

Conservation Commission - Town of Deerfield, NH  
November 14, 2011 Minutes

**Members Present:** Erick Berglund, Serita Frey, Kate Hartnett, Dave Linden, Herb McKinney  
**Members Absent:** Diane Thompson, Wes Golomb  
**Visitors:** Harriet Cady, Sandy Cassier, Patrick Cassier, Jr.

Sandy and Patrick Cassier attended Monday's meeting to discuss placing a conservation easement on a portion of the family's South Road property. The easement would cover 75 acres with an exclusion of approximately 5 acres for a house lot and a right-of-way for a driveway. An overview of the proposed boundaries was given and Kate Hartnett located their property in relation to its proximity to other parcels in the Deerfield Open Space Plan. Patrick Cassier, Sr. has been in contact with other agencies, wishing to weigh his options for conserving the property. Erick Berglund explained that there were federal programs available and Serita Frey added that the DCC seeks funding assistance from other agencies as well. Kate Hartnett explained that additional funding sources included federal, state and local programs, and that an owner can negotiate an outright sale, a bargain sale or a donation, which, for some owners, may have tax advantages. A general explanation of the overall process was given and tentative plans for a site visit on December 3<sup>rd</sup> or 4<sup>th</sup> were made, as well as a meeting with Patrick Cassier, Sr. The possible donation of approximately 40 acres on Cole Road was also discussed. This area, in addition to being crossed by Nichols Brook, includes 6 to 8 acres of wetland and abundant wildlife. Kate Hartnett requested a map of the parcel. Dave Linden will contact Patrick Cassier, Jr. to arrange the site visit.

**Approval of Minutes:** The minutes of the September 12<sup>th</sup> and October 10<sup>th</sup> meetings were unanimously approved.

**Financial Officer's Report:** Erick Berglund reported that the balance in the Conservation Fund at the end of September was \$377,139.54. The balance at the end of October was \$376,966.58. During October the DCC received \$13,000 from the Town representing DCC's share of the Land Use Change Taxes for Q3/2011. Due to a bank error this was not included in the October balance. This has since been corrected and the \$13,000 will be reflected in the balance at the end of November. The DCC approved payment of \$221.00 for Town Counsel legal advice regarding the Cottonwood Estates conservation easement on Oct 21. The vote was conducted by email for the sake of expediency and was paid from the Conservation Fund. The 2011 budget balance as of October 31<sup>st</sup> is \$1646.02. Serita Frey presented an invoice in the amount of \$265.00 for DCC's 2012 membership dues in the *Association of Conservation Commissions*. Erick Berglund questioned the increase of \$15.00 but Serita Frey defended the expenditure based upon the assistance we receive from the association in addressing problems, noting that they are a central resource for information and advice. Payment was approved by unanimous vote.

**Land Conservation:**

**Project #25:** We have received the draft of the easement from Dan Kern which Serita Frey will circulate to the members for further review. Erick Berglund has requested that Bear Paw complete the easement this year. Agreement to the language of the easement by the McGarry's is still required before a final draft of the document can be submitted for BOS approval. Erick commented that changes in the template of the conservation easement document have resulted in clearer language. Serita Frey will contact Frank Mitchell.

**Dawn Holloway:** No further action will be taken at this time. The property owner has informed Frank Mitchell of a potential future sale of the property and discussed means by which it could still be protected.

**Town Forest Protection Project:** Serita Frey has completed the "Request for Proposal" (RFP) letter to be sent to various land protection organizations. Serita is waiting for a response from Leslie Boswak to her inquiry

Conservation Commission - Town of Deerfield, NH  
November 14, 2011 Minutes

regarding the formal bidding process and will follow up with another e-mail. Once resolved, she will coordinate mailing the RFP's with Judy Marshall.

Erick Berglund informed the group that Alex Cote was just appointed to the Forestry Commission by the BOS. The general feeling of the members was that, given his dedication and energy level, this was a positive move.

Serita Frey reported that since Charlie Moreno was selected to provide the forest management plan for the town forests 8 months ago, to the best of our knowledge only the Freese Town Forest has been assessed and no written report has been received. Per our last communication with him, he was preparing to assess the Dowst-Cate Town Forest and Park. Kate Hartnett will follow up with Mr. Moreno.

**Regulated Wetlands:**

DCC was copied on a notice to the owners of the 3 Scott Lane property from the DES requesting additional information following its review of their *Shoreland Protection Application*. The notice states that the expanded footprint of the new cottage is not permissible due to its proximity to the reference line; however, the owners could replace the existing structure if set farther back. It further states that the sub-surface systems do not meet the required criteria and also requests additional information relative to the previously planned culvert, the stream channel and vegetation/trees. The owners have 120 days to respond. Kate Hartnett indicated that given the approval of the Shoreland application, and potential approval by the Building Inspector, this would be the first action attempting to overturn the Pleasant Lake watershed overlay approved by the town three years ago.

