

## **Jaffrey Conservation Commission**

### **Minutes of Meeting held March 28, 2012**

Jaffrey Town Hall

Present: Michael George, Chairman, Carolyn Garretson, Bill Graff, Nora Barton Bryant and Nancy Beiter

Guest: Ann McBride, Monadnock Conservancy

Regrets: Patricia Weiner

Absent: Ron Rogstad, Alternate, Kathy Batchelder, Selectboard Representative

The meeting came to order at 7:05p.m.

#### **Budget:**

At the Town Meeting held on March 17, 2012, the voters approved the addition of \$5,000 to the LACRF fund bringing the total in that fund to \$15,000. The Conservation Commission (ConComm) has the authority to make recommendations to the Select Board for the disposition of those funds, but final approval rests with the Select Board.

The Commission budget now has a balance of \$35,319 having earned a total of \$4.54 in interest in January and February of 2012.

#### **Children's Woods:**

Carolyn, Bill and Michael, along with volunteer Harry Young, will put up the remaining bird houses purchased in 2011 this coming Sunday, April 1. Michael George, along with Bill Burrows, will put up the kiosks next week. Kiosks were also funded in fiscal 2011. A brochure, which will include a map of the woods, is being drafted by Michael George and will be ready for review by the next ConComm meeting.

#### **Educational Programs:**

A proposal for an educational program to be presented by the ConComm to the citizens of Jaffrey is being organized by a subcommittee of Nora, Carolyn and Nancy. The subcommittee has met once and each member has been working on a concept for a program that would be entitled "Bears, Bats and Bobcats" and would feature a group of experts to speak and present slides or other graphics on each species. The subcommittee plans to reconvene on April 2 and will give a more detailed report at the next meeting of the ConComm.

#### **Whittemore Island Easement:**

All paper work has been signed by Michael George, Chairman of the ConComm and by two Select Board members to enable the transfer of a protective easement of the island to the Town of Jaffrey from the Nature Conservancy. The Town will hold a protective easement and the underlying fee will be held by the Monadnock Conservancy. Papers will be signed and recorded with the Registry of Deeds for Cheshire County by the Nature Conservancy and copies of the final, recorded deeds will be sent to the ConComm and kept on file in the Town Hall.

#### **Grey Goose Easement:**

The annual monitoring report on this easement is due. Bill and Michael will visit the easement and prepare the report as soon as possible.

At this point Anne McBride of the Monadnock Conservancy joined the meeting to discuss two additional easements that are in preparation.

#### McKelvie Easement

This is a potential grant of an easement on 18.2 acres owned by Parrylyn McKelvie entirely within the Town of Jaffrey and fronting on Frost Pond, a public water body. Ms. McKelvie a bit more land than would be covered by the easement, but she would like to exclude 1.8 acres on which her home (and septic field) is situated and .4 acres on which there is a tennis court. Ms. McKelvie is making a gift of the easement to the Monadnock Conservancy. This proposal was originally made in 2008 but for a variety of reasons the gift was not consummated at that time.

The 18.2 acre parcel has an 1800' frontage on Frost Pond and consists mostly of open field. (Between the field and the Pond, there are some wetlands that are not included in the legal description of the easement but which are already protected by the NH Shoreland Protection Act). The property used to be part of a camp and has an old, disused basketball court and an old cabin. The easement reserves for Ms. McKelvie and her heirs and assigns the right to maintain the basketball court provided that no electricity or lights are added and to maintain the cabin on the property in a rustic condition. The right to log the property will also be preserved to the Grantor.

In response to a question, McBride said that the Monadnock Conservancy easements generally prohibit posting against pedestrian access, although the owner of the underlying property can post against such things as hunting, ATV access, and camping, and can post for plant protection and for areas that might pose a threat to public safety. NH law protects the owner of the underlying fee against liability for injury to visiting pedestrians.

The Monadnock Conservancy(MC) is asking the ConComm for up to \$6,000 to reimburse the MC for its expenses in preparation and recordation of the easement documents. If we grant the request, the Town of Jaffrey must take a legal interest in the property as required under NH law unless the town has waived that requirement at an annual Town Meeting.

Bill Graff looked at the Town Meeting records and determined that such a waiver had not been made nor requested. There are two kinds of legal interests that the Town should consider.

The first is an "executory interest" which conveys upon the Town the ability to enforce the MC easement if it should find that the MC is doing an inadequate job and/or to take over the easement should the MC be unable to perform the task. The other is a 3<sup>rd</sup> party right of enforcement which would allow the Town to enforce the terms of the easement in the event of a failure by the MC to do so.

If we decide we would like to proceed with this easement and to donate up to \$6000 toward its fruition, we will need to present the options to the Select Board which has a final say in the matter. If we choose to donate the funds, we should let Ann McBride know ASAP.

We also need to decide if we want to present a waiver of this obligation to create a future interest in the easements of the MC or other organizations or if we want to waive this right.

#### Fundraising Letter

The Shattuck Easement still needs an additional \$5000 for legal expenses. We still would like to send out a fundraising letter to try to raise these monies. We need to look into the mechanics of how to send a letter to all of the citizens of Jaffrey. Nancy agreed to do this. Nancy will also send Anne McBride a copy of the latest version of the proposed fundraising letter. Anne said the MC would like to close on this easement in July of this year.

At this point Anne was thanked for her participation and she departed.

The ConComm then approved spending up to \$6000 to cover the MC'S legal expenses in preparing the McKelvie easement.

#### Camp Wildwood

In the past the ConComm has contributed \$200 each year toward a scholarship for a camper to attend this camp. The Audabon Society has typically picked up the rest of the camper's tuition. We nominate the camper. The ConComm approved a motion to do this again this year and the student will be selected later.

#### Future ConComm members

At the Town Meeting two individuals expressed an interest in serving on the Commission, David Hedmond of the Silver Ranch and Mary Jean Parry, a resident on Bryant Road. This two individuals will be invited to our April meeting.

The ConComm reviewed a letter written by the NH Department of Environmental Services to Robert Van Dyke regarding an application for alternation of the terrain permit in relation to Stonybrook Village.

The meeting was adjourned at 8:52 p.m.