

DEERFIELD CONSERVATION COMMISSION
Meeting Minutes – December 9, 2013

Members Present: Erick Berglund, Deb Campelia, Serita Frey, Kate Hartnett, Herb McKinney, Dave Linden
Members Absent: Wes Golomb
Visitors/Volunteers: Frank Mitchell, Barb Matthews, Rob Matthews

Chair, Serita Frey opened the meeting at 7:07 PM.

Project 29A and 29B: Erick Berglund updated the members on the **results of the Heath appraisal** commissioned for the project and corrected the terminology used for the type of appraisal requested which should have been a *Restricted Use Appraisal* and not a *Summary Appraisal*. Mr. Berglund provided a matrix summarizing the values provided in the appraisal based upon 18.85 Acres of the 20 Acre parcel and 4 Acres of the 5 Acre parcel being conserved. Questions were raised as to the method used to arrive at the values. There were **two scenarios for the 5 Acre parcel**; the first valued at \$13,500 would allow future conversion of the barn to include an apartment, and the second, valued at \$55,500 would prohibit any conversion to a residential structure. The owners have tentatively concluded that they would like to **retain the right to future conversion**, but also pointed out that the 20 Acre parcel could potentially support two house lots (in addition to the existing house lot) which the appraisal indicates could wholesale at \$55,250 per lot or \$110,500 and conflicts with the \$64,500 value quoted. Frank Mitchell pointed out that unless the clause was negotiated out of the easement, the acreage of the **conserved land could not be used to satisfy minimum lot size requirements**.

Mr. Berglund will contact Scot Heath and **request clarification of the two scenarios and an explanation of how the \$64,500 was calculated**. Serita Frey requested **confirmation of the amount of Paxton (prime agricultural) soil** and Kate Hartnett asked that Mr. Heath be requested to **provide a summary table** for the appraisal. Mr. Mitchell observed that although the parcels are considered prime farmland, being comprised primarily of Canton/Paxton soils, there was probably not sufficient acreage to acquire grant money based on those criteria, indicating that possibly 4.5 Acres of the 5 Acre parcel and a fourth to a third of the 20 Acre parcel were Paxton and estimating a total of 10 Acres of Paxton between the two.

Mr. Berglund summarized that after arriving at the value, sources of funding could then be explored. Frank Mitchell felt the next steps would be to first **choose an easement holder, followed by valuation and setting a price, and finally to contract for a survey**. There are currently two candidates for holders of the easement; **Bear-Paw and Southeast Land Trust**. It was noted that Bear-Paw has shown an interest. When asked about a time frame, Mr. Berglund and Ms. Frey estimated that the project **could be completed in 2014**, noting that the McGarry easement took a year. In the near term, there needs to be a more in-depth conversation with the owners, and a review of available conservation funds since obtaining private funding could be difficult, given the size of the parcel. A warrant article for an outright purchase was not expected to be a high priority for the Town.

Town Forest Protection Project: Discussion based on suggested edits provided by Kate Hartnett included the following:

- **The absence of *Condemnation* in the final version.**
 - Ms. Frey believes it may have been intentionally removed
 - Will confirm with Attorney Raymond and clarify why it was removed
- **The possibility of adding a clause for *Extinguishment*.** Frank Mitchell cited an example of future urbanization rendering farmland unviable, and cases of eminent domain.
 - Specifies who gets what and in what proportions in advance of an event
 - Valuation is through appraisal at time of *extinguishment* or *condemnation*

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- Avoids the need for a later date decision if it occurs
- May have been addressed in the *Condemnation* section of earlier documents
- **Amendment vs. Additional Easement**
 - Allows deed to be modified as long as it is not weakened
 - Can be used to correct an error, added acreage, subsequent survey, etc.
 - Serita Frey will address differences with Attorney Raymond and defer to his advice
 - Additional Easement assumes conveyance of an additional recorded instrument (document) and acceptance by a qualified organization
 - Potential for including both in the final version
- **Affirmative Rights of Grantee**
 - Addresses access, inspection and posting of signs
 - Determined to already be included in *Benefits, Burdens & Access* of DCC document
 - General consensus that posting should be handled by the *Grantor*
 - Agreed to re-title 8.B. to read *Benefits Burdens, Access and Signage*
- **Alternate Dispute Resolution**
 - Means of resolving disagreements through *informal dialog, mediation and binding arbitration*
 - Determined to be a standard process
 - Possibly an expensive process and undue burden
 - Alternative: intervention by the Courts (also very costly)
 - Members were comfortable with its presentation in the current document
- **Reserving the right to charge reasonable fees**
 - Exercise this right to cover cost of use under certain circumstances
 - Could be used to cover the maintenance of a specific trail or activity
 - Danger of interpretation as *commercial*
 - Agreement to add the right to assess fees to the *Reserved Rights* section
- **Section 1.- Educational and Recreational use**
 - Deleted all references to *specific* activities
 - Agreed to broaden recreational uses and define for each property after completion of the easement deed
- **Kate Hartnett will e-mail the edited document to members.**

Approval of Minutes: A motion by Serita Frey to accept the minutes of the November 18th meeting was seconded by Herb McKinney and approved unanimously.

