

**Minutes of the Peterborough Conservation Commission Meeting
December 15, 2011, Town House Peterborough, 7 p.m.**

Present: Jo Anne Carr, Swift Corwin, Bryn Dumas, John Kerrick, Matt Lundsted, John Patterson, Susan Stanbury, Francie Von Mertens, Robert Wood

November's minutes were approved, along with NHACC annual dues and reimbursement to Francie Von Mertens for various workgang supplies and workshop tuitions.

Members approved permission for a memorial fireworks display over Cheney Avenue town conservation field honoring abutter Bob Loy, following Mr. Loy's wishes and reflecting his connections to that conservation land. Abutter Dick Fernald who oversees mowing and general stewardship of the field favors granting permission.

Von Mertens noted this will be the third known spreading of ashes on town conservation land, a testament to the value of public conservation land.

Armory/Community Center project

Robert Wood reported an informal site visit with Rodney Bartlett and members of a committee working on a community garden at the Armory. DPW staff had removed piles of fill at wetland edge and graded the area. Town code allows parks and gardens in the Wetland Protection Overlay Zone (WPOZ). Code Officer Dario Carrara has come up with a list of points that need addressing. The question is what permitting process should be followed by the town.

Wood said one result of the site visit will be to create a swale to protect the wetland from runoff. Jo Anne Carr said the buffer area boundary of the WPOZ should be marked with the new buffer tags that town code now requires and Wood said the wetland needs to be flagged in addition to its current mapping. Von Mertens said that before any work is done near a wetland siltation fencing is put in place along the WPOZ boundary to protect the naturally vegetated buffer and to avoid impacts. In this case there was no naturally vegetated buffer and the project includes revegetation with groundcover and native shrubs including blueberries—along with raised beds and footpaths as allowed by ordinance.

Robert Wood will communicate this to Dario Carrara, along with a request that before and after photos be a part of the process to document existing conditions and improvement thereof.

Trail map poster

Members readily accepted the Open Space Committee's offer to work up a poster for town trails based on the ConCom's trails brochure. Bryn Dumas said the Otter Brook trail system and kiosk would be completed in the spring. Delaying the poster until then makes sense. The current logging project along the new Cranberry Meadow (a.k.a. "Swift's Trail") will be done by then, as well.

Long Hill Estates conservation easement

Susan Stanbury handed out correspondence from Longhill Estates condo board citing history of the slope easement. It was granted to the gravel pit operators by deed in 1984

but was not mentioned when the property was sold in 1986, and then one year later sold again for the condo development. Wording in the deeded slope easement suggests the slope relates only to final grading in compliance with Peterborough Planning Board requirements. The conservation easement granted the town says there shall be no mining, quarrying, excavation or removal of rocks...gravel, sand" etc.—boilerplate language for conservation easements.

Evidently no title search was conducted at the time the easement was accepted. Stanbury will search for any past aerial photos that would indicate if the top of the slope has been excavated. Von Mertens will search the registry of deeds for the wording of the slope easement.

Goal is drafting a letter to the gravel pit owners with the town's understanding of the slope easement with a likely future meeting to confirm that all parties have the same understanding.

Walcott Conservation easement transfer to Harris Center.

The Walcott conservation easement was rendered unenforceable by merger of title when the Walcotts gave the 145-acre property to the town shortly after donating a conservation easement on the property to the town. Honoring the donor's clear intention that the property be conserved in perpetuity, Robert Wood made the following motion (John Patterson second):

Move that the Conservation Commission seek approval of the Peterborough Select Board to transfer the Walcott conservation easement to the Harris Center and to that effect approve not to exceed \$5,000 payment to the Harris Center for future easement monitoring and defense costs.

The motion passed unanimously.

Potential forestry infraction

Swift Corwin has notified the state concerning a possible forestry infraction. Bryn Dumas showed photos of the apparent violations including wetlands and town Class VI road impacts. Corwin will follow-up by phone with Forest Ranger Neil Bilodeau with the goal of an immediate site visit and determination of whether the town can intervene before that site visit.

/fvm