

## DEERFIELD CONSERVATION COMMISSION

Meeting Minutes – February 12, 2015

**Members Present:** Erick Berglund, Deb Campelia, Serita Frey, Wes Golomb, Kate Hartnett, Dave Linden  
**Members Absent:** Jim Deely

Chair, Serita Frey **called the meeting to order at 6:10 PM.** Hazardous weather conditions had made it necessary to postpone the regular meeting previously scheduled for February 9<sup>th</sup>.

**Approval of Minutes:** The **minutes of the January 12<sup>th</sup> meeting** were approved by the four members present after a motion by Chair Frey and second by Erick Berglund. Kate Hartnett and Wes Golomb arrived after the motion to approve.

**Finance:** Erick Berglund reported that the balance in the **Conservation Fund for December was 198,258.29 reflecting interest of \$25.25.** It was noted that the DCC has been assured of reimbursement from the **Forestry Fund for DCC's expenditures from its Conservation Fund in the amount of \$5225 to Town Forester, Charlie Moreno for the development of forest management plans** for the Town Forests. BOS has recognized and is in agreement with both Forestry and the DCC with respect to the conditions of repayment. Payment was for plans completed to date, with future forest management plans to be funded with proceeds from current and future timber harvests of the Town Forests themselves. Kate Hartnett remarked that this was reflective of the income-generating potential resulting from good forest management. Ms. Hartnett was requested to compose an article for the *Communicator* publicizing this point.

**Town Forest Protection:** Serita Frey and Kate Hartnett attended the annual meeting of Bear-Paw Regional Greenways to accept an award presented to...*the Town of Deerfield for its work in partnership with Bear-Paw to conserve seven Town Forest properties in 2014* It goes on to...*thank the Citizens of Deerfield who voted to conserve the Town Forests, and the Conservation Commission, the Select Board and other Town officials who supported the project.* It further recognizes the conservation of over 500 acres of ...*important forest land, wetlands, wildlife habitat, cultural features, streams and other natural attributes which will provide benefits into the future,* and that *this is one of the largest conservation projects in which the Town or Bear-Paw have been involved, making it a historic milestone.* A summary article outlining the project is slated for the upcoming edition of the *Communicator*. Both the article and a copy of the certificate (artwork provided by Deerfield artist/artisan, Al Jaeger) will be available for viewing in the Town Forest section of the DCC web page at [townofdeerfieldnh.com](http://townofdeerfieldnh.com).

Serita Frey has provided a copy of the Town Forest easement deed template to Nik Coates at the NH Association of Conservation Commissions and Kate Hartnett forwarded copies to Five Rivers Conservation Trust and to Margaret Watkins. Kate also noted that Charlie Moreno was at the Bear-Paw meeting and she was able to thank him for his work on the management plans. In turn, Mr. Moreno expressed his desire to stay involved in the Town's sustained forestry efforts.

**Trails:** Serita Frey reported that Jim Deely was not available to attend the February meeting of the DCC as anticipated, being out of town for his job. It is hoped that Mr. Deely will be available for the March meeting. Mr. Berglund expressed the need for the DCC to be kept informed about the Trails Committee's plans going forward. Concern was also expressed regarding Mr. Deely's absence at regular meetings of the DCC. Mr. Berglund also has questions regarding advice DCC sought and received regarding the required structure of the Trails Committee and the protocol for the acceptance of funds on its behalf. Although the Trails Committee has not had a formal meeting, posts on the Trails Club Facebook Page indicate that trail activities have been taking place. Deb Campelia volunteered to monitor the Facebook posts more frequently. Additionally, it was proposed that Mr. Deely could research funding opportunities for the Committee.

**O'Neal Land-Map 415 Lot 42:** Serita Frey contacted Town Attorney, Jim Raymond to determine how to go about accepting a gift of land. Attorney Raymond responded that *The donation is made to the Town acting through the Conservation Commission, but its acceptance requires approval by the Board of Selectmen.* Dave Linden will follow up with Mr. O'Neal regarding next steps and potentially approaching the Board of Selectmen with the proposal.

**Phragmites:** Serita Frey sent a **letter informing a resident on Mountain View Road that a non-native invasive plant, Phragmites, has become established in the wetland on their property.** Ms. Frey subsequently received a call from the resident and further explained the need to eradicate the invasive. The resident appeared to have researched the matter and

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expressed concerns over the cost of mitigation. Serita Frey once again suggested meeting with the resident to review options for removal, which likely will include the application of *glyphosate* by a licensed professional. Although the use of herbicides is not typically viewed favorably, *glyphosate*, available in various strengths, does break down more quickly than some other products, and in the case of *Phragmites* appears to be the most effective means of control on larger populations. State regulatory information on the use of pesticides can be found at <http://agriculture.nh.gov/divisions/pesticide-control/index.htm>

Since the homeowner is not available to attend a regular Monday night meeting, Ms. Frey posed the possibility of a small group of members meeting with the individual. The larger concern is that there are believed to be only two stands of *Phragmites* in Deerfield, and ignoring its existence on this property could lead to spreading of seed and populating other areas. Kate Hartnett spoke of a stand of *Phragmites* **that was introduced as a result of an ATV club in Berlin filling in areas along the Dead River**. An estimate from a licensed applicator should be sought by the resident and the DCC could seek to **work cooperatively with the owner**. Erick Berglund suggested the homeowner could also research **avenues for funding to defray some of the costs** such as grants from the *Natural Resources Conservation Services* (NRCS) <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/invasive/> or other conservation-related entities. Kate Hartnett volunteered to **look into the process utilized by the City of Berlin**. Erick Berglund suggested potentially creating a **budget line next year for a response fund to deal with various invasive species** in the future, (as was done in the case of *Milfoil*); however Wes Golomb expressed concern that such an action might set a precedent that could obligate the DCC. Deb Campelia will **research the 2014 UNH studies for any references to *Phragmites***. Kate Hartnett noted that a licensed professional would also be able to determine seasonally optimal times for chemical application to ensure the protection of wetland aquatic species.

