Gully Hill Easement Committee
June 24, 2013
Council Chambers
Draft Minutes

Meeting called to order at 5:05 p.m.

In attendance:
Council: Candace Bouchard, Fred Keach, Jennifer Kretovic, Jan McClure, Dan St. Hilaire

Conservation Commission: Jim Owers, Kit Morgan

Staff: Gloria McPherson; Carlos Baía *(arrived at 5:15 pm)*

Candace Bouchard asked Gloria McPherson to review the highlights of the project timeline from the informational handout Ms. McPherson had prepared for the Committee.

Fred Keach inquired as to how many parking spaces could be accommodated in 8,000 square feet, which was the square footage mentioned in the proposed easement. Ms. McPherson estimated that 20-25 spaces and related drive aisles would fit in such an area.

Carlos Baía arrived at this point.

Ms. McPherson provided definitions of "open space" from the City's Zoning Ordinance and Master Plan. She stated that resource protection is paramount in open space.

Kit Morgan explained that the Conservation Commission has allowed active recreation on conservation areas. He noted that a trail race was held in Winant Park. His opinion was that it has to be on a case by case basis dependent on the type of activity.

Ms. McPherson noted that she could find no reference to the use of City open space for active recreation. She added that the Conservation Commission is responsible for acquiring and managing open space and the Parks and Recreation Department is responsible for developing recreation areas.

Jennifer Kretovic inquired as to what would happen if agriculture ceases to be practiced on this land.

Ms. McPherson stated that the City would put out a bid for a new farmer. She was confident that the City would always find a tenant farmer for the prime agricultural soils. Mr. Morgan added that if no farmer were interested, other things could be done with the land that would not violate the easement.

Ms. Kretovic asked what those other activities might be. Mr. Morgan indicated that the fields could be seeded for grass and used as playing fields as long as there were no structures.

Ms. McPherson stated that if the property were to be used for quality playing fields, it would require a lot of grading and drainage work.

Dan St. Hilaire noted that farmers are dwindling while there is a significant amount of need in the community for this land. He feared that this property could be tied up forever with the conservation easement.

Ms. McClure expressed that there are provisions for amendment in the proposed easement but these would require the agreement of the City and the Society for the Protection of New Hampshire Forests. Ms. McClure added that she could envision a park on this site if there were no farmer, but it would be for passive not active recreation. She observed that the protection of local agriculture is important.

Mr. St. Hilaire noted that there is farmland across the state.

Mr. Morgan indicated that the State lost 13% of its farmland over 25 years to 2007.

Fred Keach expressed that agriculture, in his estimation, is not the best use for this property.

Mr. St. Hilaire remarked that the City should have the option to tie this site into the improvements that are happening in the downtown.

Ms. McClure suggested that the amendment language in the easement might make Mr. St. Hilaire more comfortable.

Mr. Keach asked staff to provide the following for the next meeting: 1) Exact language of the amendment clause in the proposed easement; 2) Description of the amendment procedure; 3) Any case history with amendments of these types of easements; and 4) Determination if active recreation is allowed under the proposed easement.

Ms. McPherson noted that—in addition to the easement—another factor is the leases. She cited the Richard lease as being clearer in terms of the rights it affords the City to terminate the lease. The Bartlett lease was more ambiguous in her estimation.

Ms. McClure expressed a desire to examine the possibility of a park if farming were not a viable option.

Mr. St. Hilaire requested that copies of the leases be provided to the committee. He reiterated his concern about the long-term future of the parcel.

Jim Owers mentioned the possibility of having an easement that is limited by a term. Mr. St. Hilaire requested that this option be explored and reported back on to the committee.

Jennifer Kretovic requested the 2010 meeting Council meeting minutes where the purchase of this property was discussed. Carlos Baía indicated that staff would provide all of the reports, minutes and back-up documentation stemming from the purchase and the easement discussion, as well as the actual proposed easement, for the next meeting.

Mr. Baía summarized the tasks/questions to be addressed for the next meeting:

1. Language of any amendment clause in the proposed easement;
2. Amendment procedure;
3. Amendment case study history;

4. Is active recreation is allowed under the proposed easement;
5. Examination of possibility of a park being sited at location if farming ceases
6. Copies of the farm leases to be provided to committee;
7. Can a conservation easement be limited to a specific term?
8. Documentation (reports, minutes, easement etc.) from Council meetings related to this item.

The next meeting was scheduled for Monday, July 29th at 5pm in Council Chambers.

Meeting adjourned at 5:50 p.m.

Respectfully submitted,

Carlos P. Baía

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