



LEBANON CONSERVATION COMMISSION
MARCH 11, 2021 - 6:30 PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE

-
- 1. Call to Order**
 - A. Review of meeting procedures and NH RSA 91-A "Right-to-Know" requirements.
 - 2. Approval of Minutes**
 - A. February 11, 2021
 - 3. Election of Officers**
 - A. Annual Election of Officers - Chair and Vice Chair
 - 4. Permit Review**
 - A. None
 - 5. Study Items**
 - A. Proposed Recreation Use for Two Rivers Conservation Area
 - 6. Committee Reports**
 - A. **Reports from other committees:**
 - Conservation Lands Monitors (Various Members) (10 Minutes)
 - Lebanon Biodiversity Group (D. Lacey) (10 Minutes)
 - Workshops & Educational Opportunities (Various Members) (10 Minutes)
 - 7. Other Business**
 - 8. Future Agenda Items**
 - 9. Open to the Public**
 - 10. Adjournment**

The order of agenda items is subject to change.

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT [LEBANONNH.GOV](https://LebanonNH.gov)

**Agenda
Conservation Commission
March 11, 2021**

**Agenda Item #2A
Approval of Minutes**

February 11, 2021

DRAFT

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
Thursday, February 11th, 2021
6:30 PM**

MEMBERS PRESENT: Ernst Oidtmann (Chair), Sarah Riley (Vice Chair), Erling Heistad, Bruce James, Donald Lacey, Susan Almy, Chris Johnson, Barbara Hirai (Alt.), Darla Bruno (Alt.)

MEMBERS ABSENT: Suellen Balestra (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:33 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.

2. APPROVAL OF MINUTES: January 28th, 2021

Ms. Almy MOVED to approve the January 28th, 2021 Minutes as amended and presented in the February 11th, 2021 agenda packet.

Seconded by Mr. Heistad.

Amendments:

Page 2, Line 13 Replace “there could be something done to slow the traffic down such as signs educating the public as to why they should not speed in that area.” With “education could be done on that topic.”

Page 2, Line 21 Replace “putting islands in on Route 120.” With “narrowing the roadway by putting in grass strips between the bike lanes and the roadway itself.”

Page 4, Line 5, Add “additional” after “having”

Page 4, Line 8, Change “Tichner” to “Ticknor”

Page 4, Line 38, Change “bog” to “log”

Roll Call Vote:

Ernst Oidtmann, Erling Heistad, Sarah Riley, Donald Lacey, Susan Almy, Bruce James, Darla Bruno, Barbara Hirai. and Chris Johnson all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (9-0).*

3. STUDY ITEMS:

A. Election of Officers-Chair and Vice Chair-There was confusion as to when the election of officers should take place. Rules and procedures from 2008 say the elections should take place at the annual meeting in April. No elections took place this meeting.

B. NH DOT Route 120 Multi-Modal Project-Conservation Commission Recommendations-Vice Chair Riley said she thought this agenda item encompassed two separate items. One was from an e-mail by David Brooks who sent out an e-mail from NH DOT about guardrails going in along Route 120 in Lebanon and asking if the Conservation Commission had any mitigation thoughts or suggestions for the DOT. The second item was about the DOT Study from Exit 18 to Etna Road.

Mr. Lacey suggested that there were a lot of invasive plants along that roadway, especially wild parsnips. It would be great if the DOT could do some work on the invasive species while they were putting up the guard rails. Mr. Heistad said he would like to see the guardrails moved further out from the center line giving more room to pave and perhaps allow for a bike path on the roadway.

Vice Chair Riley pulled up the City of Lebanon's GIS map and applied the wetlands layer to it. Along the entire south stretch of the roadway at least half of it was involved in the Great Brook drainage, tributaries or within the high-end wetland value buffer.

It was decided that the subject of the guardrails on Route 120 would be put on the next meeting's agenda items for discussion.

