

TOWN OF NEWMARKET, NEW HAMPSHIRE  
CONSERVATION COMMISSION  
August 17, 2021

Town Council Chamber

**\*\* Public Hearing \*\***

The meeting was called to order at 7:02 PM in the Town Hall Auditorium.

**Members Present:** Patrick Reynolds (Chair), Melissa Sharples (Vice Chair), Ellen Snyder (Treasurer), Melissa Brogle (Alternate), and Megan Brabec (Town Council Rep).

**Members Absent:** David Bell, Cris Blackstone, Sam Kenney and Jeffrey Goldknopf were absent this evening.

**1. Pledge of Allegiance**

**2. Roll Call**

The Chair appointed **Melissa Brogle** as a voting member this evening.

**3. The Chair began by reading the public notice of the meeting this evening.**

**Tuesday, August 17, 2021, at 7:00 PM in the Town Council Chamber, the Conservation Commission, pursuant to the provisions of RSA 36-A:5, II and RSA 675:7, will conduct a public hearing to consider the acquisition of a proposed Conservation Easement to be held by the Southeast Land Trust of New Hampshire with the Town of Newmarket holding an Executory Interest in the property located in Newmarket. The proposed Conservation Easement would encumber the property identified as 75 Neal Mill Road, Tax Map R7 Lot 1, owned by Christopher Gaziano. The purpose of the Easement is to maintain the Property in perpetuity as open space.**

No members of the public wished to comment this evening.

**Jeremy Lougee**, Conservation Project Manager and Farmland Coordinator for the Southeast Land Trust (SELT), was attending the meeting this evening to represent both the SELT and Duane Hyde, Land Conservation Director, who was unable to attend the meeting.

**Motion:** **Ellen Snyder** made a motion to open the Public Hearing at 7:06 PM.

**Second:** **Melissa Sharples**

**Comment:** None.

**Vote:** 4-0-0

The meeting this evening is to hold a hearing and discussion: 1) to determine if the Conservation Commission shall contribute the requested \$75,000 toward the purchase of the Gaziano property at 75 Neal Mill Road from the Conservation Fund and 2) to make a recommendation from the ConCom to the Town Council urging them to accept a legal interest form the three choices listed below.

Options for Newmarket's Legal Interest include:

1. Conservation Easement
2. Third Party Right of Enforcement
3. Executory Interest in the Deed of Conservation Restrictions

Jeremy Lougee described the property. **Ellen Snyder**, Treasurer, reported that we currently have approximately \$162,000 remaining in the Conservation Fund. The executory interest in the deed of conservation restrictions requires that the land remain in non-profit/public conservation ownership and that the property not be posted against public pedestrian access for walking, fishing and passive recreation with allowances to post under certain conditions like active agriculture, forestry, or emergencies.

The members discussed the options and they felt that option #3, accepting the executory interest in the deed of conservation restrictions was the best option.

Thank you Jeremy Lougee for attending this evening and answering our questions and concerns

**Motion #1:** **Ellen Snyder** made a motion to expend \$75,000 from the Conservation Fund toward the purchase by SELT for the property at 75 Neal Mill Road and to recommend to the Town Council that they accept the Executory Interest in the Deed of Conservation Restrictions.

**Second:** **Melissa Sharples**

**Discussion:** None.

**Vote:** 4-0-0

The Town Manager told the Chair that there will be a first reading of Resolution #2021/2022 - 07 Request for Executory Interest in Gaziano Tract – Neal Mill Road at the meeting on August 18, 2021.

#### **4. Close the Public Hearing and Adjourn**

**Motion:** **Patrick Reynolds** made a motion to close the public hearing and adjourn at 7:15 PM.

**Second:** **Melissa Sharples**

**Comment:** None.

**Vote:** 4-0-0

Respectfully submitted,

Sue Frick, Recording Secretary