

City of Dover Open Lands Committee
Minutes of April 7, 2005
Dover City Hall, City Council Chambers, 5:30 p.m.

In attendance: Tom Fargo, Joyce El Kourati, Wendy Scribner, Anna Boudrea, Jan Gardner, John Scruton, Ann Reid, Chris Snow, Steve Bird, Cheryl Niles, Dave Price, Marcia Colbath, Anne Kotlus. Absent: Geoffrey Njue, Sherri Towle.

Also in attendance: Guests Brian Stern, Mark Zankel, Dea Brickner-Woods

- 1) Prior to the regularly scheduled meeting, Mark Zankel of The Nature Conservancy presented the findings of THE ECOLOGICAL INVENTORY OF THE COCHECO RIVER & FOLLETS BROOK WATERSHEDS study. The report was sponsored, in part, by the Dover Open Lands Committee and the Dover Conservation Commission.

PURPOSE: The purpose of the study was to document areas of land with significant habitats, and to provide information that would allow communities to direct their conservation activities towards protecting land with the most significant habitat values.
STUDY AREAS: A) Cochecho River corridor and intact tributaries and B) Follets Brook watershed in Newmarket, Lee and Durham.

METHODOLOGY: NH Heritage Bureau ecologists collected data from 123 observation points. The NH Audubon documented a wide variety of wildlife and birds.

GOAL: To retain and encourage biodiversity by identifying large blocks of natural habitats.

EXCERPS OF FINDINGS: Follet's Brook area includes beaver ponds, flood plains, a network of nature trails, water protection for the Newmarket Water Works and 1200 acres of fairly intact forested area. The lower Cochecho area of Dover encompasses about 950 acres and includes tidal wetlands, riparian forests and open fields. It hosts 6 rare plant species and a wide variety of wildfowl, shore and wading birds and wildlife. The study area included almost 7 miles of river and stream frontage.

Mark Zankel presented the Committee with a CD and a print-out of the complete results of the habitat study.

- 1) Tom Fargo moved, seconded by Joyce El Kouarti, to accept the public minutes from January, February and March as amended. Vote U/A.
- 2) Treasurer's Report: As of the end of February, there was \$788, 823.00 in the Conservation Fund.
- 3) Reports by Task Groups:

EASEMENT MONITORING: Anna will hold a meeting of the Easement Monitoring subcommittee in April. She intends to begin monitoring easements in May. There was a discussion about collecting aerial photos of parcels. This was a suggestion that was made by Peter Helm and Steve Walker from NH Conservation Land Stewardship Program during a presentation he gave on March 29 on conservation easement monitoring and

stewardship. Anne Kotlus mentioned that she may know of a pilot who would be willing, in exchange for reimbursement for fuel, to take OLC members on flights to take aerial photos.

Discussion of the presentation by NH Land Conservation Stewardship Program continued with members noting some of the new and relevant information to which we should adhere to in our easement writing and easement monitoring and stewardship processes. Such as: easement language should be clear and unambiguous, and while each easement is different, due to the difficulties surrounding enforcement, it is best for language to be general rather than specific. Peter and Steve described some of the best and worst stewardship and monitoring scenarios they have encountered, and discussed many of the difficulties which can arise as a land trust organization attempts to enforce an easement document and to protect the land in perpetuity.

OUTREACH AND EDUCATION: Exploring Vernal Pools with speaker Gale Christensen will be held on the Bagdan-Kirkwood property on April 16. Cheryl and Marcia will represent the OLC at this event.

GRANT WRITING: Deadline for the Natural Resources Outreach Coalition grant application is April 22. There was a discussion about what could be funded by this grant. Suggestions included compasses and a GPS unit. Dona will evaluate the grant application to see if these suggestions would meet the criteria.

TRAILS: Marcia reported that she and Bruce Woodruff are continuing to map the trails using the GPS unit. She, Tom, and Bruce recently walked the railroad bed portion of the proposed city-wide trail beneath Silver St. There is a small wetland in this area that may be impacted by the construction of the trail.

LAND ACTION: Subcommittee will hold its next meeting on Wednesday, April 20. Dona suggested the OLC consider adopting a confidentiality agreement for members to sign to help ensure that transactions, and any sensitive information not intended for the public record, remain confidential. Land Action subcommittee will review the confidentiality agreement document at its next meeting and submit its recommendations to the OLC in May. There was also a discussion to ask landowners to sign either *a letter of intent* or a *right of first refusal* document. Consensus was that the letter of intent was the more appropriate and the fairer of the two documents.

PROTECTION FOR CONSERVATION EASEMENT TAX CREDIT INITIATIVE: Chris distributed hand-outs of the proposed legislation to cut the tax credit for donating easements. He also distributed information from the Land Trust Alliance website. Tom suggested that we draft a resolution to voice our objection to the proposed reduction on tax credits for donating easements and to ask the City Council to endorse. Marcia suggested that the resolution should also emphasize the positive accomplishments we have had in Dover using conservation easements to protect open space. Joyce asked Chris if he would be willing to draft the resolution. Chris will write the letter of resolution and present it at the OLC meeting in May.

MEDIA: Joyce is working on a press release announcing the closing on the Williams property. A press release publicizing *Exploring Vernal Pools* has been distributed to the media.

* This portion of the minutes from the 4/7-05 meeting were taken by Joyce El Kouarti

4) New Business

Guest Brian Stern asked the OLC to request maps from the National Heritage Inventory that identify the specific parcel locations of rare and endangered species and exemplary natural communities. He said that having access to such information would assist with the committee's conservation planning efforts. Anna Boudreau agreed with Brian that such maps would be helpful for conservation planning. Other OLC members including Wendy Scribner, Tom Fargo, and Joyce El Kouarti disagreed, pointing out that the NHI would be unlikely to provide such information unless specifically requested by the landowner. The NHI has concerns regarding confidentiality of the information, such as unscrupulous rare plant collectors or developers, whose projects could be blocked by the presence of a rare or endangered species, would harvest the plants. No motion was made.

5) Joyce El Kouarti moved, seconded by Tom Fargo, to enter non-public session. Vote U/A.

6) Tom Fargo moved, seconded by Joyce El Kouarti, to exit non-public session. Vote U/A.

7) Tom Fargo moved, seconded by Joyce El Kouarti, to accept the executive session minutes from January, February and March as amended. Vote U/A.

8) Tom Fargo moved, seconded by Cheryl Niles, to recommend to the Conservation Commission schedule a public hearing for the S&M project pending the OLC's ability to come to agreement with the property owner(s) on a conservation easement purchase price within 15% of the appraisal value. Vote U/A.

9) Tom Fargo moved, seconded by Anna Boudreau, to adjourn. Vote U/A.