

**Minutes of the Peterborough Conservation Commission Meeting  
June 16, 2011, Peterborough Town House, 7 p.m.**

Present: Swift Corwin, John Patterson, Susan Stanbury, Francie Von Mertens, Robert Wood

Minutes for May were approved, as was a member's reimbursement for workgang supplies purchased and a \$200 contribution to the Open Space Committee's Nature Calendar project.

**Conservation Easements**

1. Elm Hill Road conservation easement. Susan Stanbury reported that the Select Board enthusiastically approved acceptance of the easement subject to town administrator and Conservation Commission approval of the final easement language.

Francie Von Mertens reported that the changes recommended by the Conservation Commission to the easement first draft had all been incorporated other than addition of a "Breach of Easement" section. The standard "Breach" section has paragraphs A through H. A and H were added but B through G were not.

Von Mertens projected A and H on the screen, along with a paragraph that Stanbury and Von Mertens had submitted to add the minimum detail needed for the Town to carry out its legal responsibilities in the event of a breach. Projected also were changes submitted that resulted from town counsel and town administrator review.

Stanbury said the landowners are reluctant to make these further changes. She said they have deep connection to the land as evidenced on a walk with them to get a sense of the land and any monitoring issues. She suggested the legal details necessary in an easement can be off-putting to the owners, but the town has to look ahead to future owners that won't have such a connection.

Von Mertens asked if the ConCom can recommend acceptance of the easement as it stands.

Robert Wood summed up the discussion that followed: "The purpose of the document is to protect the land far into the future. As it stands, that is not accomplished." Optimism was expressed that the landowners will understand the town's position and agree to the version approved by the town administrator. When that occurs, the Commission will call a special ConCom meeting to vote approval as required by the select board.

Von Mertens said easement support funding from the Commission's conservation fund typically goes to the land trust accepting the easement—in lieu of the landowner covering the land trust's staff time and future monitoring expenses. In this case there are no land trust expenses. She suggested that easement support funding be offered to reimburse landowner survey expenses relating to the easement.

Members agreed. Von Mertens and Stanbury will communicate that to the landowners.

2. Otter Brook Farm conservation easement. Von Mertens projected the parcels protected by the Otter Brook Farm Phase II easement (470 acres). A Quabbin-to-Cardigan grant helped cover the landowner's considerable survey expenses involving multiple lots. She invited discussion of a contribution to the Harris Center's Easement Monitoring and Defense Fund in support of the easement. She gave a history of similar

easement support. Members agreed to an easement support contribution to the Harris Center similar to past contributions. Von Mertens will follow-up with the Harris Center to determine their easement costs.

3. Easement enforcement. John Patterson gave an update on an easement enforcement process that was referred to town administrator with likely follow-up action by the code enforcement officer.

**Intents to cut.**

Swift Corwin and Von Mertens reported that after longstanding effort, a system now is being followed whereby Corwin as town forester and the Conservation Commission receive an intent to cut notification the day it arrives at the Town House, with prompt follow-up PDFs from Fash on OCD that show any wetlands or shoreline on the property.

**Other**

Wood will follow-up on the Mackenzie wetlands restoration on Route 202N.

Corwin reported that town conservation land management plans, including securing per-acre quotes from two additional sources, would begin in the fall.

There being no further business, the meeting adjourned at 8:35 p.m. The next meeting is July 21, 7 p.m. at the Town House.

/fvm