

Open Space Committee / Minutes of September 14, 2010 Meeting

7 p.m. Peterborough Town House

Present: Alan Bannister, Ed Henault, Debby Kaiser, Francie Von Mertens, Alex Walker; Eric Thum, Liz Thomas excused

August minutes were approved.

Landowner relations

Ed Henault passed around photos of the plaques from rustic wood to formal brass imbedded in rock that Sharon ConCom presents to landowners who have conserved their property.

The Neffs, Eastmans and Otter Brook have been approached with the offer of a photo with inscription of gratitude from the town.

Calendar

Complimentary calendars were passed out to committee members. Selling them now is the challenge. Francie Von Mertens will approach the Conservation Commission with request they fund complimentary calendars for all town committee members. ConCom has been supportive in the past. This outreach has the added intention of helping spread awareness about the calendar – as well as being a 'perk' for town service.

Debby Kaiser reported on locations she has placed calendars or left samples or posters.

Alan Bannister will persevere with EMS, and will speak with Tenney's in Antrim.

Ed Henault will approach Sharon ConCom with comp. calendar and request that they assist outreach.

Amending Conservation Easements

Ed Henault reviewed the recent publication put out by the Attorney General's office and Forest Society about amending CEs. The AG views a conservation easement as a charitable trust subject to charitable trust principles including breach of trust.

Henault said amendment scenarios are put in categories: low, medium and high risk. The attorney general's review of low risk scenarios (amending boundary descriptions or adding land to the easement or adding further restrictions) is minimal, requiring only notification in writing. Medium risk (not clearly meeting the seven established criteria for a CE; going against original grantor's and/or neighbor's wishes; putting more land under easement in exchange for a house lot on the original easement area) is less clear-cut and receives greater scrutiny; and high risk (development) goes to probate court.

Any amendment must come close to meeting the seven criteria of a CE (serve the public interest; no private inurement; be consistent with original intent of easement; have net beneficial or neutral effect on conservation values protected by easement; etc.).

The next meeting of the Open Space Committee will be October 14, 7 p.m. at the Town House.

/fvm