Next, the Commission discussed the Route 120 Multi-modal Project. Mr. James sent a packet to the Commission members which contained a memo that he drafted for DOT, a postcard that Mr. Heistad had received in the mail, and an article from the Valley News on the topic. Mr. James took feedback from Chair Oidtmann and Vice Chair Riley and he prepared a draft memo. It was also mentioned that the Commission members could take part, individually, in a survey about Route 120 by DOT and the Commission, as a whole, could also send a memo of their concerns to the NH DOT.

Mr. James listed five areas of concern for the Route 120 project, Traffic Noise Levels and Speed, Wildlife Habitat and Corridors, Mass Transit, Pedestrian, and Cycling Option, Landscaping the Median from Exit 18 to Hanover Street, and Protecting Existing Wetlands.

The first topic discussed was mitigating noise levels and traffic speed. Mr. Bruce suggested that the DOT take action to reduce noise due to businesses, schools, and residences along the corridor as well as needing to reduce speeds for those reasons as well. Chair Oidtmann suggested a lane being designated for multi-passenger cars during rush hour. Mr. James pointed out that putting in a HOV lane could infringe on wetlands. Ms. Hirai thought adding another lane of traffic would make that area more confusing and dangerous. Ms. Almy did not think an HOV lane could work. Mr. Heistad agreed. Mr. Lacey said he felt the Commission should concentrate on wildlife and conservation, not another lane being added. Mr. Goodwin said he did not think the DOT meant to add another lane, just use an existing lane as an HOV lane. Ms. Bruno felt that the light timing at the bridge was causing the back up of traffic on Route 120 near Exit 18.

1 The next topic discussed was wildlife habitat and corridors. Mr. James comments were to build and
2 upgrade wildlife corridors under Route 120. Vice Chair Riley had some comments about the size of those
3 corridors. Mr. Heistad said that the water table in that area was really close to the surface. Chair Riley
4 felt it was important to highlight the Commission's recommendations from the 2016 Wildlife Corridor
5 study. Mr. James said he could study that document and put in more specific recommendations in the
6 memo to the DOT.

7
8 The third item was mass transit, pedestrian, and bicycling. Mr. James said that eventually they hoped that
9 the DOT could put in sidewalks and bike lanes. Ms. Almy would like the DOT to put a narrow, grassy
10 strip between the bicycle lanes and the roadway of Route 120. It would make the road look narrower,
11 slow down the traffic, and make biking safer. Mr. Johnson said that the Commission could mention that
12 they are encouraging biking and pedestrian walking as an alternative to driving cars.

13
14 The fourth topic was landscaping the median strip from Exit 18 to Hanover Street. This could help to
15 slow down the traffic and it would look better. Mr. Heistad said the softer the image made on the road,
16 the calmer the traffic would be. This could also make it safer for wildlife to cross.

17
18 The last item discussed was existing wetlands. Mr. James said there were a lot of wetlands going all the
19 way from Hanover Street to Etna Road. He thought the Commission should make the point that they
20 needed to be protected and not have more lanes put in.

21
22 Mr. James will make another draft of the memo to DOT. Mr. Goodwin said the Commission did not need
23 to vote on the memo. It was decided that Mr. James would revise his memo, sign it, and send it to Chair
24 Oidtmann for his signature and to send to DOT.

25
26 ***Ms. Riley MOVED to extend the meeting until 9:00PM.***
27 ***Seconded by Mr. Heistad.***

28
29 **Roll Call Vote:**

30 **Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James,**
31 **Barbara Hirai, Darla Bruno, and Susan Almy all voting Yea.**
32 **None voted Nay.**

33
34 **** The Vote on the MOTION passed (9-0).***

35
36 **4. COMMITTEE REPORTS:**

37
38 **A. Conservation Lands Monitors-**Vice Chair Riley and Ms. Hirai walked the property at the south
39 end of the airport. They could not figure out where the boundaries were, but people have marked out
40 trails through there. Ms. Hirai said she felt that the Commission needed to figure out what to do with the
41 piece of property in conjunctions with tonight's presentation. Chair Oidtmann asked to put the property
42 in question on as a future agenda item.

