

Town of Boscawen, NH
CONSERVATION COMMISSION
Boscawen Municipal Complex

Meeting Minutes
Tuesday, November 15, 2016 @ 7:00 PM

Commissioners Present: Tom Gilmore, Chair, Jeffrey Abbe, Norman LaPierre, Lyman Cousens (arrived 7:07 pm)

Absent: Alexandria Hudek

Others Present: Alan Hardy Planning & Community Development Director and Rose Fife, Recording Secretary

Regular Business

- Open by Chair @ 7:00 pm

- Roll call done by Chair

- Review and Acceptance of the minutes of the October 18, 2016 meeting minutes: A **motion** to grant the Minutes was made by Jeff Abbe, seconded by Norm LaPierre and passed by a unanimous vote.

- Accountant's Report – was submitted but never read into the record.

Old Business:

- Keegan Conservation *Negotiate the value of the commission's interest*: Tom Gilmore asked if they needed to cut the check for the appraisal now. Alan Hardy said that he wants to get all the documents together as some of the money is going to Five River's Trust. (See email from Ken stern to Alan Hardy dated 11/8/16.) Tom Gilmore felt the easement value was reasonable. Tom Gilmore asked John Keegan if Five River's was going to give them some tax credits. John Keegan said it was advantageous for him and his wife to take the full value of the easement. Alan Hardy said that the 25% of the appraised value makes it so that the Keegan's do not have an impact. John Keegan is meeting with his accountant next Thursday and they can work out the numbers then. Tom Gilmore thought the town would pay the full value of the easement.

Tom Gilmore said the full value of the easement was \$43,000. John Keegan said that because the amount of acreage changed with the survey and the amount of their homestead was less than what Peter had when they did the easement the value is \$43,000 vs, \$44,000. Alan Hardy said that expenses were looked at as expenses. However, Five River's applied to another organization for money and that was for \$12,000 and certain things had to be in place none of which had to do with the Keegan's. That's the part that he wants to get clear. The position the Town has been in is that they will pay the customary expenses approved by the Commission and negotiate the easement value. Tom Gilmore asked the Commission if they wanted to review the easement value. Norm LaPierre said he'd already reviewed the documents. Jeff Abbe and Lymen Cousens had not. Tom Gilmore said the easement value, which is the amount that the town would pay to Mr. Keegan, would be \$44,000. Mr. Keegan said \$43,000. Tom Gilmore said that was what their expectations were. Tom Gilmore said if Mr. Keegan wanted to make a contribution they could. Tom signed the check for the appraisal and a few other expenses the other day. They still need to pay Five River's. This includes the Management Fee due to Five River's. Alan Hardy said that the fee is perpetual; a one-time fee. Tom Gilmore said that the Commission could vote on whether they are comfortable with picking up the \$44,000 fee tonight. He asked if it was in their budget. Alan Hardy said it comes from the conservation fund, but is not in the budget. The money is

51 available to pay that. A **motion** to pay that fee was made by Lyman Cousens, seconded by Norm LaPierre and passed
52 by a unanimous vote.

53
54 John Keegan noted that Ken Stern said that once that step is taken he will review the easement document with them
55 and it would then be reviewed by the commission. Tom Gilmore asked John Keegan for confirmation that the easement
56 will allow agricultural as well as timber harvesting. John Keegan said that was correct. There is access for services
57 and transportation. Alan Hardy said that town council will review the documents prior to signature. Tom Gilmore
58 asked if the selectmen have to approve the disburseable funds. Alan Hardy said no. Tom Gilmore asked about the
59 expenses they pay. Alan Hardy said everything that has to do with acquisition of land comes out of that fund.

60
61 John Keegan asked about the 25% donation issue. Is that resolved in the motion that was made? Will the town take
62 care of that as an expense? Tom Gilmore doesn't think it is relevant. Alan Hardy said that is what the town looked at
63 as an expensive. Tom Gilmore said that is the money that goes to Five River's for monitoring. Alan Hardy said that
64 was a one-time expense. Tom Gilmore said it is not for the Keegan's to worry about.

