

Conservation Commission - Town of Deerfield, NH  
July 11, 2011 Minutes

**Present:** Erick Berglund, Serita Frey, Wes Golomb, Kate Hartnett, Dave Linden, Herb McKinney

**Members Absent:** Diane Thompson

**Visitors:** Richard & Diane Boisvert, Harriet Cady, Anne Deely, Frank Mitchell, Sheila & Theodore Piwowarczyk, Albert Witham

**Trails Project Update:** Anne Deely updated the members on a project, funded with a grant from the Lamprey River Advisory Committee, with the objectives of inventorying and developing a plan for the existing trails in Deerfield, exploring the potential for new ones, and promoting access to and use of the Lamprey. Anne has been accumulating data by reviewing and creating a photo log of existing maps, analyzing data and walking known trails, noting the need for renewed trail markers and repairs. Class six roads, power line rights-of-way and snowmobile trails were included in the study. Data and comments from an online survey of residents, resulting in 112 responses, along with feedback from a public meeting, provided insight into trails currently being used and the demographics of those using them. Various destinations of interest and their proximity to the trails were also noted. Recommendations included making the now-digitized maps available in both printable and GPS down-loadable form on the town's website, and the creation of a children's trail that would enhance our Parks and Rec after school program by connecting the GB White building via a crosswalk to the ball field, Peg King Park and the Gazebo. The formation of a trails club could serve to assist in maintaining the trails and encouraging their use.

**Cottonwood Estates:** Sheila and Theodore Piwowarczyk and Albert Witham presented new concerns regarding the installation of the gate at the entrance of the Cottonwood Estates easement. They felt that the inappropriate use of the property should be controlled by the Police and that access by those who have used the property for many years should not be blocked. Mr. Piwowarczyk stated that his walking disability prevents him from accessing the area by any means other than a wheeled vehicle, the use of which is prohibited on the easement. Mrs. Piwowarczyk felt that this could be in violation of the Americans with Disabilities Act. Mr. Witham raised the issue that he was not notified of the actions being taken and that the gate will block access to his property via the old tote road and that there was no right-of-way to his land. Harriet Cady questioned whether access to the public could be restricted and was informed by Erick Berglund that access is not guaranteed unless the land is town-owned or state funded. Serita Frey noted that the public are not currently restricted, except when operating motorized vehicles.

Serita Frey explained that the Board of Selectmen had charged the DCC with developing a solution to the dumping and unauthorized uses of the easement. She further explained that the actions were taken after many months of discussion and consideration, after consultation with legal counsel, and after proper notifications were given to the residents, the majority of whom were in favor of the gate installation. Mr. Witham and Mr. Piwowarczyk were concerned that the Northwood Crankpullers, because of their involvement in erecting the barrier, would be given access to the property or similar special privileges. Chairman Frey assured them that motorized vehicles, including snowmobiles, would be prohibited and that only the Police and Fire Departments would be given keys to the gate. The discussion was closed without resolution, however Erick Berglund suggested that their concerns be expressed to the BOS and that the DCC look into the issues they had raised as well.

**Harriet Cady** inquired about the requirements for placing a farm pond on property she is subdividing. Procedurally, the design would be followed by submission of a Dredge and Fill application to DES. It was suggested that she contact The Natural Resources Conservation Service (NRCS) for more specific information.

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**Approval of Minutes:** The minutes of the June 13<sup>th</sup> meeting were unanimously approved.

**Financial Officer's Report:** The June Conservation Fund balance was \$368,247.98. Year to date expenditures of \$462.32 resulted in a June 8<sup>th</sup> operating budget balance of \$1938.68. DCC fixed expenditures were reviewed in an effort to provide Town Administrator Leslie Boswak with our estimates for the 2012 budget. A payment of \$400 from the Conservation Fund to cover DCC's 50% share of the cost of the summary appraisal on Project #26 was made to Heath Appraisal.

**Land Conservation:**

**Project #26:** Based upon sales of comparable properties, Heath Appraisal estimated the market value of the parcel to be approximately \$213,000. This was based on acreage of 178 acres; however a survey will be needed to more accurately determine the size of the parcel. It was pointed out that the property's conservation value was based upon its location and proximity to other surrounding conservation properties in Epsom and Deerfield, as well as its above average variety of wildlife habitats. The parcel, at an elevation of 1200 feet, contains a small wetland and the headwaters of a stream which flows into the Merrimack. Potential recreational opportunities include hiking and skiing. Erick Berglund, Serita Frey and Frank Mitchell volunteered to form a subcommittee to discuss an offer based on the appraisal. Frank Mitchell suggested that should an offer be made, the DCC should pursue grant money to offset the cost. Any offer will be based upon the current status of the Conservation Fund after being weighed against other projects, along with the perceived conservation value in the context of the newly revised Deerfield Open Space Plan. The owners, who were present at the meeting, expressed their desire to expedite a sale to the Town rather than place the property on the open market due to their interest in preserving the property. A meeting of the subcommittee was scheduled for Wednesday, July 27<sup>th</sup> at 7 PM at the GB White Bldg.; however, discussion of funding priorities may require a larger group.