43
44 **5. PERMIT REVIEW: City of Lebanon-Review and Comment on NHDES Wetland Standard**
45 **Dredge and Fill Application (Minor Impact) to fill in 9,133 square feet (permanent impact) of**
46 **forested wetlands in connection with its planned phased development of the Airport B Lot CC2021-**
47 **01 NHDES #2020-00237.** Mr. Rick Van de Poll reviewed the project with the Conservation Commission

1 and highlighted the different changes that took place with the plan from November until now. He
2 explained what was done to the plan was to reduce the wetland impacts to less than 10,000 square feet.
3 They moved the roadway; they uncoupled any kind of tertiary drainage into the wetland B ditch and sent
4 that drainage off each parking lot down to the detention pond. They put in a plan for a short retaining
5 wall at the end of the edge of the wetland they will cross to minimize the footprint and moved a joint
6 driveway for Building 4 and Building 5 slightly, to miss Wetland E. The project will cover 11 acres of
7 the 48-acre lot and will be done in 2 phases. Building 1, 2, and 3 will be done in the first phase and
8 buildings 4 and 5 in the second phase. The drainage would be kept intact relative to the existing drainage
9 and the stormwater runoff would be intercepted by a series of bio retention basins, 1 for each building and
10 a larger basin closer to building 3. There will be five buildings, 5 parking lots, and 4 driveways. The
11 runoff rates have been calculated to be less, with the retention basins, than they are now.

12
13 Vice Chair Riley asked if this was the only project that they needed to look at or were there more projects
14 planned at that site? Mr. Van de Poll thought that was the only project for that site. He went on to say
15 that the design standards were for a 100-year storm event for infrastructure and 50 years for the basins.
16 They made sure that on-site infiltration exceeded the runoff coming from the impervious surfaces. They
17 wanted to make it a net gainer in terms of runoff going down to Route 12A.

18
19 Ms. Hirai asked if there was going to still be access on the Hall School House Road at the North end near
20 3 wetlands? Mr. Van de Poll said the road would have public access on the east side, inside the airport
21 fence. More questions and answers took place between Commission members and Mr. Van de Poll.

22
23 Vice Chair Riley asked about the southeast corner of the lot and whether the City would be interested in
24 conserving that portion of the lot? Mr. Van de Pol said extending a conservation restriction on to the 11
25 acres was a possibility but was not sure who would be able to do that.

26
27 ***Ms. Almy MOVED to extend the meeting by 15 minutes.***

28 ***Seconded by Ms. Riley.***

29
30 **Roll Call Vote:**

31 **Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James,**
32 **Barbara Hirai, Darla Bruno, and Susan Almy all voting Yea.**
33 **None voted Nay.**

34
35 **** The Vote on the MOTION passed (9-0).***

36
37 Ms. Almy left at 9:00PM. Ms. Barbara Hirai was appointed to replace of Ms. Susan Almy.

38
39 ***Mr. Lacey MOVED that the Conservation Commission recommends that the New Hampshire DES***
40 ***approve the NHDES Wetland Standard Dredge and Fill Application (Minor Impact) to fill in 9,133***
41 ***square feet (permanent impact) of forested wetlands in connection with its planned phased***
42 ***development of the Airport B Lot. CC#2021-01 NH DES File #2020-00237.***

43 ***Seconded by Ms. Riley.***

44
45 **Roll Call Vote:**

46 **Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Don Lacey, Barbara Hirai,**
47 **Bruce James all voting Yea.**

48 **None voted Nay.**

1 * *The Vote on the MOTION passed (7-0).*

2
3 **4. COMMITTEE REPORTS CONT.:**

4
5 **B. Lebanon Biodiversity Group**-Nothing new to report since the last meeting.

