Members Present: Jim Cropsey (Chair), Sukie Clark, Chuck Mitchell, Paul Rushlow, Jon Scanlon.
Members absent: Bob Hardy, Ben Wadleigh.
Others present: Laurel Horne; for Tilton Mac-Cal LLC Conservation Easement discussion, Mark Puffer, Esq., representing Town of Tilton, and Philip Hastings, Esq., Cleveland Waters & Bass, representing Tilton Mac-Cal LLC.

Call to order. Meeting called to order by Jim Cropsey, Chair, when quorum present at 7:26 PM.

I. Tilton Mac-Cal LLC (Home Depot) Conservation Easement. Attorney Hastings provided an overview of the project to date from Tilton Mac-Cal LLC's perspective. He stated that Tilton Mac-Cal has received all the necessary local and state approvals. One condition still to be met was that the Conservation Commission approve the conservation easement of 18+ acres on lot 4. In addition, DES Wetlands required that additional land be put in conservation easement. Consequently, ~1.65 acres of lot 1, adjacent to the Nickerson property, has also been put in a proposed conservation easement. The Conservation Commission substantially revised the initial draft of the conservation easement deed, and that revision was further modified by the Town's attorney, Mark Puffer, and by Tilton Mac-Cal attorney, Philip Hastings. In Mr. Hastings view, there are only two issues remaining that need to be agreed on. Mr. Hastings provided commissioners with the most recent version (January 22, 2001) of the conservation easement deed, and reviewed the two outstanding
Item 2B (p.4): This issue deals with subdivision. Tilton Mac-Cal wants the right to sell lots 1 and 4 separately, and possibly subdivide lot 4. The grantor would still have to come before the conservation commission for written approval of any such actions, and any subdivisions would still be subject to the conservation easement. In attorney Puffer's view, the language giving the right to subdivide in no way affects the easement.

Item 3B (p.5): This issue pertains to hunting. The grantor reserves the right to prohibit hunting, and the right to post no hunting signs, with the Commission's prior consent as to content, design, dimensions and location of the signs. Mr. Hastings explained that the grantor has concerns about liability issues with any hunting adjacent to the Home Depot building and parking lots.

In addition, Mr. Hastings pointed out that section 11 on page 8, pertaining to arbitration, has been simplified to use a single arbitrator instead of three.

The Commissioners decided to proceed by comparing the marked-up December 6th version with the January 22 version of the conservation easement deed. All differences between the two documents were noted. During discussion it was emphasized that the intent of the reserved right to prohibit hunting includes the provision that Home Depot (or whoever the current owner is) must come before the Commission and gain its approval prior to posting any signs. The Commission will be able to decide the size, location, wording, means of posting.

Attorney Mark Puffer stated that he has read through the legal descriptions of the conservation easement areas and is happy with them.

The one amendment needed to the January 22, 2001 version of the conservation easement deed is that on
p.3, 2d, the word "Property" in the last bullet should be changed to "Conservation Easement Areas" so that the bullet in its entirety will read "the protection of the Conservation Easement Areas as a wildlife corridor."

Chuck moves that the Commission approve the Conservation Easement Deed submitted by Attorney Hastings on the evening of January 22, 2001 as proposed and amended, and authorize the Chair and Vice-Chair to act on behalf of the Conservation Commission to sign the Conservation Easement Deed. Paul seconds the motion, all in favor.

Next steps: Attorney Hastings will send the conservation easement deed to Jim Cropsey at his home address after it is signed by Tilton Mac-Cal LLC.

When the Commission receives the sum of $1250 from the grantor for the purpose of monitoring and enforcing the easement, this money should be passed on to the town treasurer and be held in a separate fund (suggest interest bearing account). The funds are to be used only for monitoring and enforcing this easement, and are to be paid out only with the Commission's approval.

II. Minutes. Chuck moves, Sukie seconds, all in favor of accepting the December 18, 2000 minutes.

III. GPS Unit. Chuck and Bob decided on the best model to buy; it will cost between $200-250. Bob will buy it. Jim will check on the status.

IV. Renomination of Commissioners.

Chuck moves, Paul seconds, that the Commission renominate Sukie Clark and Jon Scanlon as Conservation Commissioners.


VI. Correspondence. Several pieces of
correspondence announcing various workshops, conferences and programs were received and reviewed. Sukie took information about the initial LCHIP (Land and Community Heritage Investment Program) application. She will work on filling it out for Buffalo Park.

Meeting adjourned: 9:37 PM.

Upcoming Meetings:

Monday 2/19/01, 7:00 PM
Monday 3/19/01, 7:00 PM

Respectfully submitted, Laurel W.

Horne