**Project #25:** Erick Berglund and Dan Kern jointly selected a surveyor for the project, following a request for bids (lowest bid selected). They and Frank Mitchell met with the owners who indicated their intention to hold out 6 acres and the existing house lot. The easement deed can be drafted while the survey is being done and would include an expiration date on an option to exclude additional house lots.

**Project #27:** Dave Linden updated the members on the 72 acres on South Road. The parcel consists of one lot having significant frontage on South Road and is surveyed with a management plan. Acreage for existing house lots would be left out. The owners' objective in creating the easement would be to limit development on South Road and although it would not be a donation, they are asking for less than market value. An invitation will be extended to the owners to attend the August meeting.

**Brown's Mill Easement:** Kate Hartnett and Frank Mitchell, in conjunction with the Planning Board, will work on the language for the Fish & Game right-of-way for this easement.

**Town Forest Protection Project:** Serita Frey will draft a letter requesting bids from registered land trusts to establish easements on Town Forests and other conservation areas as listed in the warrant article passed in March. Potential candidates are The Forest Society, Bear Paw, Southeast Land Trust, The Nature Conservancy, Audubon and possibly, Rockingham Conservation District.

**Strategic Planning:** The DCC will meet on Wednesday, July 27<sup>th</sup> from 5 PM till 7 PM to chart its future. Discussion will focus on past accomplishments and what we want to achieve going forward. A notice will be posted.

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**Regulated Wetlands:** We are in receipt of a Complete Forestry Notification for a timber cut on the land of Janice Campbell, Map 414 Lots 104.1 and 105. Use of existing tote roads should result in minimal wetland impact

**New Business:**

**Kay Williams Easement:** The DCC has received communications from residents and abutters of the Kay Williams conservation easement expressing concerns about the ongoing logging operation. The family worked with the DCC to establish a forest management plan for the property. The original intent was to conduct the harvest during the winter months to limit soil erosion, but it was delayed and coincided with a period of wet weather and the breeding season. An initial site visit by Serita Frey and Erick Berglund revealed that the landing site near the road is not on the easement, but on private property. In a follow-up visit (Serita Frey, Erick Berglund, Herb McKinney and Frank Mitchell) to the site on a dry day, the group found that the harvest appears to be following the management plan to the extent possible. The wetland areas appear to have been protected and best management practices are being observed. There was uncertainty about the existence of a Permit by Notification for the wetland crossing at the entrance of the easement. Serita Frey has e-mailed Patrick Kenney of Fort Mountain Companies questioning the timing of the operation and resulting potential for soil erosion, impact on nesting herons in the wetland area, permitting, and their plans for closing out the operation.

**BOS Update:** The BOS has asked the DCC, Planning Board, and the ZBA to meet with them jointly to give updates of their respective ongoing activities. Herb McKinney and possibly Dave Linden will attend. Suggested points of discussion include (1) DCC oversight of the Kay Williams easement timber harvest, (2) Cottonwood Estates easement enforcement actions, (3) Town Forest Protection Project progress and (4) New easement acquisition progress on projects #25 and #26.

**Old Business:**

**Lamprey River Advisory Committee:** Wes Golomb has volunteered to be considered as a nominee on the newly formed committee. He will approach Larry and Mel Graykin with the proposition of being considered as candidates.

**Northern Pass:** Erick Berglund advised the members that an advisory committee for the Northern Pass project was in the formative stages. Information received referenced a possible cost benefit analysis and real estate and environmental impacts. The project's effect on LCIP lands including Great Brook and the Curry easement were also mentioned. The topic will be placed on the DCC agenda and addressed periodically.

**Welcome Packets:** Wes Golomb was unsuccessful in his attempt to respond to an invitation to include DCC information in a welcome packet for new residents. He will attempt to contact the project's coordinators again by the July 20 deadline.

**Adjournment:** 9:15 PM

*The above minutes were prepared and submitted by Judy Marshall and reflect final revisions made and approved by the Deerfield Conservation Commission at its 8/15/2011 regular meeting.*