

MINUTES OF THE MEETING
March 5, 2014
CONSERVATION COMMISSION
Approved at the March 19, 2014 meeting

PRESENT- Dean Anson, Debra Williams, Marnie Schulz, and Mike Foote

ABSENT: Hillary May and Lisa Morin

OTHERS PRESENT: Jon Rokeh, Site engineer and Attorney Pinard, representing Brady Sullivan

I. Call To Order :

Review of the minutes of the Wednesday January 15, 2014 meeting.

M. Foote made a motion to approve the minutes with the correction on Page 1. The motion was seconded by D. Williams. The motion passed 4-0-0.

II. New Business:

Representatives from Brady Sullivan and Prescott Farms will discuss open space easement recommendations. The discussion is in preparation of the future Langley Cove multi-family development.

J. Rokeh presented the six new test wells dug for the Langley Cove development. The new wells showed no unusual changes from previous dug wells. The test pits will be kept in place throughout the spring to determine if any water table site issues exist. J. Rokeh said the wells would be discontinued and filled in. D. Anson warned the applicant when the wells are removed a NHDES protocol has to be followed. One cannot just fill the wells in. J. Rokeh agreed to research the protocols and follow all applicable regulations. D. Anson would also research the protocols and request S. McPhie generate a letter to send to the Planning Board.

A letter was received from Prescott Farms (see attached) and read into the record. The current Brady Sullivan draft easement language was also reviewed.

The Con Com requested No Hunting or Motorized vehicles be added to the easement. Doing so will protect public safety and reduce wetland impacts. A lengthy discussion ensued. M. Pinard said the easement declarant (owner) and associates would be the only ones allowed to hunt on the land. Restricting access to the easement would prevent it from being negatively impacted and therefore preserved. No current residents of Paugus Woods are allowed on the land now. No future residents of Langley Cove would be allowed on the Land as long as Brady Sullivan maintains ownership of the Association. Most Con Com members felt skeptical about how realistic it was to think one could prevent multiple individuals from the future development from walking on the property. M. Pinard explained Brady Sullivan already owns other properties throughout the State that have similar agreements set up. The Brady's have extensive experience successfully keeping people off their private lands. M.

Foote agreed. He added his neighbors have witnessed this first hand during hunting season. M. Pinard expressed he would be the individual called that would enforce any trespass issues.

D. Anson asked how the ownership would be structured. The Buildings will be rented and Brady Sullivan will maintain ownership. As long as Brady Sullivan holds a majority interest in the ownership they have the right to restrict access to the easement.

D. Anson and others did not like the mineral rights language being put in the Conservation Easement. He asked if anyone had heard of a conservation easement allowing one to dig up parts of the conservation easement. S. McPhie stated if the land was dug up it would violate the intent of the conservation easement. M. Pinard said if something valuable lies under the ground the Declarant should have the right to access it.

All agreed the easement language should be updated stating all dogs must be leashed and curbed. The City of Laconia already has a leash law indicating the same. Curb all dogs as well.

The Con Com had no issues with the right to forest the land but suggested a licensed Forester be used to prevent any wetland issues and/ or easement violations.

D. Anson liked the idea the Con Com would be allowed to walk the easement each year. He requested if he wanted to take his class of students onto the property or any other educational group wanted to do so could they. Attorney M. Pinard said the Brady Family is very active with the Boys Club in Manchester and lets various groups walk their open space areas. All one must do is contact M. Pinard, representative of the owner ahead of time. A mutually agreeable time to access the property would be granted.

D. Anson thanked the Brady's for working with the Con Com to come up with an easement to protect the open space. S. McPhie wanted to remind everyone the open space protection process is a requirement of the current planning regulations.

D. Anson requested an independent Conservation attorney, recommended by the Planning Board, review the proposed easement language. The purpose would be to determine if all language is acceptable to meet all City, County, and Federal regulations. The current owner should also review the Long Bay Homeowners Association language to further assist with protecting the conservation easement. In the event ownership changes it would be appropriate to come before the Conservation Commission again for additional recommendations to improve the Conservation Easement.

D. Anson wanted the city to be notified when hunting is going on. It was decided that was not realistic. A gate should be put in place and posted to prevent vehicular access particularly during hunting season. Blaze orange should be worn during hunting season. The property is already posted no trespassing.

D. Anson asked if it was premature for a motion. S. McPhie said this was a preliminary discussion tonight. Members should take time to determine if anything was overlooked in tonight's discussion. S. McPhie will locate additional regulations that may apply for a discussion at the upcoming March 19, 2014 meeting. A letter will be sent to the Planning Board after the March 19, 2014 meeting.

III. Old Business:

- a. Current and future Brownfield Projects in Laconia

The Lakes Region Planning Commission recently secured all hazard brownfield grants. D. Anson and S. McPhie met with S. Saunders and R. Patten to discuss Laconia's Brownfield priorities. The grant money is available for Phase 1 and 2 clean-up studies. No petroleum only grants are available this round. The Lakes Region Planning Commission will be the clearing house for grants.

IV. Other Business:

- Subdivision/ Site Plan update
 Tabled until the next meeting
- Commissioners Comments
 None
- Staff Comments
 None

V. Adjournment:

M. Foote made a motion to adjourn. The motion was seconded by D. Williams. The motion passed 5-0-0.