

AS APPROVED

**Lyme Conservation Commission  
Meeting Minutes  
February 4, 2013**



PRESENT: Members – Matt Stevens, Russell Hirschler, Blake Allison, Tom Colgan, Richard Vidal, Heather Toulmin, Joanna Laro (Alternate) and James Graham (Alternate). On a motion by **Russ**, seconded by **Heather**, Joanna Laro was voted to full member to replace **Lee Larson** who did not attend.

PUBLIC: Chief of Police Shaun O' Keefe, Bob Couture and Marci O' Keefe

Chair **Matt Stevens** called the meeting to order at 7:00 p.m.

**1. Review and Approve Minutes from 1/07/13**

- On a motion by **Tom**, seconded by **Richard**, the 1/07/13 minutes were approved unanimously.

**2. Land Protection and Easements**

- **No Items Were Submitted.**

**3. Trails and Land Management**

- **Independence Day Committee Chaffee Parking Proposal** -- Chief of Police Shaun O' Keefe, Bob Couture and Marci O' Keefe appeared on behalf of the Independence Day Committee (IDC) to submit a proposal that the committee be allowed to use a section of Chaffee Sanctuary for contingency parking in conjunction with its annual Independence Day celebration. Chief O' Keefe noted that the ball field would not be available for parking as in past years due to reseeding next spring and the potential for damage to its newly installed drainage system as a result of cars parking on it. He explained the IDC has approval to use two properties across Rt. 10 from the ball field, but there is concern that a pre-celebration spell of wet weather would render low lying areas on those parcels unusable. In that event, he said, the preferred option would be to use higher and drier ground available in the Chaffee.

While being sympathetic to the committee's circumstance, several concerns were raised by members of the commission including the threat parking activity would pose to grassland birds nesting at that time of year and the idea of using the sanctuary for parking when four-wheeled vehicles are prohibited. It was also observed that if the ball field would no longer be available might this be more than a "one off" event? Finally, it was asked whether such usage was permitted under the terms of the covenant establishing the sanctuary. It was further noted that the sanctuary has numerous low-lying areas that during wet conditions also would be unsuitable for parking just like low areas across the street.

The IDC delegation was asked what options had been explored. They replied that the Skiway was not available and that running shuttle buses would add a financial burden that would over tax funding.

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## Trails and Land Management, cont.

**Tom** said perhaps the parking could be restricted to an area adjacent to the existing parking lot while avoiding low-lying areas and potential nesting sites. After further discussion, **Russ** moved that if needed, parking would be allowed this year contingent on mapping out areas where it could take place and keeping those areas mowed to discourage nesting. **Tom** seconded, and the motion passed 4-to-1. *As a follow up, it was agreed members of the Commission, the IDC and possibly Chief O'Keefe would visit the Chaffee to assess the topography before reaching any decision about appropriate areas. It was also pointed out that the legal documents creating the preserve would have to be reviewed, because while the management plan does not specifically preclude such a one time activity it may be prohibited elsewhere.*

The IDC members thanked the Commission for its willingness to work out a solution.

- **Post Pond Eurasian Milfoil Update/Selectboard's Proposed Warrant Article – Matt** began a review of Articles 16 and 17. They will appear on the March Annual Town Meeting Warrant. He noted Article 16 was proposed to fund the upcoming year's anti-milfoil campaign as needed, and that it was structured the same way as last year's funding article. Of more concern, he said, was Article 17, which if passed, would radically alter how the town's Land Use Change Tax (LUCT) was expended. Currently, the tax goes into the town Conservation Fund, to be used at the Conservation Commission's discretion, to fund conservation easements and land acquisition. The proposed article would *"see if the town will vote to revoke the payment of Land Use Change Tax collected to the Conservation Commission Fund (sic) established at the 1993 Town Meeting and to see if the Town will vote to place 100% of the revenues collected from land use change taxes into the Land Use Change Tax Fund. The amount of funds will carry over until the following annual meeting, at which time the town will be asked to vote on how these funds will be appropriated and for what purpose."*

Numerous concerns were raised. 1) There was general agreement that If the intent was to find funding for milfoil control, why was that not stipulated in the warrant? As worded, it was argued, the (LUCT) revenues could be spent on anything Town Meeting chose to approve. 2) **Matt** noted that the (LUCT) is an unreliable revenue source. Only \$88.00 in tax revenue was collected by it in 2012, 3) **Matt** also observed that the mechanism for using the revenue would be cumbersome. He pointed out that if the article passed in 2013 money from the (LUCT) could not be appropriated until 2014 Annual Town Meeting. **Blake** noted the harm this would do to the Conservation Commission, It had the potential to cut all funding making future land protection and acquisition nearly impossible short of relying only on gifts and bequests.

