

**Town of Chester
Conservation Commission Meeting
Tuesday, May 9, 2017
Municipal Complex
Approved Minutes**

I Preliminaries

1.1 Call to Order

Chairman Myette called the meeting to order for the Town of Chester Conservation Commission (CC) at 7:11 pm.

1.2 Roll Call

CC members present:

Charles Myette, Chairman
Ted Broadwater
Aaron Hume
Deborah Munson
Baron Richardson

Members Absent:

Phil Cassista

Members of the public present at various times:

John Dalrymple
Eric Mitchell, Eric C. Mitchell & Associates, Inc., (ECM)

Mr. Eric Mitchell of ECM came before the Commission at 7:14 pm to discuss and ask questions relating to two developments: the Crowley Woods II subdivision and the Pipit Estates subdivision.

Mr. Mitchell stated that his firm was hired to get the plans and paperwork for Pipit Estates ready to present to the Town Boards to get everything official. He noted that the Pipit Estates is going to be condominiums units with the Open Space in this development to be held in ownership by the condominium association. Mr. Mitchell said that the plans are being readied to be submitted to the Town Boards, but before that happens, he would like feedback from the Commission on how the condominium association owned open space would be handled with regards to easements and monitoring.

Chairman Myette said that an Open Space subdivision will require a formal easement. He said the monitoring would be done by a third party to be sure that the easement requirements are being followed. Chairman Myette noted that the only time there have been problems with open space subdivisions has been when they are owned by the condominium associations.

Mr. Mitchell said that the condominium association is a legal entity that would never fold because they also are collecting fees, maintaining the common driveways, maintaining common land, and owners of the Open Space.

Further discussion was had by the Commission and Mr. Mitchell discussing the specifics of a conservation easement, required Public access to the Open Space, and current ownership of the land until the condominiums are sold (determined to be the developer.)

Mr. Mitchell noted that there is a limited common area that is not part of the Open Space around each of the eight individual units. He said the Open Space is well documented in the plans and equals 16 acres. Mr. Mitchell said that his preference be that the Open Space is deeded to the Town, and that the best option for timber management be that the Town be the only entity who can do any cutting.

Chairman Myette pointed out that regardless of who owns the Open Space there is an easement on the Open Space. He said that if the Town owns the land then the easement would be monitored by a third party, if the condominium association owns the land then the Town will do the monitoring.

The Commission and Mr. Mitchell discussed the best option for ownership and monitoring of the Pipit Estates Open Space. Ms. Munson said that it made more sense to her to have the condominium Association pay for the monitoring every year to be sure to cover the costs of inflation instead of having the condominium association paying a lump sum up front. Chairman Myette said that if that was the case then the Town would be the ones responsible for monitoring the Open Space.

Chairman Myette said that the first step is to write up a good easement and have the easement's rights and obligations established, as of the first day of ownership with the easements recorded in the individual deeds, to avoid any misunderstandings of the obligations and requirements by the owners.

Mr. Mitchell distributed a report to the Commission on the vernal pool study completed by Bruce Gilday, a certified wetland scientist, on the Crowley Road II project. Mr. Mitchell said that the report stated that the wetlands are not vernal pools. He said that the report didn't change the design of the roads, they will still be 100 feet away, but, the buffers of some of the lots were changed from 100 feet to 50 feet.

Mr. Mitchell departed the meeting at 7:49 pm.

III New Business

3.1 Warrant Article for Current Use Funds (Town Meeting)

Chairman Myette said that Saturday, May 13, 2017 the Town will be voting on the Warrant Article #11 the creation of the Land Use Change Tax (LUCT). He said that this will be a ballot vote. Chairman Myette noted that if the LUCT warrant article passes, then there will be a non-ballot vote on Warrant Article #12.

Mr. Broadwater departed the meeting at 8:00 pm.

Chairman Myette explained the LUCT warrant article. He said that he plans to speak against the passage of the creation of the new fund. After discussion by the Commission about the disadvantages of the creation of the new LUCT fund, Chairman Myette determined he would put together a presentation of the effects of the LUCT fund, including various statistics, such as the preservation of 3000 acres of land in Chester by the Commission and the impact 600 new homes, adding a potential of 900 children, in town would have had on Public services, for the Town meeting.

