

Approved

Conservation Commission Meeting Public Minutes July 12, 2023

Members in Attendance: Mark Young (Chairman), Bob Stephens, Andy Laroche, Brian Silva, Andy Artimovich, Matt Lipinski, Becky Dunham (Alternate), Doug Cowie (Alternate)

Chairman Young called the meeting to order at 6:31pm.

Motion by Lipinski, second by Silva, to appoint alternate member Becky Dunham as a voting member in tonight's meeting. Unanimously approved.

Chairman Young reported he received a resident request that our meetings be streamed going forward. Following discussion, Artimovich moved that we do so. The motion died for lack of a second.

Agenda Items

1. **Minutes Review:** Motion by Dunham, second by Laroche to approve public meeting minutes of 6/14/23. Unanimously approved.
2. **Bills & Reimbursements:** Dunham reported she contacted the NHCC to obtain a handbook, which she received together with a \$20 invoice for the item. She requested the bill be paid. Upon motion by Stephens to approve payment, second by Artimovich, the request to pay was unanimously approved.
3. **Business**
 - a. Town Boundaries Update: Stephens reported no update for Exeter; Artimovich and Lipinski reported they have been in contact with the town administrators for Fremont and Kingston, respectively, and will be doing additional follow up relative to those towns.
 - b. NHDES Approval Letter: Chairman Young reported this letter was received regarding the Lake Road property. No additional action required.

Chairman Young advised he added the following other business items to the agenda after its printing which would be addressed now:

- i. Dunham reported that she and McNaughton are working on updating the town's conservation maps and that she contacted SELT in order to obtain a complete list of all SELT properties in town.
- ii. Chairman Young received an email request from UNH to participate in a conservation survey. Dunham volunteered to review it and recommend what, if any, further action should be taken. Stephens stated he believed we may have completed that survey 3-4 months ago.

- iii. Chairman Young received a request for data on two conservation properties from Boston University. He will review it with Town Administrator, Karen Clement, to develop a response.
- iv. Chairman Young met with certain Selectboard members and the Town Administrator at their request, who advised him to retain a consultant to assist with the various aspects of easement management and conservation processes. Young inquired of Clement whether an RFP would be needed in order to select such a consultant. She was unsure but would get back to him. Young thereafter spoke with a couple of potential consultants about capacity and learned that everyone was extremely busy with limited capacity. More to come.
- v. Chairman Young has been advised that public hearings are required prior to approving any expenditures, including appraisals, for property conservation. Stephens suggested consulting with the town attorney for advice regarding what discussions must be public in that regard, emphasizing the Commission's interest in doing what's right for the town. Discussion ensued, including some participation by residents in attendance, regarding the conservation process and whether due diligence was completed before seeking an appraisal, or whether the appraisal was part of due diligence.

4. Prospective Conservation status/updates

- a. Public Discussions: Chairman Young advised that going forward, all discussions of properties being considered for easements/purchase would be public, with exceptions to be made if concerns existed regarding possibly compromising the conservation effort through public discussion. Dunham and Stephens cited statutory provisions which permit non-public property conservation discussions under certain circumstances.
- b. Webb Property RFP: Chairman Young summarized progress to date on this approximate 90-acre tract on Pine Road. RFPs for appraisals and wetlands assessments were sent to several entities on July 1, 2023, with responses due in 30 days. The owner wishes to sell the property into conservation but has also had some mild commercial interest in it. It is expected the due diligence process would take 2-4 months to complete. Brentwood resident Liz Faria asked whether any funds in addition to the \$3M conservation bond are available to pay for appraisals, assessments, etc. Chairman Young responded there is a conservation fund of \$75,000 and operating funds of \$17,000 included in the annual town budget.
- c. Swasey Property Walk: Scheduled for Saturday, July, 15, 2023 at 8:00AM. Young, McNaughton, Dunham, and possibly Stephens will participate.
- d. Fuller Letter: Chairman Young commented on a letter dated June 30, 2023, which was sent to the Commission and the town Selectboard regarding property owned by Norma Fuller which had been under consideration for conservation. Young noted certain factual inaccuracies in the letter. He reported that:
 - i. The Fuller property was initially brought to the Commission for possible conservation in 2022 by a SELT representative who advised that the Fullers wished to keep all conservation discussions confidential and non-public.

- ii. Two Commission members, along with a neighbor were invited by Mrs. Fuller, eventually met with her to discuss her interest in conserving the property, potential easement limitations, and the conservation process.
- iii. The SELT representative continued to update the Commission on this property over several months.
- iv. The Commission continued to discuss possible conservation of this property, and ordered and received a property appraisal earlier this year.
- v. The Commission voted in its May 10, 2023 meeting not to go forward with conserving this property. Young advised the SELT representative of the Commission's decision a day or two after that vote. However, according to Mrs. Fuller's letter, she did not find out about the Commission vote until five weeks later at the June 20, 2023 Selectboard meeting.
- vi. Young finds it inconceivable that Mrs. Fuller did not find out about the Commission vote until five weeks after it happened and he concluded that one of three things may have occurred:
 1. SELT never informed her of the decision.
 2. SELT may have informed her of the decision but she forgot.
 3. Someone other than Mrs. Fuller wrote the June 30, 2023 letter.
- vii. Young noted that everything the Commission did regarding this property was at the property owner's request and consistent with her wishes. He offered to meet with Mrs. Fuller if she wished to do so.

Other Commissioners added the following context:

Stephens stated that as Commission Chairman at the time, he was approached by SELT about the property and the Commission's interest in participating with SELT to conserve it. Lipinski added his understanding that SELT offered to have the Commission participate with SELT in the conservation of this property, or not, at the Commission's option.

Public comment then ensued. Town resident Edie Shipley stated that she had connected Mrs. Fuller with SELT. Rob Wofchuck wanted to discuss what he referred to as the "open space" bond approved by the town at its March, 2022 town meeting. Chairman Young deferred that item.

Following additional discussion, Artimovich moved to reassess consideration of this property in the Commission's August meeting. Lipinski seconded and the motion was approved by a 6-1 vote.

Motion by Stephens, second by Dunham, to go into nonpublic session in order to discuss corrections to the nonpublic minutes of the June 14, 2023 meeting. Upon individual roll call vote, all members approved.

Upon return to public session, Artimovich moved to approve the nonpublic minutes as amended and to also seal those minutes. Laroche seconded and the motion was unanimously approved.

Chairman Young then reported that he is spending a lot of time between meetings on Commission business and needs more help. Stephens suggested perhaps the Commission needed an administrator. Artimovich recommended seeking community volunteers for additional help. Young then noted difficulties related to obtaining external professional resources in the current market, citing the Webb RFP (item 4b, above) which went out to 9 appraisers and 11 wetlands scientists with 1 response received so far.

Limited discussion occurred regarding items to be addressed regarding the Fuller property at next month's meeting.

Motion by Stephens, second by Artimovich, to adjourn the meeting. Unanimously approved. The meeting was adjourned at 8:02pm.

DRAFT