Members present: Jim Cropsey (Chair), Bob Hardy, Chuck Mitchell, Paul Rushlow,

Members absent: Ben Wadleigh

Others present: Laurel Horne

Call to order. Meeting called to order by Jim Cropsey, Chair, at 7:50 PM, when quorum present.


II. Resident Survey. As discussed in July 2001 minutes, subject tabled until the September meeting.

III. July 16, 2001 minutes. Paul moves, Bob seconds, to accept the minutes as presented by Chuck. All in favor. Chuck will email the minutes to Laurel for formatting and submission to the Town.

IV. Home Depot in violation of Wetlands Permit. The Conservation Commission received a copy of a letter sent by Mary Anne Tilton, Wetlands Bureau Senior Enforcement official, describing nine violations of the wetlands permit. At a site inspection in early August, Home Depot was found to be violating conditions including those pertaining to silt fences, detention ponds, weekly inspections, construction fencing, conservation easement survey, registry of the conservation easement deed, dredging of a brook not included in the permit, and stream channel sediment fill. The Bureau issued 12 corrective actions to be completed by August 30, 2001.

V. Home Depot Conservation Easement for Lot 1, Conservation Easement Fund. The Commission received a copy of the registered conservation easement deed for Lot 1 (the smaller, 1.65 acre parcel) today. It was received by the registry of deeds on August 13, 2001. Commissioners noticed that
subsequent to their signatures on May 1st and May 2nd, a change had been made to item 12 on page 6, "Conservation Easement Fund." The wording that the commissioners had approved (and which was negotiated by the town’s attorney, Mark Puffer) gave the Conservation Commission the authorization to order payments out of the conservation easement fund. At the Commission's February 19, 2001 meeting, Selectman Brown had requested, on behalf of the Board of the Selectmen, that the Conservation Commission change the wording to instead authorize the Board of Selectmen. As recorded in the Commission's February minutes, the Commission decided to take no action on that request, thereby maintaining the Conservation Commission as the authorizing entity. However, on the registered copy of the conservation easement deed, "Conservation Commission" had been crossed out by hand, and in its place was handwritten, "Board of Selectmen." Underneath this are initials presumably of the five selectmen who signed the conservation easement. The initials are not dated. This change was not approved by the Conservation Commission, nor to the best of the Commission's knowledge, by the developer. Does this change bring into question the validity of the entire document? The change is not likely to be valid until and unless all parties, (the developer, the commissioners, the selectmen) sign and date it. May now require a deed of correction. Jim will draft a letter to Attorney Puffer seeking legal opinions on this issue.

VI. NEMO meeting August 28, 2001. Commissioners received letters from Sandy Plessner in the Town's Land Use Office requesting their presence at the August 28th Planning Board meeting. Mr. Mike Izard of Lakes Region Planning Commission will be discussing implementation of the Non-point Education for Municipal Officials (NEMO) project in Tilton. Bob, Paul, and Chuck will make an effort to attend.

Meeting adjourned: 8:45

Upcoming Meetings:

Monday 9/17/01, 7:00 PM

Monday 10/15/01, 7:00 PM
Respectfully submitted,
Laurel W. Horne