Town Attorney advised that *“the sample deeds are not structurally acceptable for an expenditure of Town funds. The deeds will need to be revised so that the Town has some present interest in the property such as an easement. With that present interest, the right of entry for conditions broken would be acceptable.”*

Then Mr. Knee asked the Attorney what language would be acceptable in order to create the appropriate interest the Town would need to acquire in order to proceed with the project, and would she suggest other ways to have a present interest in which the right of conditions broken would be acceptable?

The Attorney advised that *“The Town must have some present interest in the property. Since the SELT does not believe the Town can have an easement because Miss Garrison is conveying an easement to the Natural Resources Conservation Services (NCRS) one other way to provide the Town with a present enforceable interest is for the Town of Fremont to receive a present right of entry into the property to use it in a manner consistent with any restrictions on the property. The Town could then receive the fee interest if Southeast Land Trust breaches any of the conditions. The Town’s interest would be divided into two distinct interests: (1) a present right of entry and use: and (2) the possibility in the future of obtaining the fee for conditions broken.”*

The Commission received correspondence from Mr. Viale that included a proposal to estimate the value of the Garrison property from Crafts Appraisal Associates. Chrm. Knee will contact Mr. Viale and instruct him to move ahead with the appraisal (\$1,150 to be matched by the PREP grant).

There was discussion relative to the value of the land, the holder of the easement and the owner of the fee property. Chrm. Knee suggested that the Commission meet with the Selectmen to let them know about the Garrison project, the Town Attorneys opinion, and to see if they are in agreement with moving forward with this project. The other Members agreed and an appointment with the Selectmen will be made.

Chrm. Knee said he will contact Mr. Viale to let him know that our Town Attorney has advised that it is not legal for the Town to move ahead with the Garrison project in the manner proposed because we would not be obtaining a present interest in the land and it would not satisfy the RSA (RSA 36-

A: 4-a). The Town would need to receive a “present interest” in the Garrison property from Southeast Land Trust so we need to ask Southeast Land Trust to propose a different “interest” that would allow us to comply with the RSA’s "present interest" requirement.

GRANT

Chrm. Knee signed the award letter for the Piscataqua Region Estuaries Partnership (PREP) grant which will be sent to Dea Brickner-Wood along with the W-9 form and The Nature Conservancy (TNC) Disclosure Form.

Gate: Mbr. deBeer made the motion to authorize spending up to \$800 from the Residual Fund for fabrication and installation of a gate to be installed at the entrance to the Glen Oakes Link Trail on the Andreski Drive cul-de-sac.

Motion seconded by Mbr. O’Brien with unanimous favorable vote.

ANNE LOOSMANN

147 Whittier Drive, Map 3 Lot 069-59-20

The Commission received a notice and a comment sheet from the ZBA for an October 28, 2014 Public Hearing for Anne Loosmann relative to her application for a Special Exception from Article IV-A of the Fremont Zoning Ordinance to be allowed to allow the property use to include an In-Law Apartment. It was agreed that since there is no wetland involved there is no comment.

CORRESPONDENCE

There was no incoming correspondence.

CONSERVATION EASEMENT MONITORING

Google spreadsheets of the Town held Conservation Easements:

The easements include:

3615/702	Conservation Easement Cornerstone Estates/Dakota Realty Trust
	1-35-8, 1-35-9 and p/o 1-35 D-28735
3972/1691	Conservation Easement Tuck Woods
	6-64-21, 6-64-22 and 6-64-23 D-30397
4247/1418	Conservation Easement Tuck Woods
	OS, OS2, OS3 D-31333
4342/1206	Conservation Restriction Deed Not to Further Subdivide Spruce Hill
	Map 6 Lot 50 D-31622
4408/1234	Conservation Restriction Deed Seacoast United Soccer Club
	p/o 20-1 D-31731
4435/1986	Conservation Easement Fremont Pizzeria
	p/o Tax Map 3 Lot 120 D-31624
4890/1139	Conservation Easement Scribner Estates
	Easement 13 D-31121

WORKING PLAN

The following is a working plan with some results in *italics*.

- Set up a monitoring scheduled for the Town owned Conservation Easements.
(As the holder of an easement, the Town is obligated to monitor each easement once per year.)
Compile a list of land with conservation easements. *This is done.*
 - Get copies of each easement.
 - Generate a checklist for each easement.
- Prospective Oak Ridge Easement: *This is done.*
- Review the obligations for grants already awarded including.
 1. Land & Water Conservation Fund (set up for the acquisition of Oak Ridge)
 2. Moose Plate, Recreational Trails Program, PREP Transaction Grant
 3. Smith property: Davis, Fields Pond, Cricket and Wharton, Moose Plate and LCHIP, PREP.
- Glen Oakes Forest & Wildlife Management Plan - Review for updates.
- Oak Ridge Management Plan - Review for updates.

- Natural Resource Inventory – Review for recommendations for updates of information and maps.
- Earth Day event (s) for the current year.
- Biothon – discuss a possible event for the current year.
- Reorganization of the Conservation Commission.
- Budget for the following year.
- Compiled of all of the grants that have been awarded to the Town and create a checklist of the requirements of each grant that can be reviewed annually. Any future grant can be added to the compilation.

EVENTS

Previous event suggestions included:

- Birds & bats
- Edible plants
- Wildlife cover
- Sustainable agriculture
- A butterfly garden
- School program that would involve growing plants.
- A presentation on sustainable agriculture.
- Community garden

At 8:45 Mbr. O'Brien made the motion to adjourn.
Motion seconded by Chrm. Knee with unanimous favorable vote.

The next scheduled meeting is December 1, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Fremont Conservation Commission – 11-03-14 Meeting Minutes
Approved December 1, 2014

CC action item timeline.

January – Review obligations for grants already awarded.

February – Review Forest Management & Wildlife Plans: Oak Ridge & Glen Oakes.

March – Commission reorganization; events to be sponsored through the next year.

April – Pay NH Association of Conservation Commissions

May –

June-

July –

August – Budget review and approval for upcoming year

September – October: monitoring Town owned Conservation easements & reporting on same.

November – Review the NRI

December -