

North Hampton Conservation Commission
Special Meeting Minutes
February 24, 2015

DRAFT

Administrative

Roll Call

The meeting was called to order at 7:08pm. Present were Chris Ganotis (Chair), Lee Brooks (Vice Chair), Kathy Grant, and Alternate Andy Vorkink who was seated at the table as a voting member. Members of the public included Mr. & Mrs. Donald Worth. The meeting was duly posted and there was a quorum for conducting Commission business.

New Business

The Chair opened the meeting by indicating that there were no members present who were expert in the legal interpretations of easements. He opened the floor to discuss procedural matters in making a determination of whether an easement is violated, specifically with regard to the Lamprey Homestead Easement of Sept 26, 1991. Discussion ensued on legal services support to counsel the Commission regarding this issue.

In the discussion, several language points were discussed regarding terminology in the easement. Of particular note was an attempt to further seek clarification of defined terms such as "Agriculture", "Open Space", "View" and "General Public". It was mentioned that RSA 79A-1 includes definitions for several of these. It was also mentioned that much of the language in the easement was very similar or identical to parts of a USDA document which was written as a template for standard easement language for agricultural easements.

There was continued discussion concerning clarification of the legal wording in the easement.

After wards, there was added discussion about retaining legal services by someone who is expert in writing conservation easements and in the procedural issue relating to easement violations. It was suggested that the Commission consider retaining Atty. Michele Peckham because she worked for nearly a decade preparing and recording conservation easements for North Hampton Forever. Moreover, she was intimately familiar and has experience with the procedural issues in litigation of alleged easement violations in a recent three-year case. Her legal team was successful for her client in the court's determination that the easement was not violated.

There was further discussion about seeking additional expert guidance regarding legal challenges to easements to reach resolution, but no action was taken.

Subsequent to the deliberations, *a motion was made by Lee Brooks, seconded by Kathy Grant, to "Retain legal services of Attorney Michele Peckham, for legal counsel regarding the Lamprey Homestead Easement Agreement of Sept 26, 1991."*

The motion passed unanimously.

There being no further business to discuss, **a motion was then made by Lee Brooks and seconded by Kathy Grant to adjourn the meeting. The motion was passed and the meeting was adjourned at 8:25PM.**

Minutes prepared by Chris G Ganotis
Chair

“These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 2,11. They will not be finalized until approved by majority vote by the Conservation Commission.”