

DEERFIELD CONSERVATION COMMISSION  
PUBLIC HEARING MINUTES  
May 12, 2014

**Members Present:** Erick Berglund, Deb Campelia, Serita Frey, Kate Hartnett, Dave Linden  
**Members not Present:** Wes Golomb  
**Attendees:** Fran Menard

**Serita Frey opened the Public Hearing at 7:07 PM** with a statement of the purpose of the meeting, followed by a disclosure of **publication of the hearing notice as follows:**

*The following notice was published in the May 2, 2014 edition of the Concord Monitor. Additionally, it was posted in the following locations: U.S. Post Office, Deerfield, NH, the George B. White Building, on the Town's website, and The Forum on line.*

**Public Hearing  
Town of Deerfield, NH  
Conservation Commission**

*The Deerfield Conservation Commission will hold a public hearing for the purpose of providing information and accepting public input about the establishment of conservation easements for Deerfield's Town Forests and Conservation Areas. The public hearing will be held on May 12, 2014 at 7:00 pm in the George B. White Building, 8 Raymond Road, Deerfield, NH.*

**Background:**

**Authority to establish the Easement was derived from the passage of the March 2011 Warrant Article #11** in favor of conveying...*conservation easements to one or more qualified conservation organizations for the following Town-owned Town Forests and Conservation Areas, which will permanently restrict their use to open space purposes, including wildlife habitat conservation, forestry, and recreation:*

Arthur Chase Town Forest	Tax Map 414	Lot 73	40 acres
Dowst-Cate Town Forest	Tax Map 416	Lot 16	100 acres
Hart Town Forest	Tax Map 403	Lot 2	71 acres
Lindsay Conservation Area	Tax Map 415	Lot 30	58 acres
McNeil Conservation Area	Tax Map 406	Lot 12	63 acres
Weiss Town Forest	Tax Map 416	Lot 18	93 acres
Wells Town Forest	Tax Map 411	Lot 39	80 acres

*The fundamental purpose of establishing conservation easements for Deerfield's Town Forests and Conservation Areas is to assure that these properties remain a permanent living legacy. This means they will continue to provide open space, productive forests, wildlife habitat, clean water and air, and places people can visit for recreation, education, or just to enjoy the natural beauty.*

**Facts on Conservation Easements for Town Forests and Conservation Lands:**

- (1) The Town keeps ownership.
- (2) The Easement permanently allows only open space purposes.
- (3) Deerfield Conservation Commission continues to manage the properties for forestry, wildlife, and recreation.
- (4) The Independent third party inspects and documents the condition of the lands annually to confirm the terms of easement are being met—no development, poor logging, trespass, etc. (Town cannot legally hold an easement and inspect itself).
- (5) If a problem is found, the independent 3rd party (easement holder-Bear-Paw) has the responsibility to work with the owner (the Town) to correct any activities not allowed by the easement, including taking legal action if necessary (protects the Town in the event of an easement violation).

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**Creation of the Conservation Easement Deed:**

Passage of the warrant article was the **first step in guaranteeing permanent conservation of the above seven Town-owned Forests and Conservation Areas**. After acceptance by the Town, the Conservation Commission requested proposals from qualified conservation organizations to hold the easement on the parcels, ultimately accepting the bid from Bear-Paw Regional Greenways. The parcels were then surveyed and blazed as part of the process.

Chair Frey explained that the DCC has been working with Bear-Paw, and that and that after much conversation and attorney review, the parties are in the **final stages of drafting the wording and stipulations to be contained in the *Conservation Easement Deed***. The **public hearing is intended to give residents an opportunity to offer suggestions, pose questions, and express any concerns they may have prior to finalization**. After review of the deed by Town counsel, the DCC will present the document to the Select Board for formal acceptance.

**Visitor Fran Menard asked if the original intent of the donors had been altered in any way on any of the properties**, citing the fact that her step-mother, Madeleine Lindsay (Lindsay Conservation Area), had definite specifications when she donated the property. Serita Frey assured her that **a significant part of the construct of the *Conservation Easement Deed* was the consideration of donor intent when determining the uses and restrictions**, and that Kate Hartnett had adamantly emphasized the importance of preserving the intent of the donors. To that end, Ms. Hartnett and Frank Mitchell researched and provided a table outlining their findings for each property, if that information was available. A number of the parcels were acquired by Town *Tax Deed* and, as such, have no additional restrictions other than those imposed by the *Conservation Easement Deed*.

**Mrs. Menard asked if the original deeds, themselves, were part of the *Conservation Easement Deed***. Serita Frey responded that it had been initially desired that individual donor intent be incorporated into the *Easement Deed*; however, DCC was advised by Town counsel to provide the information as an appendix to the document instead. Ms. Frey further explained that the document is reasonably broad and that the Town, through the DCC, has determined the accepted activities and restrictions, which were based on those original deeds as previously noted. **The *Conservation Easement* protects the properties and restricts the uses but does not define those restrictions and uses by individual property.**

Although the *Easement Deed* addresses certain use limitations, **input is sought from the residents regarding suggested uses and activities**, as long as the uses do not violate the restrictions contained in the *Conservation Easement Deed* or the intent of the original donors, as expressed in their respective *Warranty Deeds* to the Town when the parcels were conveyed.

There being no further questions or comments, **Serita Frey adjourned the hearing at 7:30 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*