**SB 083:** DCC has been informed of a **NH Senate Bill 0083 being introduced**, amending *RSA 36-A:4 Conservation Commission Powers*, which reads in part as follows:

*II. No commission, its members, or designee shall enter private or public property not received or acquired under paragraph I (Ref. RSA 36-A:4) to gather data about the property for use in a wetlands designation, prime wetlands designation, natural resource inventory report or map, or natural heritage map without first obtaining permission of the property owner or agent, or a lawfully issued warrant. Such permission may be oral or written, provided that record is made of oral authorization. If consent for entry is denied, the conservation commission, or designee, may obtain an administrative inspection warrant under RSA 595-B. A member of the conservation commission shall not be an agent of the municipality for purposes of entering the property under this paragraph.*

It is useful to note that **conservation commissions are already restricted from accessing private lands** without the owners' consent. This bill would **extend that restriction to public lands**. A copy of the proposed bill can be accessed via the following link: <http://www.gencourt.state.nh.us/legislation/2015/SB0083.html>. Erick Berglund has spoken with N.H. Senator John Reagan to express DCC's concerns. **Senator Reagan has agreed to explore the bill further.**

**Easement Monitoring:** Erick Berglund informed the group that **Greg Doane is willing to perform the annual monitoring of the Katharyn E. Williams conservation easement**, currently owned by Dana and Paula Merrill. Arrangements will be made for a mutually-acceptable time for Mr. Doane and Mr. Merrill to meet and walk the property. **Deb Campelia has scheduled the monitoring of the Curry easement** (Duchano property) for the last weekend in March. Ms. Campelia may ask Hilary Miner to accompany her and the owner.

**Merrill Subdivision:** It has come to the attention of the DCC that Dana and Paula Merrill have approached the Planning Board with a proposed **subdivision plan for Map 405 Lot 84**, an ~98 acre parcel (per current records) of which an **87 +/- acre easement has been conveyed to the Town of Deerfield**. The area to be subdivided is within the excluded area referenced in **Appendix A of the conservation easement deed recorded in Book 3500 Page 048**. Two new lots (405-84-1 and 405-84-2) would be created from the parent lot, 405-84, and would be in addition to the area currently occupied by the existing dwelling as provided in Section A of the Reserved Rights. It was noted that Planning Board approval is based upon the requirement that any proposed lots subdivided from the exclusion area meet the current zoning regulations, requiring a minimum of **3 acres 200 feet of frontage**.

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**Land Conservation:** Members engaged in a discussion of **major conservation incentives** in western Deerfield. The DCC, as always, is **extraordinarily interested in leveraging its extremely limited conservation funds** with private landowners, and public, state and federal sources of funding, such as New Hampshire's *Land and Community Heritage Investment Program* (LCHIP) <http://www.lchip.org/>.

**Correspondence:**

DCC has received a *Wetlands Minimum Impact Forestry Notification* - *DES File Number 2015-00253 for work in Deerfield, Tax Map 405 Lot 84* issued to **Dana and Paula Merrill, 185 North Rd.** authorizing them to begin work.

DCC has received a copy of a **Standard Review Wetlands Permit Application** from NHDES submitted by Varney Engineering, LLC on behalf of **Thomas W. Goodridge, 13 Baker Ave. – Map 201 Lot 31, located on Northwood Lake**. The proposed “impact” would be the **replacement of 128 linear feet of rocky shoreline**, which has deteriorated from erosion, with a segmental block wall and the installation of steps, in the same footprint. A swale would be constructed to divert storm water away from the shoreline.

Kate Hartnett commented that **a rocky shoreline, being a less rigid structure than a wall, would be more effective at dissipating wave energy**. Ms. Hartnett also expressed a preference for the more natural, rocky structure than the wall which is more highly engineered. It was generally felt that **leaving the natural rocky shoreline in tact was favorable to erecting the wall**. A question arose as to whether DES was required to sign the application and what the implications were of not signing. According to the application, by signing, **DCC would waive its right to intervene per RSA 482-A:11**. The clerk will research the matter further. Wes Golomb questioned **whether DCC should submit a comment, expressing its opinion and indicate why it chose not to sign the application**. Wes Golomb has agreed to **submit a letter to the NHDES to convey DCC's opinion**.

**Note for Clarification – RSA482-A:11 Fill and Dredge in Wetlands:**

It has been subsequently determined that since the application is not being submitted for *Expedited* DES review, it does *not require* the signature of the Conservation Commission for DES to conduct its review *within the standard time frame*. **A conservation commission has 14 days following the date the application is filed with the municipality to give DES written notification that it intends to investigate the proposed work in which case DES will delay making a decision on the application until it has received a written report from the Conservation Commission or until 40 days from the date of filing with the municipality.** DES will then take the commission's recommendations into consideration in making its determination. **Refusal of a Conservation Commission to sign the application simply makes it ineligible for Expedited Review.** If notification by a Conservation Commission is not received within the 14 day notification period, the DES “**shall not suspend its normal action and shall proceed as if no notification has been made**”. With respect to **Permits by Notification, the action limit is 21 days and Conservation Commission notification of intended investigation “shall be assumed”** unless the application is signed by a municipal Conservation Commission.

Serita Frey moved to adjourn at **7:40 PM**.

**The Next Meeting is Scheduled for Monday, March 9<sup>th</sup>**

***(Please check the website for scheduling changes)***  
[townofdeerfieldnh.com](http://townofdeerfieldnh.com)

*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*