Financial Officer's Report: Erick Berglund reported a balance of **\$243,265.35 in the Conservation Fund at the end of November** including interest of \$29.98 and a donation to the Conservation Fund in the amount of \$50.00 received from Erick Berglund in memory of Joseph and Elsie Brown. An October deposit (also included in the balance) in the amount of \$750.00 remains unidentified. Mr. Berglund moved to **pay an invoice from Heath Appraisal Services in the amount of \$800.00** for the *Restricted Use Appraisal* for projects # 29A and 29B. Serita Frey provided a second to the motion which passed unanimously. Also presented for approval was an **invoice for 2014 dues for the Lamprey River Watershed Association in the amount of \$100.** Dave Linden seconded the motion which also passed unanimously.

2014 Warrant Articles: Two warrant articles have been drafted for placement on the **March 2014 ballot.** Herb McKinney moved with a second by Dave Linden to approve the first warrant *to see if the town would vote to reimburse the DCC for expenses incurred in the creation of the Town*

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Forest management plans. Expenditures from a forest maintenance fund require a vote by the legislative body of the town (RSA 31:113). Serita Frey moved with a second by Herb McKinney to approve the second warrant article to *designate the Edythe H. Boisvert Conservation Area a Town Forest and to convey a conservation easement to permanently restrict its use to open space purposes*, as was prepared for the seven Town Forests on the 2011 ballot. The motions were approved unanimously. Both articles were presented for approval to the BOS at their November 18th meeting and should now be reviewed by Attorney Raymond for inclusion on the March ballot. A summary explaining each warrant will be prepared to appear on the ballot with each of the warrants.

Project #28: Deb Campelia, Serita Frey, Kate Hartnett, and Herb McKinney met on November 24 for a site visit of the property. The consensus was that it **warrants a closer look in that it is an interesting habitat**. Serita Frey explored to what extent it might serve as **a habitat for cottontail**. Contacts at UNH advised that there is **no source population to infiltrate the area**; that Fish and Game had little interest due to the fact that it would be isolated with no genetic stability. Herb McKinney noted that the property would, however, provide a buffer to Freese and that the devastated areas, presently a forest in the early stages of development, would make it a characteristically unique acquisition. Kate Hartnett observed that **development of the parcel would totally change the character of Freese**, but Serita Frey noted that the **need for justification for the Town to purchase the parcel would be greater**. Development potential will certainly be factored into any appraisal. Deb Campelia cautioned that more **emphasis needed to be placed on the “spirit” of conveying easements**; not just on outright purchases.

Forest Management: Deb Campelia informed the members that the *Live it Green 8th grade magnet from Deerfield Community School* had **cleared and blazed a loop trail at Peg King Park**. The blue blazed trail completes the second of two circular trails at the park, located approximately 100 yards up Ridge Road from Cole Road. <http://www.lampreyriver.org/recreation-deerfield-community-trails> (See the *Trails Overview* for location). It was suggested that the **volunteers be asked to provide a name for the trail**. Ms. Campelia will submit **articles recognizing their accomplishment** for publication in *The Bridge*, *The Communicator*, and *The Forum*.

Frank Mitchell, Kate Hartnett, Herb McKinney and Will Frey performed the **annual monitoring of the Freese Town Forest**, Map 410 Lot 32 on Saturday, November 24th. As noted in their report to the state, they were able to walk and observe *all but a part of the western boundary with blown down trees- southeast section that goes through the largest wetland. (We did observe this area from the opposite shore of the wetland, however.) A section of the western boundary (a few hundred feet) affected by the tornado of July, 2008 is obscured by trees & limbs on the ground and difficult to access. The rest of the property boundary is easily located and well-marked with red painted blazes and some plastic flagging.*

New Business: The Lamprey River Watershed Association contacted Erick Berglund about a venue to have an information session/booth and it was suggested that they consider participation in the 2014 *Earth Day* activities. Erick Berglund will contact Denise Greig at the Town offices to obtain more information.

Serita Frey adjourned the meeting at 9:53 PM.

The Next Meeting is Scheduled for Monday, January 13th

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