DCC has been notified of an incomplete Wetlands Bureau *Permit by Notification* for the repair/reconstruction of a deteriorated, existing retaining wall beneath a dock structure on property identified as 2 Loon Ledge, Tax Map 207 Lot 17. This appears to be part of a larger, *Shoreland Program Permit Application* for the same property to replace a structure previously destroyed by fire. We have been notified that DES is in receipt of the aforementioned Shoreland application.

A discussion relating to the overall impacts of the McCarron subdivision followed receipt of a Wetlands notification from DES. Kate Hartnett commented that the project, encompassing 84 acres and containing multiple lots, obliterates the drainage for Hartford Brook. Questioned about the impacts, she explained the history of the plan which spans several years and pre-dates current ordinances. She further stated that, as a Planning Board member, she is familiar with numerous opportunities to fit the development on the site, but use of conventional engineering solutions has resulted in many wetland impacts which could have been avoided, resulting in the obliteration of a wildlife corridor. No opportunity for action on the part of the DCC was offered relative to the notification.

**Old Business:**

**DCS/Ellen O'Donnell:** Kate Hartnett explained that resident and Deerfield Community School teacher, Ellen O'Donnell, had contacted her in September proposing that her class adopt and inventory a property. As of this date she has not responded to Kate's calls. Kate will again attempt to follow up.

**Diane Shores Easement:** Kate Hartnett updated the members on the question of the existence of a third, developable lot on the Shores easement. She stated that the surveyor had more than adequately mapped out and justified the proposed development.

**Clifford Easement:** Kate Hartnett had previously received a call from a resident questioning resistance to his request to hunt by permission on the Clifford easement. Frank Mitchell will check the language of the deed,

Conservation Commission - Town of Deerfield, NH  
November 14, 2011 Minutes

believed to have been acquired with Federal Farm & Ranch Land grant money. It was noted that in these cases we need the recognized cooperation by the property owners to adhere to the deed restrictions and requirements.

**Browns Mill Easement:** In response to earlier correspondence from the Planning Board, Kate Hartnett will draft a letter outlining DCC concerns related to the Browns Mill subdivision and proposed easement. Kate explained that the development has resulted in the deepest fragmentation of the Lamprey River headwaters in its history. The plan was approved in phases predating the nomination of the Lamprey to the NH Rivers Management and Protection Program. Purchase of back lots is not a viable solution since they have been heavily cut and the material removed. No funds were set aside by the developer nor were any provisions made for monitoring, stewardship or for a holder of the easement. The property doesn't even meet the criteria for an easement, having no delineation, location or field markings. Erick Berglund questioned the language of the easement and noted that future agreements need DCC involvement when drafting the easement deed and suggested deed restrictions instead of an easement. Kate will forward the letter to Serita for signature/mailing.

**Cottonwood:** Serita has met with the BOS and informed them of the official status of this project. Harriet Cady expressed her understanding that Open Space developments were created and intended for town use. Kate Hartnett countered, stating that no public funds were used and that the easement was given by the developer to the homeowners, not to the town, and was marketed as a subdivision with open space for homeowner use. It was noted that there were multiple reasons for open space development including wildlife preservation, water protection, preservation of rural character and lower taxes resulting from a reduced number of roadways to be maintained. Erick Berglund clarified that these criteria were not an absolute, with every stipulation being attached to every agreement across the board. The language is worked out between the developer and the owner. Kate added that subdivisions created prior to the open space provisions were poorly developed with greater impacts financially and environmentally. Cottonwood preceded mandatory conservation easements for open space and the designated open space land is owned by and taxed, incrementally, to each homeowner.

Harriet Cady noted that the McGarry property has no access and questioned how the easement would benefit the town. Serita Frey informed her that the McGarry easement is not a public access easement; this is donated land and, as such, remains the private property of the owner, who can restrict its use.

**Northern Pass:** Erick Berglund offered copies of an opposition bulletin from the *No Northern Pass Coalition*.

**New Business:** Erick Berglund announced that he will be unavailable to perform his duties as DCC's Financial Officer in December, January and February and that Herb McKinney has agreed to perform in that capacity in his absence. Erick will meet with Herb and the official transition will be approved at the December meeting.

**Announcements:**

Serita Frey was congratulated on receiving the *2011 Faculty Excellence Outstanding Associate Professor Award* from UNH, recognizing her work in the field of soil microbial ecology.

Kate Hartnett was also lauded, having received an award for the renovation of her Berlin home which resulted in a significant reduction in heating and lighting requirements. She explained that this was part of a PUC rebate program for solar, domestic hot water systems. A discussion ensued on alternative energy and both Kate and Serita will circulate information on respective programs they are pursuing.

**Adjournment:** 9:00 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*