

**SHAPLEIGH CONSERVATION COMMISSION
SECONDS
SEPTEMBER 13, 2010**

Present: William Hutchins - Chair, Charles A. Gruber - Sec. & Treas.

We began at 7:15 PM. Please note that no votes were conducted this evening due to a lack of a quorum. We took notice that all budgets are due at Town Hall by Friday the 15th of October. We would like to consider buying a tri-fold display panel which would be used during the Shapleigh Community Day. Also it would be invaluable if we decide to and get permission to set up a Shapleigh Conservation information table at the Acton Fair. Our annual budget will be taken up at our next meeting on 11OCT10.

An insightful article on the value of land easements and their true "perpetuity" was written by Tin Smith. A copy is appended.

Shapleigh's land in easements will need their annual monitoring. The town owned Forest and Blanding's Turtle Wilderness Preserve have been annually checked by our members and dates to look at them should be set up. In addition the Town Forest Trail ought to be walked and clipped free of encroaching vegetation. Bill believes that David Mann will be a volunteer for some of Shapleigh's easements.

Lot 9 of the Town Forest is due for an improvement cutting. This lot has a vernal pool that our members viewed earlier and it should have protective flagging installed before forestry work begins.

The Appeals Board denied the Town's request for a relaxation of the 35 foot height restriction. Hence this November's vote to change it to 40 feet for town and commercial buildings.

Bill will consider having a mushroom identification walk if we ever get some rain within the next month. We left at 8:25 PM

Respectfully submitted,
Charles A. Gruber

Comment . . . Perpetuity and the Future

At a recent public meeting I was asked about the implications of the Land Trust limiting the use of land to conservation purposes forever. Are we unfairly restricting the choices of future generations by placing easements and promising to manage land for its natural resources in perpetuity? I thought about this as Jane and I negotiated and granted a conservation easement to the Trust on our farm.

It is impossible to know with certainty what will be important to future generations, what will be the best use of land, and what will keep communities as successful and desirable places to live. Perhaps restricting land from most developed uses "forever" is not necessarily demonstrating good stewardship or responsibility.

Looking for insight, I observed what communities value highly and enjoy the most, whether that community is a town, a state, or our nation. Everywhere I have looked some type of open space, natural feature, or wild land is part and often an integral part of a community's recognized and valued character. Locally it is our beaches, Rachel Carson Wildlife Refuge, and the Mt. Agamenticus region. It is hard to imagine Maine without thinking of Baxter State Park, the north woods, or Acadia, or of our country without Yosemite, Yellowstone, Grand Canyon, or Central Park.

When a hay field is converted into a parking lot and commercial space or when a forest becomes "The Forest", a subdivision of expensive and expansive homes, that is a permanent choice of land use. The natural systems and functions that existed and developed on that land and the benefits it provided for thousands of years cease to function and will not be replaced.

Land conservation as practiced by land trusts restricts land

uses "forever" through our legal system that has been developed over the years by democratic choice and deliberation. For conservation land, the existing natural functions (clean water, fresh air, natural habitat, recreation, forestry, farming) are maintained and protected, other possible uses by society are not impossible but simply not allowed by law. Will "The Forest" ever have the opportunity to return to a forest?

I am comfortable about creating conservation restrictions in perpetuity and also with the question about restricting future generations in that laws in a democracy can be changed, adapted, and modified. If conservation lands are seen to have other higher and better uses by future generations, a consensus can change the laws that enabled their creation. Presently there exists the right of eminent domain for projects that can demonstrate overriding public benefit.

By creating open spaces—such as Bauneg Beg Mountain, Beach Plum Farm, York Pond, Tatic Hills—we together are conserving choice for future generations as well as all things natural on the land. As my family donates a conservation easement I do not do so under the illusion that it is actually forever permanent. It is only permanent as long as our society determines it to be in its best interest. I do know that the Land Trust will carry out our agreement for as long as it legally can do so. I am comfortable with that. I personally believe that the benefits provided by conserved lands will only grow in the future as they have in the past and it would be a far greater mistake not to leave land and its natural resources for the future to make decisions about.

- Tin Smith