65
66 Denise and Gary Larochelle of 238 Corner Hill Road, neighbors of the Keegan's, came in to ask questions. Their
67 driveway abuts the property. Gary Larochelle said that they did the survey. He said that the survey was done and it
68 looks like it is up against their driveway and they have lost a corner of their driveway. John Keegan said their entrance
69 is 115 feet. Gary Larochelle said that when they bought their property they said it was 301 feet and now they say 237
70 feet. Alan Hardy asked where the document was that said they had 301 feet of frontage from when they purchased
71 their property. They have one survey that the Keegan's had done. Tom Gilmore said they had an official survey done.
72 Alan Hardy said that typically when there is a boundary dispute the only way it is resolved is with survey's; individual
73 survey's from both parties. Denise Larochelle's was concerned with the map changing to reflect what the new survey
74 shows. It doesn't look like the property lines have changed. Alan Hardy explained that their GIS mapping changes
75 whenever a new survey, once registered at the Registry of Deeds, is done. In short, the most recent survey will go into
76 the system and the maps will be changed. Denise LaRochelle said that it looks like a triangle of their property has
77 been taken. Jeff Abbe wanted to understand that what she was saying is that their frontage looks like it has decreased.
78 Denise LaRochelle said yes. Jeff Abbe asked if his other pin at the end of 301 feet. Gary LaRochelle said he doesn't
79 have a pin there, just what John Keegan put there. John Keegan said he had a lead pipe for a pin and where the surveyor
80 put his pin it was within the same area. Alan Hardy said that as of April 1st, everything that was done will be uploaded
81 and the maps will change. Tom Gilmore asked if when the Planning Board goes through the deeds, do they require
82 monumentation? Alan Hardy said yes. How to resolve this for the LaRochelle's is difficult. He wants to suggest they
83 sit down with Kellee Easler and go into the registry of deeds site and research their deed to see if it stays consistent.
84 Lyman Cousens asked if the bank had done a survey when they bought their property. They bought the property in
85 11/2015. Jeff Abbe asked if they were okay with their back monument. Gary LaRochelle said yes. He also said they
86 have 2 common bounds with John Keegan. Jeff Abbe asked if their neighbor's driveway is against their boundary.
87 Gary LaRochelle said if he calculates it from John's survey, it looks like the other driveway is on their property. Tom
88 Gilmore feels that they need to resolve their issue with Alan Hardy. It is independent from what the commission does.
89 Alan Hardy asked if the Commission wanted to authorize the Chair to sign documents outside the meeting. A **motion**
90 to allow the Chair to sign documents outside the meeting was made by Lyman Cousens, seconded by Jeff Abbe and
91 passed by a unanimous vote.

92
93
94 Eric Munro of 215 Queen Street spoke. He wanted to talk to the Commission about lot 2, map 43 and lot 48, lot 83.
95 One is a 7 acre parcel and one is 200+ or so. That is the Barnard lot. Tom Gilmore asked if they were adjacent to the
96 town forest. Eric Munro said correct. He is interested in the property and wanted to know if the town was interested
97 in selling the property. Lot 48 map 83, their property goes all the way around it and the other parcel and logistically
98 for logging and management of the property it makes sense for them to absorb this property. Alan Hardy said that
99 may require action by the town. He's not sure. Alan Hardy also said it's not clear if it were town property or
100 Conservation's property. Jeff Abbe asked how the 7 acre lot come about. It's an odd shape. Alan Hardy said they
101 were a little too late to acquire lots near that lot. Tom Gilmore asked if the lawyer was looking to put all the properties

together. Eric Munro asked what the value was to the town. Tom Gilmore asked if it were accessible to the town forest. Alan Hardy said it has a very narrow accessibility. Eric Munro has access to it from their main 900 acre parcel and from their most recent purchase of 150 acres. Tom Gilmore said the Commission would have to do some research on this. Eric Munro said they do not want to, or have intention to, build on it. They are not opposed to sign something saying that they will not build on it. Alan Hardy said if the donor of the property put a restriction on it that it needs to be conserved, they need to look into that first. Eric Munro said they are prepared to move as fast as the Commission needs to them to.

