

Nelson Conservation Commission  
Meeting March 31, 2016  
Minutes

Draft

Kathy Schillemat called the meeting to order at 7:07PM. Present were Kathy Schillemat, Anne McBride (alternate), Dave Patek, Tom Newcombe and Rick Church.

**Discussion of the proposed Conservation Easement** between the Town of Nelson and the Harris Center: Kathy had received an email from Dave Upton on behalf of the selectboard that they were reviewing the terms of the easement and suggested the following change to article 14:

Article 14. as written:

14. CONSERVATION COMMISSION

Activities under this Easement shall be managed on behalf of Grantor by the Nelson Conservation Commission and Grantee shall be entitled to rely on notices and instructions signed by its Chairman.

Article 14. as the Select Board believes it should be written:

14. CONSERVATION COMMISSION/SELECT BOARD

Activities under this Easement shall be managed on behalf of Grantor by the Nelson Conservation Commission and Grantee shall be entitled to rely on notices and instructions signed by a majority of the members of the Nelson Select Board.

Anne McBride pointed out that RSA 36-A:4, I seems to contradict what the selectmen are asking for. From the RSA:

Powers:

"Said commission may acquire in the name of the city or town, subject to the approval of the local

governing body, by purchase, the fee in such land or water rights within the boundaries of the municipality, or

any lesser interest, development right, easement, covenant, or other contractual right including conveyances

with conditions, limitations, or reversions, as may be necessary to acquire, maintain, improve, protect, or limit

the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within

their city or town, and shall manage and control the same..."

In particular, this points out that the Conservation Commission has the power to manage and control land that it acquires as conservation land.

Kathy indicated that the current closing date was April 8, 2016 (which needs to be changed) and that it is time for Town Counsel to review the document to help NCC and the selectboard to agree on terms so the easement can be finalized with the Harris Center.

**Budget for the Osgood/Hurd Hill acquisition project:**

We have received the appraisal which values the restricted fee interest in the land at \$290,000. At a earlier meeting we had received a proposed division of costs (there are numerous costs including appraisals, surveys, hazardous waste assessments to name just a few). Most are now known and will have to be shared with the Harris Center. We will need to negotiate those costs with the Harris Center before closing.

Rick Church moved to go into non-public session under the provisions of RSA 91-A:3, for the purpose of discussing land acquisition. The motion was seconded by Anne McBride and the meeting moved into non-public session at 7:33PM

The meeting returned to open session at 8:30PM

Rick Church moved to seal the minutes of the non-public session; Tom Newcombe seconded the motion. Kathy called the roll and all voted in favor of the motion to seal the minutes.

We agreed that we would set a new closing date for April 27. Kathy will inform Town Counsel and the selectboard. We will try to meet with the selectboard and Town Counsel at the next selectboard meeting April 6, 2016 to discuss/agree these matters. Tom will prepare an updated spreadsheet of the cost allocations discussed in non-public session to send to NCC members and Edie Drinkwater. Rick will brief Edie on those issues before the selectboard meeting Wednesday.

The meeting adjourned at 8:55

Rick Church  
Secretary