

DEERFIELD CONSERVATION COMMISSION

Meeting Minutes – January 14, 2013

**Members Present:** Erick Berglund, Serita Frey, Wes Golomb, Kate Hartnett, Dave Linden, Herb McKinney (None Absent)

**Guests:** Frank Mitchell and Alden Dill

Serita Frey opened the meeting by welcoming guests Frank Mitchell of Bear-Paw Regional Greenways, and resident Alden Dill who was attending as an interested observer.

**Town Forest Protection Project:** Dan Kern was to have presented the most recent version of the proposed easement deed but could not attend due to illness. In his absence, Frank Mitchell explained that Mr. Kern had also planned to request that **Bear-Paw attorney Paul McDonald contact DCC's legal representative, Jim Raymond, to determine which version of the deed Attorney Raymond preferred.** Mr. Mitchell explained that it was now up to the DCC to make any further changes to the document and questioned whether Kate Hartnett's revisions had been included. Ms. Hartnett explained that her suggestions related to formatting and editing; just a re-arrangement of the elements and content area with the goal of ensuring clarity with respect to uses (discretionary consent and prohibited uses).

Serita Frey noted that in order to move forward, DCC needs the most current draft of the deed, especially the **draft of the appendix, which is the property description, containing the deed references, and for those with good surveys, metes and bounds, and donor intent that is referenced in the deeds. Decisions need to be made as to the differences among the properties.** Kate Hartnett suggested that DCC receive the latest draft by February 1<sup>st</sup> and Serita Frey added that she would re-send attorney Raymond's commentary to the members. Kate Hartnett's feels that the goal should be to create a marked-up version with comments resulting in a cleaned up form; one **that incorporates what DCC has learned from past experience to make this document useful.** Serita Frey stressed that recent difficulty interpreting the **Williams easement should provide the impetus for giving this document careful review.** Frank Mitchell will contact Dan Kern regarding the requested time line.

Kate Hartnett asked what had been decided regarding **"Research for Scientific Purposes"** and Serita Frey answered that this specific use was omitted, since it was allowed by default. Frank Mitchell **suggested looking at soils** to determine if any of the parcels have potential for agriculture. Serita Frey noted that attorney Raymond felt that **agriculture can sometimes be counterintuitive to conservation purposes.** Wes Golomb felt that rather than simply citing agriculture as an allowed use, donors should be more specific and cited Kay Williams' fondness for horses as an example of the importance of recording donor intent when creating easements, further stating that it was **incumbent upon the DCC to ask appropriate questions of donors that would more clearly define their vision for the easement.** Herb McKinney cautioned against the DCC forming its own interpretations of donor intent. Kate Hartnett felt that the DCC should **strive for performance based vs. prescriptive outcomes**, i.e. maintaining conservation functions, and noted the **difficulty in maintaining consistency among multiple purposes.** The question to ask is, does it meet the conservation goals. Dave Linden elaborated, giving the example of hiking and motocross both being forms of recreation. Frank Mitchell and Serita Frey will **contact Dan Kern to arrange for a two week review of the deed by the members prior to the February meeting.** Ms. Frey once again **stressed the need for everyone to take the time to read the proposed deed when it is received.**

**New Business:** Frank Mitchell informed the members that he had been approached by a landowner regarding a highly desirable **20 acre parcel having agricultural, forest and water features**, including an area with prime farm soil, a hay field, and portions of Nichols Brook. It abuts one of the town forests, with neighboring parcels being owned by other family members. Frank Mitchell

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reviewed a copy of the Deerfield Open Space Plan and determined that the parcel was located within the “green” infrastructure. The parcel has received the highest ranking by New Hampshire Fish and Game’s Wildlife Action Plan. The owners wish to reserve 5 of the 20 acres for the house; however, Frank Mitchell explained that additional restrictions with respect to future subdivision could be placed on the lot. Serita Frey proposed inviting the owners to the February 11<sup>th</sup> meeting and Kate Hartnett asked Frank Mitchell to recommend that they review Map 4 Section 7 of the Open Space Plan in preparation for the meeting.

Serita Frey mentioned that the land under the power lines on Route 107, which is currently being used as a dirt bike trail, was up for auction, and that if it could be reclaimed by the town, restoration to its former state would be a positive step.

**Approval of Minutes:** The minutes of the December 10<sup>th</sup> meeting were unanimously approved.

**Financial Officer’s Report:** Erick Berglund requested approval to release payment for DCC’s portion of the December invoice from Upton & Hatfield in the amount of \$705.38, reflecting an hourly rate of \$176.34 per hour. The charges were related to discussions surrounding the town forest easement deed including an office conference with, and a memo submitted by, Attorney Raymond. Dave Linden and Herb McKinney moved and seconded the motion which carried unanimously. Mr. Berglund also presented a previously anticipated bill in the amount of \$541.05 which had been pre-approved for payment at the November meeting for an amount not to exceed \$1500.00.

