

DEERFIELD CONSERVATION COMMISSION
Meeting Minutes – January 13, 2014

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

Chair, Serita Frey opened the meeting at 7:19 PM.

Frank Mitchell informed the group about the *Land Conservation Principles & Practices* course that he would be teaching in the spring at UNH. The class would involve approximately 25 students who would make site visits to inventory a number of Deerfield's town forest conservation easements with the **goal of preparing, or making additions beyond the basics, to existing baseline documentation, and composing single-page trail guide-like summaries of each.** Based upon the students' observations, information on wildlife habitats and water features, mapping, and narratives would contribute to the level of existing detail. It is Mr. Mitchell's hope that beyond being a learning exercise, the experience would benefit the town and possibly make a lasting impression on the students, encouraging future involvement in conservation.

Four sites have been deemed accessible for winter access; Dowst-Cate/Weiss, Lindsay-Flanders, Hart and Arthur Chase. Existing forestry management plans recently prepared by Charlie Moreno could be used as the starting point for Dowst-Cate and Weiss and possibly Freese, which it was noted, could be included, but was essentially complete. The availability of adequate parking for buses was considered in the choice of easements to be evaluated. **The first outing is scheduled for March 28th.** It is expected that there will be teams of four to five students per property, and a specialist having a particular area of expertise to accompany each team would be desirable. It was suggested that Alan Perkins may be interested in participating as well as **volunteers who could lead them to areas of interest and answer questions.**

A presentation to be given to Bear-Paw as well as to interested parties from Deerfield and the Town of Lee (a parcel in Lee is also being included in their research) is **scheduled for May 2nd, the final day of class.** **Suggestions for additional activities** included a *Power Point* presentation which could be used for teaching/promotional purposes and a video to be added to the Town website. Serita Frey extended an invitation to the class to attend a DCC meeting, and Kate Hartnett asked if consideration could be given to Great Brook Trail. Ms. Hartnett encouraged the use of the Open Space Plan in addition to the Granite and NH Wetland maps. **The following is a link to Deerfield's Open Space Plan.** http://townofdeerfieldnh.com/Pages/DeerfieldNH_BComm/Conservation/plan
An on-line, electronic map of the parcels with "click" access to the documentation was also suggested. The class meets on Fridays from 9 AM till Noon and at Mr. Mitchell's request, Ms. Frey agreed to meet personally with the students on campus to address what would be useful.

Projects 29A and 29B: Serita Frey read an **informal proposal received from the owners.** Frank Mitchell has spoken with Dan Kern with respect to the **feasibility of acquiring small grants to supplement the funding of the project.** Mr. Kern indicated that it would be difficult to tap larger foundations unless the acquisition was part of a more sizable project. Although organizational grants may be limited, Frank Mitchell felt they were not impossible to obtain, and Bear-Paw's assistance in exploring grant opportunities could be requested. Serita Frey made note of the **added challenge of funding an easement as opposed to a purchase,** and that obtaining grants would take time. Erick Berglund reminded the members that since the **project involved two easements DCC would incur the additional expense of two surveys,** and cautioned that **fund-raising would be contingent on a Purchase and Sale Agreement** being in place. A number of funding scenarios were discussed after

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which Kate Hartnett and Erick Berglund moved and seconded a **motion to table the discussion till February** which passed unanimously. Serita Frey informed the members that in addition to Dan Kern being scheduled for **discussion of the Town Forest easement deed in February, the Deely's were also on the agenda to discuss a trails club. The possibility of an interim meeting was mentioned.**

The need to include or possibly relax the **clause prohibiting the acreage of the conserved land to be used to satisfy minimum lot size requirements** was once again addressed. Also pointed out was the potential need **for additional acreage to accommodate a future septic system**, which could not be located on the conservation easement, and would need to be placed on the small, non-conserved piece. Mr. Berglund agreed to **address future septic needs and possible alternatives with the owners.**

Approval of Minutes: A motion by Serita Frey, seconded by Kate Hartnett, to approve the minutes of the December 9th meeting was carried unanimously with one correction and one addition. Dave Linden stated that the location of Peg King Park was incorrectly given as being *approximately 100 yards up Ridge Road from Cole Road* and should read *100 yards up Ridge Road from Candia Road* (See Deerfield Map 414 Lot 97-1). With respect to the Town Forest Protection Project discussion, Kate Hartnett wished to add a bullet point under the section referencing *Extinguishment* indicating that *Serita Frey will explore the reason for the removal of this clause from the document.*

Financial Officer's Report: Erick Berglund reported that he had not yet received a Conservation Fund balance for December, which at the end of **November 2013 had a balance of \$243,265.35.**

Project #28: Mr. Berglund updated the members on the status of the **bids for a Restricted Use Appraisal.** Of the three appraisers contacted, only two had responded. *McManus and Nault* proposed \$2500 and the bid from *Heath Appraisal* came in at \$800. **A motion to accept the Heath Appraisal bid in the amount of \$800, and to have (the owners) sign an acknowledgment for payment, was made by Serita Frey with a second by Erick Berglund, followed by unanimous approval.**

2013 Annual Report: The annual report to the Town was presented to the members for approval. A motion to accept the report was made by Serita Frey and seconded by Erick Berglund. In the discussion that followed, Kate Hartnett suggested adding that the **DCC will continue a 2013 effort to form a Trails Committee** as recommended by the Planning Board. A vote to accept the report with Ms. Hartnett's addition was approved unanimously.