6
7 **C. Workshops and Educational Opportunities**-Mr. Lacey reminded everyone that they may want to
8 sign up for the Harris Center's workshop on amphibian crossings. Mr. Johnson spoke about an e-mail the
9 City of Lebanon sent to sign up for training for Welcoming Lebanon.

10
11 **D. Stewardship Program:** Vice Chair Riley gave an update on the forms that have been created. The
12 forms are as follows: a sign-up form for volunteers, an incident form, and a form for Stewards of the trails
13 to fill out on the work they have accomplished on their trail. Now, they are just waiting for the forms to
14 go on-line.

15
16 **6. ADJOURNMENT:**

17
18 *Mr. Heistad MOVED to adjourn the meeting at 9:13 PM.*

19 *Seconded by Ms. Riley.*

20
21 **Roll Call Vote:**

22 **Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Don Lacey, Barbara Hirai,**
23 **Bruce James all voting Yea.**

24 **None voted Nay.**

25
26 * *The Vote on the MOTION passed (7-0).*

27
28 **The meeting was adjourned at 9:13 PM.**

29
30 Respectfully submitted,

31 Barbara R. Higgins

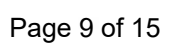
32 Recording Secretary

**Agenda
Conservation Commission
March 11, 2021**

**Agenda Item #5A
Study Items**

Proposed Recreation Use for Two Rivers Conservation Area

“The Lebanon Recreation and Parks Department would like to partner with the Lebanon Conservation Commission to develop Two Rivers Conservation Area into a West Lebanon destination that provides both active and passive recreational opportunities. The City of Lebanon lacks adequate open field space to support the growing needs of the many user groups that seek space. We believe that by working together we can improve Two Rivers Conservation Area in a manner that will honor both of our missions.”



July 20, 1990

WARRANTY DEED
(Statutory Form)

KNOW ALL MEN BY THESE PRESENTS that the UPPER VALLEY LAND TRUST, INC., a nonprofit corporation incorporated under the laws of the State of New Hampshire, qualified under Section 501(C)(3) and 170(H) of the Internal Revenue Code, and having a principal place of business on Montshire Road in Norwich, Vermont, for consideration paid, grants to the CITY OF LEBANON, a municipal corporation existing in Grafton County, New Hampshire whose mailing address is 51 North Park Street, Lebanon, New Hampshire 03766, with WARRANTY COVENANTS the following described premises situated in Lebanon, County of Grafton and State of New Hampshire, and bounded and described as follows:

TRACT ONE

Being a 20.5 acre parcel on a plan entitled "Annexation Plan Prepared for K-Mart Plaza, Route 12A, Lebanon, Grafton County, N.H." dated November 21, 1989, last revised December 21, 1989 by T & M Associates, Inc., Proj. No. 311789, to be recorded in the Grafton County Registry of Deeds. As depicted on said plan, the tract or parcel is more particularly bounded and described as follows, viz:

Beginning at a point marking the southeasterly corner of the land described herein and the southwesterly corner of a 3.8 acre parcel conveyed or about to be conveyed to N.B. Development. This point lies North 61° 41' 15" West a distance of 74.15 feet from a stone bound lying in the northerly right of way of Interstate 89;

Thence North 25° 07' 30" East a distance of 987.95 feet to a point on the southerly shore of the Mascoma River which point is marked as Point B on said plan;

Thence turning and running northwesterly and southerly first along the Mascoma River then along the Connecticut River 1965 feet more or less to a point which is 30 feet more or less westerly of an iron pin which is marked as Point A on the plan;

Thence South 39° 42' East a distance of 30 feet more or less to the iron pin depicted as Point A (the closure line between Point B and Point A is South 79° 02' West a distance of 1426.85 feet);

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True bearings

Thence South 55° 40' East a distance of 792.5 feet to a stone bound;

Thence South 61° 41' 15" East a distance of 371.3 feet to the point and place of beginning.

