

**TOWN OF WATERVILLE VALLEY
CONSERVATION COMMISSION MINUTES – FINAL
SPECIAL MEETING – March 13, 2023
1PM TOWN OFFICES MEETING ROOM**

1. The meeting was called to order at 1pm
2. Attendees: Irit Levy, chair; Rebecca Hastings, member; Charles Hastings, member; John Recine, ex-officio, Cyndy Piekos, alternate – seated; Mark Decoteau, Town Manager; Paul and Terri Stutzman, members of the public via ZOOM.
3. Mark reviewed the procedure for moving the meeting from Tuesday at 6pm to Wednesday at 5pm due to the storm.
4. The sole agenda item was to discuss/finalize support for Warrant Article 7 – authorizing the purchase of an approximate 13-acre Recreation zoned parcel of land.
 - Paul Stutzman reviewed his and Terri’s history of trying to purchase the lot in 2019 and their concerns about soil testing/liability. They worked with McClane and ZBA Environmental. Paul stated he wants to make sure the town is being transparent about the history of the land and the unknowns regarding potential contamination.
 - Irit has spoken with Rick Van de Poll (the Commission’s environmental consultant) about testing the land – he said water testing is critical, but it’s not everything. Soil testing is also very important.
 - The key issue seems to be trying to figure out how to weigh the risks of potential liability v. the opportunity for buying this land for the Town to control.
 - Mark reviewed what little is known about records at DES. It was never an official landfill on their records and therefore it was never capped, there’s no layout, there’s no info about where or how long this landfill operated.
 - Charles surmised that it was likely an informal dump, as many people used on their properties in the past. He said soil testing would likely not be informative unless you happened to hit an exact spot where something was dumped, or unless you tested the entire 13 acres. He said it would be more of an exercise against future liability.
 - Mark explained that this warrant article authorizes the town to negotiate the purchase & sale and offer to pay up to the amount requested in the warrant article for the land, but the Selectboard will have to have a public hearing prior to closing on the purchase, if the article passes, and discuss the details within such agreement.
 - Paul stressed that if this article passes, it will then be in the hands of the Selectboard, and he thinks it’s important that they put some sort of provision into any potential agreement.

- Terri appreciates the Town wanting to keep the land open to the public, but doesn't think it's worth it unless we do some serious leg work with a qualified, experienced environmental attorney, and thinks the Town may be doing a little bit of panic buying. She suggested tabling it to the next Town Meeting so we can do some due diligence.
- John read allowable Recreational land uses from the Zoning Ordinance that could potentially be allowed there.
- Mark said warrant articles can be amended, he would just need to review language necessary to make sure the bond could still be sold.
- Mark repeated that the same possibility of liability exists to the Town whether or not the Town owns the land or not. He can't imagine that the selectboard would approve an agreement that ignored the issues that have come up surrounding the landfill.
- Irit repeated that she wants assurance that soil testing will be done, either through an amendment to the warrant article or through a provision in the P&S.
- Paul asked if there is a conflict of interest with Bob Fries being on the Selectboard and voting on this land purchase given his prior role with the Waterville Company. Mark said that because there's no pecuniary benefit to Bob Fries, there isn't a conflict.
- Charles questioned if the Town should wait and do due diligence because it might miss out on the opportunity to another buyer.
- Charles read the statement of support that he prepared and members offered suggested, small edits. The Commission debated whether or not to add language about the land's prior use as a landfill, and whether or not to mention a soil testing request. They decided to include a line about the landfill, but not the soil testing. He will make the edits and recirculate it to the Commission.
- Mark clarified that this warrant article would authorize the Town to purchase the land. The Town would not have to come back to the public at the next Town Meeting to discuss this further, this article would allow the Town to buy the land.
- Mark reviewed the Shoreline protection zones, which comprises the first 250 feet of land surrounding a river.
- Cyndy motioned to approve the statement of support for Article 7 to be read at Town Meeting; Becca seconded. Motion passed unanimously.

Cyndy motioned to adjourn; Becca seconded. The meeting was adjourned at 2:24pm.

"We are located on N'dakinna, which is the traditional ancestral homeland of the Abenaki, Pennacook, and Wabanaki Peoples, past and present. We acknowledge and honor with gratitude the land and waterways and the alnobak (people) who have stewarded N'dakinna throughout the generations."