IV Old Business

4.1 Review of Minutes (April 4, 2017)

The Commission reviewed the meeting minutes from the April 4, 2017 meeting. Ms. Munson made a motion to accept the April 4, 2017 minutes as presented; Mr. Hume seconded the motion. Motion approved, 3-0-1, Mr. Richardson abstained.

4.2 Subcommittee reports

A. Strategic Land Protection Committee- SLPC

Chairman Myette reported that there are three potential properties that are on-going. He said that he has a letter from one, Mr. Hawkins, that they will move forward on with a conservation easement.

B. Treasurer's Report

Chairman Myette gave the treasurer's report.

Chairman Myette said that the budget was \$750. He said that \$449.69 was spent on dues and seminars, and \$50 spent on Southeast Land Trust, leaving a balance of \$300.31.

Chairman Myette said that as of the end of April, the Conservation Commission account that had been placed into a three-month certificate of deposit at TD Bank earning interest, has a balance of \$500,301.53. The Conservation Commission account balance is \$51,504.24. The Conservation Forestry account balance is \$33,647.52. The Conservation account for Lincoln Lane to be spent on a bridge is \$3,017.28.

Ms. Munson made a motion to accept the treasurer's report as presented; Mr. Richardson seconded the motion. Motion approved, 4-0-0.

C. Planning Board

Chairman Myette noted nothing new.

D. Trails

Mr. Hume gave an update on the trail mapping he has been doing. He distributed to the Commission an overview of a map of the Town with trails that he has mapped.

E. Springhill Farm

Chairman Myette noted that the growing season has started and that Springhill farm is getting the fields fertilized. Mr. Richardson said that they are doing a good job of keeping the trails clean.

F. Agricultural Commission

Chairman Myette had nothing new to report.

G. Regulations

Chairman Myette had nothing new to report.

H. Grants – Trails' Grant

Chairman Myette had nothing new to report.

I. Wason Pond Conservation area update on Boy Scout projects

Mr. Dalrymple gave an update on the irrigation system at the Wason Pond Conservation area.

He said that the system should be in on Friday. Mr. Dalrymple said they would be getting help setting the system up, as well as, a demonstration on how to work the system. Mr. Dalrymple said that the area was fertilized the other day and that the fields are looking good.

Mr. Richardson updated the Commission on the Wason Pond Pounder held last Saturday. He noted that despite the weather they had record turn-out with 900 plus participants and very limited injuries. He said that there were a huge number of volunteers both before the event to help set up, as well as, a huge number of great volunteers on the day of the event. Mr. Richardson said that it is an impressive very positive event with all the proceeds going to local charities.

Chairman Myette updated the Commission on other activities going on at Wason Pond. He noted Mr. Tony Amato had spread new wood chips in the playground area. He said the backstops for the baseball and softball fields will be completed this year. Chairman Myette said that the roof of the barn needs to be replaced. He reported that there have been some problems on the back side of the property with motorized vehicles, for which signs are being considered as a deterrent.

Chairman Myette updated the Commission on the two Boy Scout Eagle projects being constructed for Wason Pond. He said that one of the projects is a kiosk between the bridge and the Community Center that will identify flora and fauna in the region of Wason Pond. He noted the second project is two sets of horseshoe pits with four benches, that is expected to be completed by the end of May.

J. Easements, Monitoring, and Stewardship

Chairman Myette updated the Commission on the three Pond View Meadows' easements.

V Plan Reviews

Chairman Myette noted no new plans to be reviewed.

VI Miscellaneous Business

1. Beaver Trapping

Chairman Myette said that there were some problems at Wason Pond with beavers, but, he did not have an update yet on the trapping.

- 2. Trail Mapping – nothing new*
- 3. RCCD Easements – nothing new*
- 4. Chester Turnpike easement/others – nothing new*
- 5. Web Page Update – nothing new*

VII Other

Chairman Myette reported that the two bridges at Wason Pond are in rough shape. He said a further discussion will be had about how to move forward repairing them for the future.

Mr. Broadwater returned to the meeting at 8:40 pm.

VIII Adjournment

Mr. Richardson made a motion to adjourn the meeting; Mr. Broadwater seconded the motion. Motion approved, 5-0-0. The meeting was adjourned at 8:55 pm.

Respectfully Submitted,

Recording Secretary,

C. Molly Qualters