TRACT TWO

Being a certain 2.7 acre parcel of land depicted on a plan entitled "Property of Lebanon Crushed Stone, Inc., West Lebanon, N.H." dated May 1976, prepared by T&M Surveys, Inc., Lebanon, N.H. as Proj. No. 51176. As depicted on the plan, the property is described as follows:

Beginning at an iron pin at the northeasterly corner of the within described premises in the southerly line of Interstate Route 89;

Thence North 46° 07' 30" West a distance of 194.8 feet to a stone bound;

Thence North 45° 48' West a distance of 565.5 feet to an iron pin (marked "C" on the plan heretofore referred) at or near the bank of the Connecticut River;

Thence continuing North 45° 48' West to the Connecticut River;

Thence southerly and southeasterly along the Connecticut River a distance of 610 feet, more or less, to a point at the southwesterly corner of land now or formerly of Daniel Rothenberg;

Thence South 84° 07' East a distance of 50 feet to an iron pin;

Thence South 84° 07' East a distance of 54.7 feet to a stone bound;

Thence South 84° 07' East a distance of 67.7 feet to an iron pin;

Thence South 84° 07' East a distance of 154.6 feet to the iron pin at the point of beginning, the last four courses being along land of said Daniel Rothenberg.

The above two tracts are subject to those restrictions, burdens, benefits, slope easements and other rights taken by or conveyed to the State of New Hampshire in connection with its taking of land for Interstate Route 89, to which taking the Grantee

magnetic bearings 1976

is referred for a more particular description of such rights. Reference is made to a quitclaim deed from Lebanon Crushed Stone, Inc. to the State of New Hampshire, which deed is dated May 28, 1976 and is recorded in the Grafton County Registry of Deeds in Book 1287, page 148.

Also conveying with quitclaim covenants only, a right of way forty (40') feet wide along the Connecticut River between Points C and B on the plan heretofore referred, which right of way is shown on said plan and passes underneath Interstate Route 89 connecting Tracts One and Two herein described.

The above described premises are a portion of those premises described in a deed from Thomas J. Bascetta and Robert A. Whitcomb to the Upper Valley Land Trust, dated December 22, 1989 and recorded on January 19, 1990 in Book 1843 Page 0397 of the Grafton County Registry of Deeds.

There is also conveyed herewith a permanent easement for a right of way to be used in common with the Grantor, its successors and assigns and with others to provide access for vehicular and all other lawful traffic from State Route 12A on and over adjoining real estate of N.B. Development known as the K-Mart Plaza so called. This right of way is depicted on the aforementioned plan and is further described in a deed from N.B. Development to the Upper Valley Land Trust, Inc. dated of even date herewith and about to be recorded in the Grafton County Registry of Deeds.

The above described premises are further conveyed subject to the restrictions and covenants enumerated in a document entitled "New Hampshire Grant of Restrictive Covenant" from the Upper Valley Land Trust to N.B. Development, dated December 29, 1989 and recorded on January 19, 1990 in the Grafton County Registry of Deeds at Book 1843 Page 401. Reference should be had to this document for a more particular description of the specific covenants appertaining to the premises.

In accordance with the provisions of RSA 477:45-47, the Grantor reserves for itself and its successors and assigns the benefits of the following conservation easements and restrictions:

1. The lands conveyed herein shall be used for agricultural, forestry, educational, open space, boating access and non-motorized passive recreational activities only, including without limitation walking, horseback riding, skiing, and a playing field. Additionally, at no time shall there be constructed on the burdened lands parking facilities having a total capacity of more than forty vehicles. It being the intent of this restriction that the land not be typically used for purposes which would generate traffic of more than forty vehicles at a given time. Notwithstanding the foregoing, the parking facilities may be extended for special

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events with the advance written approval of the Grantor which approval shall not be unreasonably withheld.

2. Any structures hereinafter constructed on the premises or other improvements shall be sited to have minimal impact upon the conservation values of the property; the scenic views of and from the property as viewed from public roads, trails, and waters: the historic and archaeologic values; and forestry and agricultural production, if any, on the property.