- OEP Steve Walker email Annual Monitoring Reminder: Alan Hardy said it's a mute issue.

- Walker Pond PBWP *Alan* The PBWP owns property on Walker Pond. The pump station on Chadwick Hill Road, the parking lot and all the people using the area for recreation, the parking lot is sitting on a piece of PBWP property. That is not town property. That parcel goes a good ways from shore to first cove. They no longer do water withdrawals on Walker Pond anymore. Walker is a warm water, mud bottom pond. The PBWP will be interested in getting rid of the property. Alan Hardy asked if it made sense for the Conservation Commission to own that property. They do not have Class V road access, so it is non buildable. They have an emergency lane order on it. What that does allow is for them to improve it for access to that area. There are camps and a house or two down there. Two of the 3 camps/homes are accessible year round. Tom Gilmore said he thinks they should talk to the Town Selectmen. It would be an appropriate recreation area. But he can't see spending a lot of money on it. Alan Hardy said it may have water front but it doesn't have road frontage. He showed the Commission the property on a map. Alan said he'd hate to see the property not be purchased by the town. Norm LaPierre asked what the status of Walker Pond was. Alan Hardy said the Webster side is all built up. His understanding is that Concord retains the water rights. Tom Gilmore asked what action needed to be taken. Alan Hardy said nothing yet. Tom Gilmore said he's meeting with the selectmen tomorrow night at 5:15 pm. He could bring this item up to them at that time. Alan Hardy said it would be good to have that discussion at town level. The town should be made aware that the PBWP is selling property.

- Hardy Conservation: Alan Hardy said the survey will be an update to his existing survey. They will be creating the home lot. Tom Gilmore said they ordered the assessment. Alan Hardy said Peter made a commitment to have it done by year end. Alan Hardy said the Commission had the commitment that the funding would come from AFMI or Fred Tolbert.

Jeff Abbe said the Commission is looking at around \$43,000 plus expenses of \$20,000 for the Keegan conservation. Just to clarify. Alan Hardy said that it is like that because of buildable upland.

- Updates on the trailhead: Jeff Abbe dropped a map off to Beth Fenstemacher of Concord to allow them to have some input and see what they would like. There are a number of things to improve the map the Commission has. David Murray has supplied Alan Hardy with the snowmobile trail maps and they will make them an overlay to their town maps. There is a subdivision on Knowlton Road that will wipe up some of the major snowmobile trails. He suggested they put the snowmobile trails onto the Commission's maps.

Lyman Cousens attended the NH Association of Conservation Commissions annual meeting last Saturday. It was excellent. He attended a workshops on the fundamentals of conservation commissions, which he found helpful. The Leon Conservation Step by Step session he attended was interesting. He appreciated the town allowing him to go. He said there was a couple hundred people there. Lyman Cousens asked if they had a Wetland's buffer. Alan Hardy said no. Tom Gilmore said the Federal Government is talking about changing their wetlands law to create a larger setback, which would eat up a huge amount of property. Alan Hardy said if the Conservation Commission wants to make a recommendation to Planning regarding Wetlands buffers that would be helpful. Tom Gilmore would recommend a

25 foot setback which allows the Planning Board to say no driveways or septic systems or build a house there. Alan Hardy said they separate structure setback and building setback. Structure includes septic systems, wells, posts, etc. Nothing that is a building. Boscawen now has building setbacks. The wetland setback will be entirely different. Is there a want for 'use' setbacks or do you want a 'building' setback. Lyman Cousens asked if it would apply for the river. Alan Hardy said no, the State does that.

- DES Forestry Notification – Dominic Map 94, Lot 16 – this item was not discussed.

A **motion** to adjourn at 8:30 pm made by Lyman Cousens, seconded by Jeff Abbe and passed by a unanimous vote.

Next Meeting: December 20, 2016 at 7pm.

Respectfully submitted,
Rose Fife