



Mason Conservation Commission Minutes – D R A F T

June 8, 2016
7:00 pm to 10:30 pm

In Attendance

- Bob Dillberger
- Barbara DeVore
- Anna Faiello
- Liz Fletcher
- Bob Larochelle

Voted unanimously to accept May minutes as amended.

Voted to pay **Robert Bergeron \$75.00** for repairs to the RR trail gate at Scripps Ln., money to come from our general fund.

Barbara reports that Chief Maxwell confirmed the **\$100.00 check we received from Carlos Aleis last month is indeed for the Conservation Commission (which was unclear initially) and should be deposited in the Conservation general fund.** Also, check #331 for \$875.00 (already deposited to our account) from Thomas Carroll is partial payment for restitution to the spray painting at the quarry, final payment to be sent by end of August.

Bob L. suggested we order some additional "No Wheeled Motorized Vehicles" signs but change the first line from "Mason Railroad Trail" to "Mason Conservation Land" so they can be used at appropriate points on the powerline ROW (and any where else they're needed). Barbara reports the printer that prints the signs isn't busy now so it's a good time to get some printed.

Liz moved we pay the **bond payment for the Mitchell Brook Land in the amount of \$10,518.13**, money to come from the Old Ashby Rd. fund. Passed unanimously.

Met with Craig Fifield, Bruce and Linda Ward, and Paula Bellemore from LCHIP to discuss the proposed changes to the Fifield easement. Paula suggested we review the terms of the easement to ensure we all understand what is possible and what is not. Paula noted some particular issues:

1. Sec. 1.19 ("Residential Dwelling") suggests that things like the driveway and septic system count toward the total allowed size of 1,500 sq. ft. for a new dwelling.
2. Sec. 4.2.d prohibits subdivision or partition of the cottage lot. It's unclear if that restriction applies here.
3. The easement is clear that when the new residence is built, the cottage must be removed. Craig has suggested another use for the cottage, which seems impossible given this clause.
4. Adjusting the lot line as planned removes from the grantor the obligation to remove the cottage, potentially resulting in private gain (removing a building can be expensive), an outcome that is prohibited (Sec. 10.1, item 5).
5. The grantee (the CC) was supposed to give prior written approval before building the new residence. That wasn't done, and Paula suggests we do it retroactively. In particular, the easement requires that the new building be "compatible" with the old (but does not define "compatible") and our letter should state we believe it is.
6. A management plan is required for any tree cutting, so the Ward's plan to cut some trees for view enhancement requires such a plan, as did clearing the lot for the new residence (no such plan was done).

The easement does have an amendment provision, so we might be able to adjust it to address these issues. All these issues require a legal opinion, and Craig will consult with his lawyer on these matters. Might also be necessary to have Mason's town counsel offer an opinion. Paula also offered to present the matter to the state AG for an opinion (at no cost to the CC or the Town).

Paula also suggested the CC contact Chris Wells at PLC (Piscataquog Land Conservancy) to ask for an example policy for responding to easement violations. She also suggested we attend PLC's easement monitor training.

Re. the idea of a controlled burn to attack invasives at the Greenville Rd. overlook, Bob's research suggests that's an ineffective control method for at least Japanese knotweed and oriental bittersweet. Both sprout readily from root stock and fire generally won't kill the roots because they're insulated by soil. However, some kind of action is needed as the population of invasive plants there is large and growing.

Decided to go with George Schwenk's idea for assessing value of the Meadow Lot land gift. George believes the value is less than \$5,000 and suggested we not bother with an appraisal. After some discussion, we agreed.