



TOWN OF NEW LONDON, NEW HAMPSHIRE

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APPROVED Minutes of the February 4, 2011 Conservation Commission Meeting

MEMBERS PRESENT: Bob Brown (Chairman), Emma Crane, Vicki Koron, Sue Clough, Terry Dancy, Laura Alexander, Peter Stanley (Zoning Board Administrator)

MEMBERS ABSENT: Andy Deegan, Dan Allen, Ruth White

OTHERS PRESENT: Bob Crane (Webmaster)

Chair Brown called the meeting to order at 1:00pm. He thanked them for coming to the special meeting. He noted that they reviewed their requests at the past budget meeting and at said that there was a request to reduce the deposit to the Land Acquisition Fund from \$25,000 to \$10,000. He stated at the meeting that the Conservation Commission could live with that change. There was another comment that came up about using the fund for more than land purchase, for example, for milfoil treatment should that ever become necessary. Mr. Stanley stood at the meeting and clarified that such a use of the fund could possibly happen. He stated that they had some warrant articles coming up that would address the definition use of the fund.

RSA 36:A the BOS and PB and BC is supporting and the question has come up about the scope of the use. Mr. Stanley explained that the capital reserve allows only for the purpose of purchasing land. They can't buy an easement or contribute to a third party (a qualified organization) to get an easement on a piece of property or natural resource they have. Some years ago the legislature passed "the optional powers" which gives the power to purchase easements in town, and to accept gifts of land or easements from out of town. These powers give them the opportunity to expand 36:A. A qualified third party is defined in the internal revenue code, which is essentially any non-profit that meets the 501-3:c requirements. They have three items before town meeting. Mr. Stanley said that they would be presented out of order: "b" will come first, then "a" and then "c." If they adopt these optional powers, there would be a much wider range of ability to support and contribute to conservation. They would need to amend their capital reserve to be more flexible to allow the funds to be used in order to better facilitate the town's natural resources and water bodies. He thought that, should milfoil become present in one of the town's lakes, and if this RSA was passed, they would be able to expend funds to treat the infestation. Capital reserves can be used to fix a problem, and if something threatened the lakes, they could take action with these funds.

Ms. Alexander asked if there was any feeling that the fund should be used to take care of milfoil work that has been taken care of previously. She would hate to see the fund get depleted by preventing milfoil when it is supposed to be for land acquisition. Chair Brown asked if the change of use would be adaptable to use the funds for the lake host program. Mr. Stanley said it could not. It could only be used for an issue that needed to be dealt with immediately. Ongoing costs would be paid for by other means, but this fund could be used at the start.

Mr. Dancy said they should recognize that Lake Sunapee already has milfoil and they have a program to stop it from expanding. He thought it would be interested to see where that would fit into the sort of things they are doing if this fund is being used for milfoil. The LSPA uses the town's contribution for monitoring (lake hosts) but they are paying for the protective work on the lake where they put plastic over the milfoil and have weekly pulling of the weeds. It is difficult to know what the fund would be used for. Mr. Stanley said he didn't think anyone would be eager to spend down the fund, but in order to have the

flexibility they want to support other things, they have to do this. Ms. Alexander wondered if they would be able to spend money on milfoil containment if it wasn't on the New London portion of the lake. Mr. Stanley said that this could happen, but they would want to make sure that Sunapee and Newbury were also putting in equal shares.

Chair Brown said that they would hope that this fund would be used as a last result. He felt the Lake Sunapee Protective Association was well suited and prepared to financially deal with their milfoil problem, but that other lake protective associations may be in a bind if they had to come up with the funds to do the same.

Ms. Clough felt that by allowing the fund to be used for things such as milfoil, it would be opening the door for other uses. Mr. Stanley said that the funds could only be used for conservation purposes. Chair Brown said that if they adopt this RSA, it will widen the scope. Right now it is clear that it can only be used to acquire land. Mr. Stanley said that they don't have to adopt the RSA if they don't want to. Mr. Dancy asked if the town could vote to limit it to just easements. Mr. Stanley said they could change the wording, but would need to get approval from the Board of Selectmen, or they could change it from the floor. Mr. Stanley said that they could also table this section of the RSA for a year. He didn't think this would be a huge problem. If they wanted to think about going back to the Conservation Fund program, where the money is controlled exclusively by the Conservation Commission they could, but as it is now, it is the town's money and is not "Conservation Fund" money. He felt it was a moderate approach to renaming the fund, giving flexibility, but still keeping it in the realm of conservation. Mr. Stanley said anyone came in with a petition warrant article to purchase land they perceive to be conservation land. Anyone could come in to change the purpose of a fund. He felt this was a preemptive move on their part to suggest there was flexibility in the fund, but would remain subject to the typical controls they have.

Chair Brown said that if they don't follow through with this, he felt they would be doing a disservice to their mission. Mr. Dancy said that by putting this RSA in, they are reacting to the fact that they have a lot of money and the idea that they have got to have objectives. If properties don't come up for sale, there are no objectives. If this RSA allows them to go after easements, they will have more objectives. If the Conservation Commission is asked to expend the funds for something they don't agree with, they could go to Town Meeting to argue that the use did not meet their objectives.

Mr. Dancy said one thing they need to talk about is the examples of outside spending that might be legitimate that would help convince the general population. He made a list of the items and they could decide which ones would catch people's eye best. Most of his examples had to do with watersheds in nearby towns that could affect New London.

Chair Brown wondered if anyone had any issues with the adopting of the RSA. Stanley said the goal is to protect their natural resources and although it is generally land, it can be other things.

IT WAS MOVED (Bob Brown) AND SECONDED (Laura Alexander) to continue forward with the RSA 36:a warrant articles including the change of purpose of the capital reserve at town meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Brown said that the list went out with the 45 parcels of interest. He thought they should get going on some of these to see if any of them will be moving forward. Mr. Stanley said two other properties he has made inquiries about are the Pratt properties, and the Darrah parcel. He didn't know what other opportunities would present themselves elsewhere.

Chair Brown asked if all the owners know that their properties are on the list. Mr. Stanley said that they probably did not. He suggested they prioritize the properties and send a letter to the owner to let them know that they are interested in protecting their property. Chair Brown said that if he was a property owner, he would rather hear about this interest in the property from the Conservation Commission rather than in the Master Plan. He said that they should make some initial contact and then put the ball in their court. Mr. Stanley said that they should keep track of the level of availability for these properties, as some may not ever be attainable. He suggested everyone review the list of desirable properties and have it in mind.

Wednesday the 16th at 9:30am was the next scheduled meeting. First item would be the public hearing to accept the gift. They would also meet on Tuesday the 15th at 9:30am to conduct their regular meeting business. They will need a quorum for both meetings.

Chair Brown received a call from Peter Blakeman to present his plan for the crossings at the Little property. They decided to do this on Tuesday the 15th.

IT WAS MOVED (Emma Crane) AND SECONDED (Vicki Koron) to adjourn the Conservation Commission meeting of February 4, 2011. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 1:43pm

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London