

Jaffrey Conservation Commission

Minutes

April 22, 2009

**Present:** *Nora Barton Bryant*      *Ron Rogstad, Alternate*  
*John O. Field, Chair*      *Pat Weiner, Alternate*  
*Bill Graf*      *Kathy Batchelder, Selectmen's representative*

**Absent:** *Jim Bearce*      *Carolyn D. Garretson*

The Chair called the meeting to order at 7:04 PM. RR and PW were recognized as voting members at this meeting.

*Minutes* of the previous meeting, held on *April 1, 2009*, were reviewed and approved on a motion by BG, seconded by NBB.

**1. DES APPLICATION: YOUNGS/FITZWILLIAM ROAD**

The Commission reviewed a Minimum Impact Expedited Application to the DES Wetlands Bureau submitted by West Ridge Builders, LTD (William L. Harper) on behalf of Ms. Tracy L. Youngs of Brewster, NY. Ms. Youngs owns parcel 206-21-2 on Fitzwilliam Road between the intersections of Great Road and Old County Road.

The application is to install six utility poles along a private dirt road leading to a prospective house site. TF Moran, Inc. estimates that installation from the road will impact a total of 36 sq. feet of the adjacent wooded wetlands. BG and JOF did a site visit on April 22, 2009 and concluded that installation will have minimum impact and that, once in place, the poles will effectively be no different than the trees that already bank the road. The Commission agreed. The rest of the application being in order, on a motion by BG, seconded by NBB, it was voted to sign off on the application, enabling an expedited review by DES.

*Postscript: JOF and Maria Chamberlain, Town Clerk, signed the application the following morning. JOF informed Mr. Harper of the Commission's decision by email.*

**2. COMMISSION FINANCES: THE CONSERVATION FUND AND LINE-ITEM TRACKING**

For the *Conservation Fund* as a whole and for specific *line items*, the Commission was unable -- in CDG's absence -- to examine an updated balance sheet of revenues,

expenditures, anticipated revenues, anticipated expenditures (funds committed but not yet paid), and the uncommitted balance. This will be done at the May meeting.

\*\*\*\*\*

The Commission considered the following resolution concerning the transfer of *LUCT revenues* to the new *Land Acquisition Capital Reserve Fund (LACRF)* established at Town Meeting in March of this year.

- ***MOVED: That the Conservation Commission will make an annual contribution to the Land Acquisition Capital Reserve Fund before the end of each calendar year, the amount to be determined by its receipt of LUCT revenues and by expenses incurred during that year, plus any carry-over obligations.***

On a motion by BG, seconded by PW, the resolution passed unanimously (5-0). JOF will work with Jo Anne Carr and Mike Hartman to determine how best to secure an annual town appropriation to supplement the Commission's donation and further build the new fund.

*Postscript: Mr. Hartman checked with Kelly Dowd, town counsel, on the preferred way of transferring revenue from the Conservation Fund to LACRF. In his reply, dated April 29, 2009, Mr. Dowd offered legal justification for the proposed transfer but also mentioned a possible problem with the Commission's contributing resources to the "enacting municipality", which by possible legal interpretation is not a "qualified organization" for the receipt of revenues from the Commission. Upon receipt of Mr. Dowd's letter on May 17, 2009, JOF emailed Mr. Hartman, saying "I cannot imagine any reasonable person's objecting to the Conservation Commission's donating resources intended for land acquisition/preservation to a town fund established for that purpose." Any additional update will be noted at the May 27<sup>th</sup> meeting of the Commission.*

The Commission urged JOF to discuss management of the LACRF with the Selectmen. *Postscript: JOF did so at the Selectmen's meeting on May 11, 2009. The Selectmen are receptive to the idea of establishing an Open Space Committee (or comparable body). JOF and Jo Anne Carr will examine options for the new committee's composition, mandate, and accountability to higher authority. These options will be discussed with the Town Manager, Mike Hartman; and when he agrees that we have a formula that is appropriate to Jaffrey, specific suggestions will be brought to the Selectmen for their consideration and approval. In the meantime, Mr. Hartman will look into statutory requirements and also contact counterparts in other towns for their advice.*

\*\*\*\*\*

There have been no payments on the *Natural Resource Inventory* account since the Commission's last meeting on April 1, 2009. The final \$3,725 of the contracted \$14,725

will be paid to Kane & Ingraham upon receipt of the final report and all maps (see # 3 below).