2014 Warrant Articles: Serita Frey addressed a **memo from Attorney Raymond** regarding the proposed March 2014 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.* Attorney Raymond's opinion had been sought regarding the possible insertion of text **allowing joint management by the Forestry Committee and Conservation Commission** to which he referenced **RSA 31:112 which allows for either group, but not both, to be the managers.** His preference was *to stay within the statutory scheme* and either leave management with the Forestry Committee or delegate it to the Conservation Commission in the warrant article, which is the option authorized by RSA 31:112 II. **Absent language in the warrant article, Forestry would be in charge.** Alternatively, the BOS has the authority to appoint DCC members to the Forestry Committee, although this would not be his recommendation. His observation was that if the land is subject to a conservation easement then the **provisions of the easement will define how the land may be used.** It was determined that the text of the **article as approved at the December 9th meeting would stand.**

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Relative to the second warrant **article, to reimburse the DCC for expenses incurred in the creation of the Town Forest management plans**, members were informed that the Department of Revenue Administration had reviewed the article and noted that **first, an article to raise and appropriate \$10,000 for the development of a Town Forest Management plan needed to be presented to the voters prior to committing to the expenditure**. It was further recognized that the DCC warrant article was premature since there are no funds in the Forestry Fund at this time, and that **when funds become available, the Forestry Committee could put forth a warrant article asking the town to raise and appropriate the \$10,000 for the development of the plan and to authorize that amount to come from the forest maintenance fund**. A majority vote would be required. Administratively, it was **necessary to withdraw the warrant article from the 2014 ballot**.

Town Forest Protection Project: Serita Frey reported that the most current version of the easement deed had been presented to Bear-Paw; however Dan Kern responded that since there had been so many substantive changes, it would be **necessary to take it back to their committee**. The following sections were reviewed for changes discussed at the 12/9/2013 meeting:

- **Reserving the right to charge reasonable fees**
 - Reserved Rights – Section 4. J. *Fees for use or service*
 - Addition made per discussion at 12/9/2013 meeting
- **The absence of *Condemnation* in the final version**
 - Administration – Section 8. H. *Condemnation*
 - Explanation for its absence was requested at the 12/9/2013 meeting
 - Serita Frey explained that it had been removed in March when reviewed by the sub-committee, however the reason for removal was not ascertainable
 - The section has been added back to the deed
- ***Amendment vs. Additional Easement***
 - Additional Easement – Section 7
 - Potential for including both in the final version considered at 12/9/2013 meeting
 - Serita Frey still needs to address this issue with Attorney Raymond
 - Kate Hartnett referenced the SPNHF deed Section 15
- **The possibility of adding a clause for *Extinguishment***
 - Possible addition to *Condemnation* – Section 8. H.
 - Serita Frey to address with Attorney Raymond
 - Kate Hartnett referenced the SPNHF deed Section 13
- **Affirmative Rights of *Grantee***
 - Section 8.B
 - Retitled – *Benefits Burdens, Access and Signage* per discussion 12/9/2013 meeting
- **Alternate Dispute Resolution**
 - Administration – Section 8.C.
 - No change per discussion 12/9/2013 meeting
- **Educational and Recreational use**
 - Conservation Purposes – Section 1.G.
 - Confirmed deletion of references to *specific* activities per discussion 12/9/2013 meeting

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New Business:

Kate Hartnett commented favorably on the **work that had been done at Peg King Park by the DCS students and at Arthur Chase by Alan Perkins**. Ms. Hartnett noted that there have been seven parties who have made contributions to the Chase parcel. **Deb Campelia expects to submit an article** regarding the properties. Both members encourage walking the one-mile trail.

Kate Hartnett urged members to **contact their representatives regarding HB 569** to request their support of this bill which offers guidance to the *SEC that the use of existing public ROWs is the preferred option for all new transmission lines and that burial is the preferred option for new elective transmission lines using structures over 50 feet tall.*

Wes Golomb was recognized for having been re-elected to the NH Sustainable Energy Association Board. He has been a member of the Board since 2005.

Erick Berglund reported that **the PSNH D118 Thermal Uprate Project** covering Deerfield, Candia and Hooksett was **scheduled to commence in February**, and that wetland mats were being placed.

The clerk reported that **Kelly Roberts, the DCC website volunteer**, has posted the **newest photos of the Arthur Chase parcel submitted by volunteer, Alan Perkins**. Also available are the new Moreno forestry plans for Dowst-Cate/Weiss, Freese and McNeil. Members and residents are encouraged to check out the wealth of information and wonderful photographic contributions from **Wes Golomb and Dave Linden** now available on the Conservation Commission page of the Town website.
<http://townofdeerfieldnh.com>.

Correspondence: DCC has received the following:

An approval dated 12/05/2013 of a *DES Wetlands and Non-Site Specific Permit #2013-02154 – for the PSNH D118/115DkV Line Reconstruction Project, Deerfield, Candia & Hooksett for Unnamed Wetlands.*

A Dredge and Fill Notice – File #2013-02154 – for the PSNH D118/115DkV Line Reconstruction Project, Deerfield, Candia & Hooksett. Per this notice, there will be compensatory mitigation in the form of a **one-time payment of \$64,614.02 to the DES Aquatic Resource Mitigation Fund** and a **payment to Bear-Paw Regional Greenways to purchase 105 acres** of land in Hooksett on parcels identified as Tax Map 4, Lot 1 and Tax Map 4, Lot 36

A DES Subsurface Systems Bureau Individual Septic Disposal System The application was for Deerfield **Tax Map 424 Lot 092**, owned by Theodore and Sheila Piwowarczyk, Cotton Rd., Deerfield, which was being returned due to missing information.

Serita Frey adjourned the meeting at 9:13 PM.

The Next Meeting is Scheduled for Monday, February 10th

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