

TEMPLE CONSERVATION COMMISSION

Minutes, February 1, 2021

Location: Virtual Meeting Via Zoom

Attendees: Sean Radcliffe, Scott Hecker, Honey Hastings, Carol Mamczak, Cathy Joly, Mike Madden

Absent: Adie Krulis, Lincoln Geiger

Guests: Eric Foley

Discussion started at 6:10 pm.

1. Members of the Conservation Commission joined the Select Board meeting in progress to provide information for the “Town Forest - Ben Fisk” agenda item.
2. Ben asked why the Town Forest was shown as town-owned land on the templenh.org map. The Select Board verified that the Conservation Commission has jurisdiction over the Town Forest, and they will correct the map. Ben questioned the meaning of the letter mailed to him by Scott Hecker; it was explained that he could continue his tapping for this season, and must remove all taps and tubing from the Town Forest at the end of the 2021 sugaring season. When questioned about the per-tap fee, Ben agreed to pay the \$25 for this year.

The discussion ended at 6:20.

Minutes submitted by Cathy Joly.

Attached is the email Scott Hecker sent to the Select Board:

Town of Temple
Conservation Commission
PO. Box 191
Temple, NH 03084
Phone: 603-878-2536 FAX: 603-878-5067
TempleConCom@gmail.com

February 1, 2021

Board of Selectmen
PO Box 191
Temple, NH 030384

Dear Members,

Last Thursday, January 28, it came to my attention through the Public Notice process that the Select Board scheduled an appearance of Ben Fisk at a special Select Board meeting on February 1 (today) to hear from him concerning his use of the Town Forest for his maple syrup business. The Commission was not contacted by the Board about this meeting and had no time to discuss the matter with the Board or among its Commission members.

As per my letter dated January 20, 2021, the Commission decided not to entertain a new proposal from Ben's business and to request the removal of the tap lines placed on 50 trees at the Town Forest (without our permission). Knowing it is a busy time of year for Ben, we said that he could leave the tops in place until the end of this year's sugar season.

We believe it is important that the Select Board have some background about the past agreement with Ben and the various concerns that have arisen over the years. In order to address any questions of the Board, I have asked all Commission members to attend tonight's Zoom meeting, since I have only been with the Commission for the past two years.

The Commission's oversight of the Town Forest stems from this warrant article passed in 1978:

ARTICLE 14. To see if the Town will vote that the Conservation Commission be empowered to manage the town forest(s) under the provisions of RSA 31:112 (II), and that any proceeds as might accrue from said forest(s) be placed in a separate conservation trust fund to be managed by said commission.

In 2014 further measures were passed at Town Meeting to ensure that the Town Forest was protected forever by a conservation easement with the Monadnock Conservancy. Here is an excerpt:

Conservation Commission members are grateful for the 2014 Town Meeting's strong vote to permanently protect the Temple Town Forest on the north side of town. As reported in last year's Annual Reports, this brings a sense of fulfillment to work that started in 1978 when the Town Meeting charged the TCC with caring for the natural character, health, recreational uses, and sustainable silviculture of this 54-acre parcel.

It is important to note that a contract permitting Ben's Sugar Shack to tap maple trees in the Town Forest expired on December 31, 2018 and was not renewed at that time due to a generally unsatisfactory relationship between the parties during the prior 5-year contract. These issues appear in the minutes of many Conservation Commission meetings during the full length of the 5 year-contract: including problems such as the expansion of taps on the property without permission, tap-lines crossing the walking trails used by pedestrians and horses, the lack of a timely response to remove those obstructive tap-lines. Per the Agreement between Ben Fisk and the Commission, Ben Fisk was to pay the Commission a rental fee of \$582.50 per annum, a fee based on the original number of taps of 1,165 at 50 cents each. According to the Town's receipt book only one payment was ever received on August 19, 2014 at the commencement of the 5-year contract. The annual rental fee of \$582.50 was never paid again and left a balance owed to the Town of \$2,330.

In 2019 the Commission decided to make improvements to the trails at the Town Forest. Initial visits to the Forest by Commission members revealed that large amounts of maple sugar tubing was left behind as trash by Ben Fisk's operation throughout the Town Forest. The amount of tubing to clean-up would require the use of a truck. Commission members and volunteers spent many months improving the trails to re-route and improve the trails for the public's use.

At the Commission's April 8, 2020 meeting our attention returned to the trash tubing and we agreed to ask Ben to have it removed. I spoke to Ben the following day, and he agreed to remove the tubing right away. We also discussed the appearance of the active tubing that ran from his property over the property line into the Town Forest. I explained that perhaps one line from the property to the trail edge could remain in place to be part of an educational stop on the trail for visitors.

Months passed and we completed all of our work in the Town Forest, yet the trash tubing had not been removed. At the August 12, 2020 meeting of the Commission, I was asked to contact Ben again about the matter. I spoke to Ben the following day and he indicated that he would do it right away, but that he would like to discuss renewing a contract with the Commission for the use of the forest again for tapping. On August 17, it was reported to me by Eric Foley that most of the tubing had been cleaned up. Eric then provided GPS points to the piles that still remained in the forest and this information was given to Ben. Once the tubing was cleaned up, I thanked Ben and scheduled his visit to the Con Com meeting on October 14, 2020. At that meeting Ben requested to keep the 50 taps that he had already placed there and add perhaps 30 more. We agreed to review a sample contract that he had with the Society for the Protection of New Hampshire Forests.

At our December 9 meeting we reviewed the sample contract and discussed the prior contract between Ben and the Commission. It was decided and voted upon unanimously that we not enter another contract with Ben on his commercial

use of the Town Forest. I sent Ben a letter copied to the Select Board on January 20, 2021 which informed him of that decision and allowed him to leave the existing tubing in place until the close of the 2021 sugaring season.

Sincerely,

Scott Hecker, Chair Temple Conservation Commission