\*\*\*\*\*

Even though the Trustees of the Trust Fund have authorized the Commission's use of interest from the **Gordon Fund** to help pay for repairs to the trestle bridge on rails-to-trails south of Carey Park (email from Frank Mieso dated 4/15/09), the Commission decided not to commit funds pending resolution of who is responsible for maintaining the bridge (DRED Trails Bureau vs. Jaffrey Recreation Department) and the possibility of outside funding (see emails from JB dated 4/18/09 and 4/29/09). *Postscript: JOF met with Mike Hartman, Town Manager, on April 29, 2009 and discussed the matter. On May 7, 2009 Mr. Hartman informed JOF that the state (DOT Trails Bureau) will repair the trestle bridge at its own cost. In consequence, use of Gordon money for this purpose is no longer on the table.*

The Commission noted reports, particularly by Paul St. Pierre, of extensive damage in **Children's Woods/Carey Park** from the December ice storm, including hanging trees and limbs posing a danger to users of the trails. The Commission recommended alerting school principals so that children can be warned; Kathy Batchelder is to provide JOF with names and contact information. JOF was also urged to call Randy Heglin, DPW Director, to see how best to assess the damage and to obtain an estimated cost of restoring the trails to normal use.

*Postscript: JOF contacted Mr. Heglin by email on April 27, 2009. Mr. Heglin raised the option of commissioning a timber cut, including trail work in the specifications, while noting that the revenue received usually covers all costs. JOF discussed the idea with Mike Hartman on April 29, 2009. He promised to raise it with the Selectmen. Mr. Hartman will also try to arrange for an inspection of the trails, including an assessment of needs. In the meantime, he will alert the school district concerning use of the trails by teachers and children until the situation is corrected. (Mr. Hartman assured JOF that the town is not liable for injury in Children's Woods/Carey Park.) Also in the meantime, JB and BG opted for direct volunteer action on the ground, supported by Paul St. Pierre and by Tom Meehan and his students at the Jaffrey-Rindge Middle School. On May 15<sup>th</sup> this group completed clearing the main trail from Stratton Road to Carey Road after JB and Mr. St. Pierre had cleared other trails. The trail from the main trail to Carey Road remains blocked, and it may be necessary to cut a new trail from the northeast to south to replace it. Mr. St. Pierre will make recommendations to the Commission at its next meeting on May 27<sup>th</sup>.*

The Commission decided not to commit Gordon Fund revenues to either bridge repair or ice storm recovery until more is known about each.

The Trustees of the Trust Fund have consented to a starting point of \$4,252.50 for the **reimbursement drawdown**, this being the true cost of the Vorce, Soney survey of

Children's Woods in connection with the conservation easement there (email from Frank Mieso dated 4/15/09). The Commission agreed that it could not specify the amount of this year's drawdown until project expenses become known.

\*\*\*\*\*

The Commission affirmed its intent to prepare a *brochure-with-map* for both the Cheshire Pond Conservation Area (CPCA) and Children's Woods/Carey Park, perhaps combining the two. JOF was authorized to explore options with Jo Anne Carr, including emulation of Peterborough's impressive town-wide trails brochure. Opportunities for grant support (as from the PSNH Environmental Community Grant Program) will also be discussed.

\*\*\*\*\*

The Commission noted receipt of a \$500 gift to the *Conservation Support Fund* and then voted – on a motion by BG, seconded by PW – to make a grant of \$200 from that fund to *The Thorndike Pond Conservation Association, Inc.* in support of its Lake Host Program. This program protects against invasive species through boat inspections and informational material to boaters during the summer months. The Commission's support will meet the costs of monitoring for one weekend and part of a second. *Postscript: JOF notified the recipients of the grant on April 23, 2009 and received their gratitude to the Commission.*

### **3. NATURAL RESOURCE INVENTORY**

The Commission has informed Kane & Ingraham (email dated 4/2/09) that it prefers to review all new text in the report before considering the report final. K&I agreed and promised to provide the missing sections from the draft report for this purpose.

*Postscript: K&I sent a final draft of the NRI Summary Report to the Commission on May 7, 2009. Final edits were returned to K&I on May 14, 2009. We await the completed report, including maps.*

### **4. GRAY GOOSE EASEMENT**

The Commission confirmed its desire to have professional guidance for at least the initial two years of monitoring but does not believe there is compelling reason to monitor the property this spring, as nothing will have changed since Jeff Littleton did his fieldwork for the Baseline Documentation Report in November 2008. JOF was authorized to ask Mr. Littleton if he would be interested in assisting the Commission in the monitoring that will take place in the spring of 2010 and 2011.

*Postscript: JOF emailed Mr. Littleton on April 27, 2009, requesting an expression of interest and a cost estimate for his services. In his response, Mr. Littleton affirmed his interest and promised to send an estimate.*

## **5. CHESHIRE POND CONSERVATION AREA**

With JB away, there was no update on plans for a spring clean-up or on other matters, such as parking. Hopefully a work crew will be able to clear trails and otherwise prepare the CPCA for public use in the coming month. A full report will be made at the May meeting.

## **6. TOWN WEBSITE**

Thanks to Mark Kresge, information on the Commission – membership, meeting dates, agendas, and draft minutes – is being updated. Documents of public interest, such as the CPCA Management Plan and Baseline Documentation Report and the Natural Resource Inventory, either have been added or will be when ready. NBB will provide Mr. Kresge with informational material on the Asian Longhorn Beetle for inclusion as well.

