

MINUTES
NEW DURHAM CONSERVATION COMMISSION
MARCH 31, 2009

Chairperson Dennis Gagne called the meeting to order at 7:12 PM.

Roll Call: Dennis Gagne (Chair), Terry Jarvis (Selectmen's Representative), Charles Berube (Vice-Chair), Bob Craycraft, Bill Malay (Alternate)

Permits: There were no permit applications to review.

Holm Easement: Chair Gagne asked the Commission to authorize payment of \$1650 to Donald & Gail Holm to reimburse him for a portion of his legal costs related to his gift of a Conservation Easement on his property to the Town. The Part the town will pay for is that part in which his attorney, Tom Masland, developed a template for a Conservation Easement that the Conservation Commission can reuse in future situations.

Terry Jarvis said that as a new member she had many questions. She asked if the Commission had authorized this payment at an earlier meeting. Dennis Gagne said the Commission had earlier authorized payment for the cost of the survey, the cost of staff work by Moose Mountain Regional Greenways and the Strafford Rivers Conservancy, and the funds needed to establish an endowment for enforcement at the Strafford Rivers Conservancy.

The Commission was waiting until it had documentation of the appropriate share of the legal bill that was for the template design, and this agenda item is for the purpose of authorizing. He said the Commission had agreed by consensus at an earlier

meeting that they would offer the Holms this assistance and it was part of the agreement negotiated with them.

Ms. Jarvis asked if there was an invoice to the Town from the Attorney for this amount. David Allen showed the Commission copies of the documentation. The Commission has a copy of the billing statement from the firm of Ransmeier and Speilman to Mr. Holm for the \$5,383 total cost of legal services, and it has a copy of an email sent from Attorney Masland to Mr. Holm estimating that he spent 7.5 hours on developing the template which billed at \$220 per hour amounts to \$1650.

Ms. Jarvis asked if there was documentation that the billing from the firm of Ransmeier and Speilman was for the services of Mr. Masland. Mr. Allen pointed out that the signature block on Mr. Masland's email to Don Holm showed his affiliation with the law firm.

Ms. Jarvis said that as a new member of the Commission she did not have enough information to feel comfortable voting on the question and she would abstain. Bob Craycraft noted that he is a member of the Board of Directors of Moose Mountains Regional Greenway, one of the agencies paid by the Conservation Commission for work related to this easement, and would therefore abstain to avoid the appearance of any conflict of interest.

Chair Gagne asked other Board members if they were comfortable voting on the payment. Both agreed. Mr. Gagne moved to approve the payment of \$1650 from the Conservation Commission's Revolving Fund to reimburse Mr. & Mrs. Donald Holm for the share of their legal costs that paid for the development of a conservation easement template that the Conservation Commission can reuse with future easements. Bill Malay seconded. The Commission voted 3-0 to approve, with Terry Jarvis and Bob Craycraft abstaining.

Terry Jarvis asked if the Conservation Commission was interested in preserving the properties owned by the Town that have become town property because of tax default. Mr. Gagne said the Commission would not necessarily want to preserve them but they could become useful in leveraging resources at some point in the future to help with the acquisition of a property that the town does want to conserve.

Ms. Jarvis asked if the Commission actively pursues getting easements or donations

of properties. Mr. Gagne noted that the Commission has sponsored or co-sponsored several informational meetings for property owners to familiarize them with the tax benefits in granting an easement or ownership of a property. He added that both he and Bill Malay have spoken to many people in town to keep informed about which property owners might be interested in making a donation, either now or in the future.

Intent to Cut: Bill Malay asked if Conservation Commission members could once again receive notification when a town property owner files an Intent to Cut Timber notice. Having this information makes it easier for them to keep an eye out for unpermitted timber cutting. David Allen said he thought that would be possible and would check into it.

Cocheco River: Dennis told the Commission that he and Bill Malay had put together a list of people who own land along the Cocheco River. He intends to notify these people of the new protections that will come into force once the river is formally designated as “protected”.

Trails: David Allen distributed copies of the RSA's related to the Town's authority to designate trails. Bill Malay said he understood there were staff at the state who are particularly interested in facilitating this process.

Minutes: Dennis Gagne moved to approve the minutes of February 5, 2009 as submitted. Bill Malay seconded. Terry Jarvis abstained as she was not present. Unanimously approved with one abstention.

Merrymeeting Lake Shoreline: Charlie Berube said it was time for the Commission to photograph the properties along the shore front of Merrymeeting Lake to create a record of the current status of shoreline structures on the Lake.

Dennis Gagne moved to adjourn at 8:35 PM. Terry Jarvis seconded. Unanimously approved with no abstentions.

Respectfully submitted,

David Allen

Land Use Administrative Assistant: Minutes Approved 4/28/2009