3. There shall be no mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, topsoil or other similar materials on the property except as may be required in connection with the completion of any improvements to the premises.

4. There shall be no dumping, injection or burial on the property of trash or of materials that are known to be environmentally hazardous, including vehicle bodies or parts.

5. The Grantee agrees to notify the Grantor, its successors or assigns in writing within ten days of the transfer of title of the property to a new owner.

6. It is acknowledged that the Grantor shall be under no obligation to maintain the property or to pay any taxes or assessments thereon.

7. The burden of the easement reserved herein shall run with the property and shall be enforceable against all future owners and tenants in perpetuity: the benefits of said easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire or to the U.S. Government or any subdivision of either of them consistently with Section 170(c)(1) of the U.S. Internal Revenue Code as amended, which government unit has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of these reserved restrictions, or to any qualified organization within the meaning of section 170(h)(3) of said code which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this easement. Any such assignee or transferee shall have like power of assignment or transfer.

8. In connection with these restrictions, the Grantor does hereby reserve reasonable access to the property and all of its parts for such inspection as is necessary to enforce the easements and restrictions and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed in this document.

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9. When a breach of any of these restrictions comes to the attention of the Grantor, it shall notify the then owner (Grantee) of the property in writing of such breach, delivered by hand or by certified mail return receipt requested. Said owner shall have thirty days after receipt of such notice to undertake those actions, including restoration which are reasonably calculated to swiftly cure the conditions constituting said breach and to notify the Grantor thereof. If said owner fails to take such curative action, the Grantor, its successors or assigns may undertake any actions that are reasonably necessary to cure such breach and the costs thereof including the Grantor's expenses including staff time incurred in investigating the noncompliance and in securing its correction, court costs, and legal fees, shall be paid by the said owner provided the said owner is determined to be directly or indirectly responsible for the breach.

10. In the event the development rights or conservation easement and restrictions reserved by the Grantor herein may be extinguished by eminent domain or other legal proceedings, Grantor shall be entitled to any proceeds which pertain to the extinguishment of Grantor's rights and interests.

By accepting and recording this deed with its reservation of conservation easement, the Grantee, for itself and its successors and assigns, agrees to be bound by the provisions hereof and to assume the rights and responsibilities herein provided for and incumbent upon the Grantee, all in furtherance of the conservation and/or preservation purposes for which this conservation easement is reserved.

The above-described premises shall be managed and controlled by the Lebanon Conservation Commission for the purposes set forth herein as provided in RSA Chapter 36-A.

IN WITNESS WHEREOF, it hereunto sets its hand and seal
this 20th day of July, 1990.

UPPER VALLEY LAND TRUST, INC.

By: Timothy O. Traver
Timothy O. Traver
Executive Director
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON, SS.

The foregoing instrument was acknowledged before me this 20th day of July, 1990 by Timothy O. Traver, Executive Director of Upper Valley Land Trust, Inc., a New Hampshire nonprofit corporation on behalf of the corporation.

Before me, *David G. Smith*
Notary Public, Justice of the Peace
My commission expires:

The within deed is hereby accepted according to the terms and conditions as set forth therein and is authorized to be recorded.

Dated this 20th day of July, 1990.

CITY OF LEBANON

By: *St. Smith*
Steven L. Smith
City Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON, SS.

The foregoing instrument was acknowledged before me this 20th day of July, 1990 by Steven L. Smith, City Manager for the City of Lebanon, a New Hampshire municipal corporation on behalf of the corporation.

Before me, *Sandra L. Allard*
Notary Public, Justice of the Peace
My commission expires:

SANDRA L. ALLARD, Notary Public
My Commission Expires January 22, 1992

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GRAFTON COUNTY
REGISTRY OF DEEDS

EXAMINED, ATTEST *Carol A. Elliott*
GRAFTON COUNTY REGISTRY OF DEEDS

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