## **7. OTHER UPDATES**

Mike Hartman has again contacted Kelly Dowd, town counsel, on the status of the legal review of the *draft easement deed for Children's Woods* prepared by the Monadnock Conservancy. He is still awaiting a reply.

PW returned to the idea of incorporating *children's education* into conservation easements and open space management. Citing a prominent example in Fitzwilliam, she believes there is potential to incorporate children's gardens into farming enterprises and lands such as the Gray Goose property. Members encouraged her to contact Brenda Bhatti, who is organizing a local 4-H club. PW will report back to the Commission on this. Her overture last fall to the Brooklyn Botanical Garden did not yield a response.

Superintendent James O'Neill has identified June-July 2009 as the time when the school district will repair culverts and correct stream flow in the area between the *high school track* and soccer fields (informal discussion with JOF on 4/16/09).

## **8. UPCOMING EVENTS**

The Commission's annual *Summer Social* at the Field homestead will be on *Friday, June 26, 2009*, with Saturday, June 27 as the fallback in case of rain.

*Riverfest* is on July 25 this year. Kathy Batchelder reported that Team Jaffrey is considering locating all non-profit organizations on the Civic Center lawn. The Commission will again have a tent with displays. The intent is to feature laminated maps from the NRI and the final NRI report. Other ideas mentioned for display are materials on invasive species, including the Lake Host Program of the NH Lakes Association and the Asian Longhorn Beetle, and a brochure for Camp Wildwood. The option of using easels instead of panels was discussed briefly, assuming the former are available. It was decided to sponsor a nature walk in October rather than at Riverfest this year to take advantage of fall colors and cooler weather.

## **9. THE COMMISSION'S MEMBERSHIP**

The Commission resumed consideration of recruiting new members, there being two openings for full membership if the Commission chooses to fill them. A list of names previously mentioned provided focus, and new names were suggested. Because little is known about many of them, it was decided to encourage members to provide more information and insight to facilitate a more thorough review in May.

## **10. OPEN TALK**

The Commission decided against holding a meeting at the *Meetinghouse* over the summer for lack of a compelling reason to do so.

JOF informed the Commission that the Monadnock Conservancy still has the *Shattuck* and *Underwood* properties on Great Road in its sights for future easements but that both remain on hold pending more favorable funding opportunities. Letters to this effect were sent to both parties on March 30, 2009.

JOF reported that the *JCVIS Conservation Easement Committee* completed its work in February and forwarded its report to the JCVIS Executive Committee. The Executive Committee accepted the report earlier today and agreed to seek legal advice concerning the organization's ability to assume stewardship responsibility for easements under its existing charter. Unless obstacles appear, the Executive Committee's intent is to bring a proposal to negotiate easements with six property owners in the Parsons Lane area before the Annual Meeting of JCVIS members on July 26, 2009.

The Commission understands that last fall *Kenneth G. Geraghty* of 74 Great Road made an offer to purchase the *Greene family estate* bordering Route 124 and Gilmore Pond Road. Although that offer was rejected as too low, further discussions are possible. The Greene family is also considering a conservation easement on most of the land it owns, and it continues to consider options concerning the dam at Laban Ainsworth Pond.

On January 16, 2009 the State of New Hampshire's *Department of Revenue and Economic Development* transferred title to lot 203-9 to the Society for the Protection of

NH Forests. This 119-acre lot lies directly behind the property along Route 124 that is owned by the Town of Troy's Water and Sewer Department and extends up a flank of Mt. Monadnock. Documentation refers to the transfer as a donation, which may mean a land swap with *SPNHF*. This has not been confirmed.

NBB noted that, at this year's Saving Special Places conference in Gilford, *Betsey Harris* of Dublin and Jaffrey received SPNHF's *Sarah Thorne Award* in recognition of her role in the founding of the Monadnock Conservancy. *Postscript: JOF has conveyed the Commission's congratulations to Mrs. Harris.*

NBB showed members an information packet from the *NH Growth and Development Roundtable* that she picked up at Saving Special Places. The Roundtable is "a group of prominent leaders from several housing, conservation, planning, business and municipal interest groups who have come together to foster a dialogue about the future of land use in the Granite State." She intends to give the packet to the Planning Board. Additional copies may be obtained from the Roundtable's website: <nhroundtable.net>.

NBB also showed members a book given attendees of a wildlife class at Saving Special Places, *Identification and Documentation of Vernal Pools in New Hampshire*, published by the NH Fish & Game Nongame and Endangered Wildlife Program, first edition edited by Anne Tappan, second edition edited by Michael Marchand.

## **ADJOURN**

The meeting adjourned at 9:41 PM. The next regularly scheduled meeting of the Commission will be on Wednesday, *May 27, 2009*, 7 PM at the Town Offices.

Respectfully submitted,

John O. Field