

Conservation Commission - Town of Deerfield, NH  
September 12, 2011 Minutes

**Present:** Erick Berglund, Serita Frey, Wes Golomb, Dave Linden

**Members Absent:** Kate Hartnett, Herb McKinney, Diane Thompson

At 7:10 PM, in the absence of a quorum, it was determined that the meeting should be called to order to allow for discussion, however, no official decisions would be made or votes taken.

Harriet Cady reported on the results of her conversation with DES regarding a complaint she had with respect to an abutter digging in a wetland adjacent to her property and was directed by them to file a formal complaint. Ms. Cady felt that it was the responsibility of the Conservation Commission to investigate and report to the DES, since the DCC was more familiar with this type of situation. Serita Frey responded that the DCC would certainly be willing to investigate, but ultimately had no authority to take action against a wetland violation as this is the role of DES. When first notified of the potential violation, Ms. Frey had suggested Ms. Cady call the DES in order to expedite her complaint. Although Ms. Cady was directed by DES to file a written complaint, she feels it is up to the DCC to take action. Erick Berglund responded, indicating that given the volunteer nature of the Conservation Commission and the personal responsibilities of its members, that she would expedite the process by filing the complaint herself.

Harriet Cady registered certain complaints about the DCC's handling of information regarding the Federal Government's Wetlands Reserve Program. Although the government puts out press releases, and a report outlining the program was given at a previous year's DCC meeting and noted in the minutes, Ms. Cady felt that Deerfield had not been sufficiently informed, and that the information had been withheld intentionally and for personal gain. She further criticized the town's purchases of wetlands.

A concerned resident, who was recently notified that a Shoreland Program Permit Application (RSA 483:B) was being filed with the DES, asked the DCC to review proposed changes to an abutter's property. The concern was that the alterations to the parcel were potentially in violation of both the Comprehensive Shoreline Protection Act and the 2007 Pleasant Lake Watershed Protection Ordinance. Concerns about significant alterations to the landscape included reductions in the distance of the required buffer zone from the shore, as well as increases to the non-conforming structure and overall footprint in excess of permitted square footage. It was feared that disturbances to natural drainage control, including removal of existing foliage and vegetation, would have a potential impact on not only the quality of the watershed, but also flood control for adjacent properties. The DCC will review the proposed plans pending receipt of the actual application from DES.

**Financial Officer's Report:** Erick Berglund was unable to report on the DCC's current financial position, lacking the required information from the Town Treasurer. Serita Frey responded to Erick's request for an alternate to present our revised budget to the BOS at a meeting on September 26<sup>th</sup>.

The arrival of Wes Golomb resulted in the required quorum needed to conduct official business.

**Approval of Minutes:** The minutes of the August 15<sup>th</sup> regular meeting were unanimously approved as written.

**Land Conservation:**

**Project #25:** Erick Berglund reported that he would like to see this project completed this year and is presently waiting for a response from Dan Kern.

Conservation Commission - Town of Deerfield, NH  
September 12, 2011 Minutes

**Project #26:** The answer to whether we could establish a Right of Way on property #26 still remains ambiguous after Serita's consultation with the town's counsel. Creation of an Easement by Necessity or by Adverse Possession were two options presented, although, perhaps not entirely feasible in this case, given the limited time and resources. It was noted that a landowner having a legal interest in the property could pursue these options; however, the DCC has no legal right to follow up on this matter. Serita will convey the results of her meeting with Attorney Raymond to the property owners.

**Town Forest Protection Project:** Serita Frey has requested assistance in following up on the bid process. Erick Berglund volunteered to contact Dan Kern for a list of items that should be included in the bid letters, enabling us to move ahead on the permanent protection of these properties.

**Regulated Wetlands:** The members reviewed a Dredge and Fill notice received from the DES for Harriet Cady's property, Map 209 Lots 8 and 10.

**New Business:** It was determined that there was not sufficient time to plan a local event for the "Moving Planet Day of Action 350, a global movement to solve the climate crisis scheduled for September 24<sup>th</sup>.

**Old Business:** Serita Frey reported on her phone conversation with town Attorney Raymond, following up on the posted uses of the Cottonwood Estates easement. A resident had previously informed the DCC that she and other residents are under the impression that the easement is not for use by the public and is restricted to use by Cottonwood residents. Attorney Raymond agreed that although the DCC has been charged with the obligation to oversee and enforce the easement, it cannot give access to the public, although it could provide information to Cottonwood residents regarding restrictions and acceptable uses of the property. Serita informed the members that installation of the gate was planned for this fall and that signs indicating a restriction to motorized vehicles were ready for posting.

**Diane Shores Easement:** There has been some question as to the existence of a third house lot eligible for removal from the Shores' conservation easement and additional information is being presented to the Planning Board relative to the proposed subdivision.

**Northern Pass:** Erick Berglund reported that the Northern Pass Advisory Committee had gone before the Select Board and that a cost/benefit analysis was scheduled to be out by the end of the month.

**Correspondence & Announcements:** Erick Berglund offered to copy interested individuals on e-mail bulletins he was receiving regarding the Northern Pass project.

**Adjournment:** 8:36 PM

*The draft minutes were prepared and submitted by Judy Marshall. Final revisions to these minutes will be contained in the minutes of the following meeting, after approval by the Deerfield Conservation Commission*