**Tom** asked whether the Commission might not have been better served by seizing the initiative earlier by offering to help fund milfoil control. **Matt** added that it was largely through the Commission's initiative and oversight that the milfoil control process had gotten as far as the Selectboard establishing a town-wide Eurasian Milfoil Committee tasked with addressing the problem strategically and fiscally on a continuing basis. It was agreed, however, that the Commission was not now precluded from offering financial support for milfoil control.

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## Trails and Land Management, cont.

Additional concerns were raised. **Heather** noted that invasive land plants are a major threat to the habitat and recreational quality of parcels the Commission manages. Why was that not addressed as part of a town wide concern? Other Commissioners questioned what mechanism would be instituted to make sure its donated funds were spent for the purpose given? Would a fund designated for milfoil control be needed and who would administer it? Further, it was asked whether Conservation Fund money could be used for land management, and if so, would a public hearing be required before appropriating it for such a purpose.

It was agreed many of the expressed concerns needed further investigation before Town Meeting.

## 4. Project and Application Review

- **No Items Were Submitted.**

## 5. Outreach and Education

- **No Items Were Submitted.**

## 6. Other Business

- **Snowshoe Walk – Heather** noted that conditions did not look conducive for the annual snowshoe walk scheduled for Sunday, February 10<sup>th</sup>. It was observed that snow was a possibility for Friday and that conditions might become more hospitable. It was decided to postpone a decision until that time and to use the town list-serv to make a status announcement.
- **Easement Question – Richard**, speaking in the capacity of a property owner informed the Commission he was in the process of buying the Blodgett property on Pout Pond. He wanted advice on how to assess what restrictions the in place conservation easement might have on his ability to manage the property. It was recommended he contact the easement owner Upper Valley Land Trust to review the easement terms, and **Russ** offered to help at the outset in the role of a consultant.
- **Loch Lyme Lodge/Pinnacle Proposed Zoning Ordinance Amendment – Matt** outlined the changes proposed in Article 8 on the Town Meeting Warrant as submitted by the Loch Lyme Lodge/Pinnacle Project. Of particular concern, Matt said was “Provision J” under Section “13.40 Provisions and Limitations.” This reads: *Agricultural Soils and Wetland Buffer. New buildings, structures and other improvements within the Conservation Neighborhood Area may be located on any portion(s) of the Agricultural Soils Conservation District and on any portion(s) of the wetland buffer (as described in Section 3.27.1 (Wetlands Conservation District)), so long as such development is designed and carried out to promote the most appropriate use of the land with the least reasonably practical damage to the productive capacity of the soils or the functioning of the wetland.* There was near unanimous agreement that the provision contravened at the state level, the protections established for “ag soils” and wetland buffers. Matt reminded the meeting that the Commission could not represent itself with an opinion at Town Meeting, nor could individual members present themselves as expressing the Commission’s opinion. If a member objected to the proposed ordinance change, he or

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she would have to do so as a “concerned citizen.”

**Other Business, cont.**

- **Commissioner Membership Terms and Nominations -- Matt** noted that **Tom’s** and **Lee’s** terms expire in March and that they would have to apply for re-appointment if they wanted to continue. **Matt** also said he would like to step down as Commission Chair and intended to nominate **Blake** to succeed him.

**7. Publicity**

- **Lyme Community and Church News – Blake** said he would submit notes on this winter’s incursion of boreal birds.

On a motion by **Russ**, seconded by **Tom**, the meeting was adjourned at 8:50 p.m.

The next scheduled Conservation Commission meeting is 7:00 p.m. on Monday, March 4<sup>th</sup> at the Lyme Academy building.

Respectfully submitted,

QuickTime™ and a  
TIFF (LZW) decompressor  
are needed to see this picture.

Blake Allison, Secretary