- The balance in the Conservation Fund at 12/31/2012 was reported to be \$242,887.18 including interest of \$30.92 and disbursements of \$541.05.
- A surplus of \$550 from the 2012 budget will be returned to the conservation fund. There has been no change to the 2013 budget which remains at \$2075.

Mr. Berglund stressed the importance of attending the **February 2<sup>nd</sup> and February 9<sup>th</sup> deliberative sessions for the Town and School**, respectively. **Voting Day is March 12<sup>th</sup>.**

**Lamprey River Scenic By-way:** Serita Frey and Herb McKinney attended the recent meeting for the proposed by-way. A number of suggested revisions will be addressed by the committee and application made to the NH-DOT. If approved, the Southern New Hampshire Planning Commission will work with the participating towns; Deerfield having approximately 20 *points of interest*. According to guest Alden Dill, Nottingham had pulled out of the project, failing to see its economic value.

**Regulated Wetlands:** Erick Berglund summarized his findings regarding the disturbances to the wetlands/beaver dam/fire pond on Parade Road. He was unable to locate a copy of the 5-year permit issued to the town by DES covering culvert replacements and other routine maintenance involving wetlands. Serita Frey suggested DCC contact the DES to request of copy after which a decision can be made by the members to request a joint meeting of the DCC with the Highway and Fire departments.

Wes Golomb questioned what our goal was in pursuing this matter. Erick Berglund replied that with respect to the wetlands and fire ponds, the DCC should exercise some oversight over any disturbances and their resulting impacts, and that the town departments should be made aware of the DCC’s responsibility to do so. Serita Frey felt the DCC could respectfully request to be alerted prior to these undertakings, if nothing more than to be able to offer an explanation to residents who call to express concern, and Mr. Berglund stressed the need for better communications with both the DCC and the residents. Herb McKinney expressed the desire to review the permit before making a decision to take further action. Ms. Frey suggested the matter of the **proposed meeting be tabled until after the town**

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**forest protection project is completed.** The clerk was advised to flag the matter to be revisited when the DCC has a more open agenda.

**Correspondence:** DCC has received the following:

- A copy of a *Request for More Information* issued to *Karlene Wadleigh-35 Baker Ave, Tax Map 202 Lot 10 - DES File # 2012-03202* regarding a previous **Standard Dredge and Fill** application for proposed alterations to the above-referenced property.
- A request for missing information and subsequent approval of a *Wetlands Minimum Impact Forestry Notification-File # 20212o-03159* issued to *Dennis Sklarski-21 Birch Rd, Tax Map 420 Lot 060*.
- A copy of a 12/10/2012 complaint filed with the DES and its 12/18/2012 notification to Daniel Tripp of a *Land Resources Complaint-File #2012-03245, 48 Nottingham Road, Tax Map 409 Lot 7* related to the digging of a trench within wetlands without a permit.

**Northern Pass:** Erick Berglund announced that 100 signatures were obtained for each of the two Northern Pass warrant articles and stressed the importance of attending a meeting on March 5<sup>th</sup> or 6<sup>th</sup> featuring Jack Savage from the Society for the Protection of NH Forests prior to Town Meeting Day.

Alden Dill questioned who was responsible for monitoring the 130 acre easement Deerfield holds on his property (previously Irene Shores land). Serita Frey noted that DCC monitors the LCHIP properties but could not confirm the monitoring of all easements. She suggested Mr. Dill keep the DCC in the loop; that DCC was hoping to eventually have a monitoring program in place.

**Announcements:** It was noted that DCC had missed the deadline to place an article on the warrant to officially name and convey Town Forest status on the Edyth Boisvert property. The clerk will confirm with Town Administrator, Leslie Boswak. Even if possible, there would not be sufficient time to undertake a voter education campaign prior to the deliberative session.

**Bear-Paw Regional Greenways Annual Meeting** will be held at Coe-Brown Academy in Northwood on Saturday, January 26<sup>th</sup> with activities scheduled from 8 AM thru 3:30 PM. Naturalist Mary Holland will give a presentation based on her book, after which there will be a pot luck followed by a snowshoe/walk at the Boy Scout Camp in Barnstead.

**Adjournment:** 8:40 PM.

**The Next Meeting is Scheduled for Monday, February 11th**

*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*