

**As Approved**  
North Hampton Conservation Commission  
Meeting Minutes  
December 13, 2016

**Administrative**

The meeting was called to order at 7:03 PM. The agenda was posted in compliance with RSA 91A requirements.

**Roll Call**

Attendance included Chris Ganotis (Chair), Lisa Wilson (Vice Chair), Kathy Grant, Shep Kroner and Andrew Vorkink

**Approval of November 8, 2016 Meeting Minutes**

After some discussion, a motion was made by Kathy Grant, duly seconded by Andrew Vorkink, to accept the minutes as amended with Shep Kroner abstaining. The motion carried with a unanimous vote.

**New Business**

**Lamprey Farm Easement Complaint**

Ms. Caroline Field submitted a complaint concerning an alleged violation of the easement because she claimed that 15 cubic yards of sand was dumped near the barn. It was clarified that the material was actually gravel.

Discussion ensued about whether the use of the gravel was consistent with the management plan approved by the Commission in October, 2015. Further discussion was about whether allowing access to the barn using gravel was consistent with the easement. Andrew Vorkink observed the property after the complaint was filed and since the gravel was for agricultural purposes to allow farm vehicles to enter the barn, he indicated that in his view it is consistent with the plan and the easement. After some discussion, ***a motion was made by Andrew Vorkink, duly seconded by Shep Kroner, to formally respond to the complaintant to indicate that the Commission has met to deliberate on the complaint and concluded that the activity referred to in the complaint is not in violation of the easement because it was for an agricultural purpose..*** The motion carried affirmatively with Shep Kroner abstaining. The Chair will draft a letter to the complaintant on

this matter, after review by the Chair of the easement sub-committee and send it to the complainant.

### **Brewster Real Estate Investments Request to Gift Parcel at 20 Chapel Road to Town**

Mr. Michael Green of Brewster Real Estate Investments has offered to donate a parcel of land at 20 Chapel Road to the town. The Commission noted that the Rockingham Planning Commission map in the Town Office shows that the parcel is virtually all wetlands with a stream that flows through the parcel and then empties into Bass Beach. It is over an Aquifer Protection area. The Commission consensus was that the 2.69-acre parcel should be left in its natural, undeveloped state. The Select Board met on Monday December 12 and voted to accept the parcel as a gift to the Town and to consider using the land for conservation with active recreation. In deliberations, the Commission concluded that the parcel should only be used for conservation, with the deed restrictions normally used in Town conservation deed restrictions. It was further concluded that the deed restrictions should not allow for active recreation, since it is not consistent with the principle of preserving and protecting the land as referenced in RSA 36A. After lengthy discussion on this matter, ***a motion was made by Andrew Vorkink, duly seconded by Lisa Wilson, that the Commission would consider to accept the land for conservation only if the Select Board agrees that the land be used for passive recreation purposes and the conservation restrictions be the same as used for other conservation land in North Hampton.*** The motion carried with a unanimous vote. The Chair will draft a reply letter and review it with the Sub-Committee Chair. It will then be shown to the Commission members to review.

### **Old Business**

#### **FB Environmental Update of Water Quality Testing**

The Chair reported that the water quality is still poor in both the Little River and Winnicut River. There has been some reduction in the bacterial contamination due to drought conditions which resulted in very little surface run off. The water quality in the rivers still fails to meet DES standards.

## **Luff Conservation Parcels Stewardship Management Plan Draft Update and SELT Review**

Lisa Wilson has been working with Kevin Ryan, Approved Certified Wild Life Biologist at FB Environmental to develop a program where certified expertise is needed for items required for completing the plan. He will prepare a proposal based on conservation documents and Southeast Land Trust easement requirements sent to him by Lisa. Lisa will also contact Kevin to discuss a budget.

## **Review of Luff Conservation Land Access Deed**

Andrew Vorkink has been communicating with Mr. Richard Luff regarding the access easement. The path that is currently marked and used to access the conservation land that runs from Highlander Drive is not the formal deeded access route to the parcels from Highlander Drive. There is no access easement in place for that path. The documented easement access route is actually the former Orange Ski Trail which runs north along the eastern stone wall boundary of the golf course land, then heads west along the northern border to the conservation land as shown in the old ski map, which was referenced in the access deed but not filed with the registry of deeds because the map did not conform to the then newly adopted mylar map requirements. Accordingly, at present there is no Exhibit A filed showing the location of the former Orange ski trail. In addition, the access deed was supposed to have an Exhibit B attached which was intended for the alternative trail should the Orange Trail become temporarily impassable but this Exhibit was also not filed with the deed because apparently the location of the alternative trail was never finalized. For practical purposes the marked trail from Highlander Drive to the conservation parcels can continue to be used by the public until and unless the golf club should need or sell the lots over which the marked trail runs. Andy has suggested to Mr. Luff that we find suitable language to amend the access deed to describe in text what would be in the currently missing Exhibits A and B, such as that Exhibit A would describe the access as being where the former Orange Ski Trail was, running parallel and close to the eastern boundary of the lot and then westerly parallel and close to the northern boundary of the lot until the access reaches the conservation parcels, and that Exhibit B contain language that in the event the alternative trail becomes necessary under the terms of the access deed, its location will be agreed between the parties. Andy will ask Michele

Peckham to draft a proposal for language for descriptions of Exhibit A & B trails.

### **Easement Sub-Committee Update on Deed Reviews**

Andrew Vorkink has been working with Michelle Peckham to finalize deed restriction verbiage for the 12 parcels in A, B, and C. Eleven parcels were approved by the Select Board in July for deed restrictions. A remaining parcel was held in abeyance by the Board. At the Select Board's meeting on December 12, 2016 where it discussed the draft conservation restrictions for the twelve lots, it stated that the Board would like to amend the proposed conservation easement on the Luck parcel, Map 13-79, to allow for active recreation, even though the parcel was intended to be used for passive recreation conservation by the donor. After much discussion about the reasons for not amending a conservation document to allow for active recreation, including not being consistent with the wishes of the donor, potentially violating the trust of the donor, being inconsistent with conservation easements, the moral and ethical components, and the land being part of the Little River, an extremely sensitive environmental area, and being bad precedent for obtaining future land donations and conservation easements, ***a motion was made by Lisa Wilson, duly seconded by Shep Kroner, that the Commission would inform the Select Board that it feels the Luck parcel should be approved with the originally prepared conservation deed restrictions for passive recreation consistent with the wishes of the heirs of Mr. Luck to preserve it for its original purpose as conservation land.*** The motion carried with a unanimous vote.

It was also discussed that those six wetlands parcels for which the Select Board on December 12 asked for clarification about the ability of the DES to increase the flow of the often-blocked Winnicut River, language to clarify this would be added to the draft conservation easements for those parcels and sent back to the Board for execution.

There being no further business to discuss, ***a motion was made by Andrew Vorkink, duly seconded by Shep Kroner, to adjourn the meeting.*** The meeting was adjourned at 9:30 PM.

Respectfully submitted,  
Beverly Moore

Recording Secretary

***“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 the majority vote by the Conservation Commission.”***