

DEERFIELD CONSERVATION COMMISSION  
Meeting Minutes – February 1, 2016

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

The meeting was **called to order at 7:05 PM** by Interim Chair, Kate Hartnett.

**Northern Pass Transmission Project:**

**The deadline for DCC to apply for intervenor status in the Northern Pass Transmission (NPT) project is Friday, February 5<sup>th</sup>.** In order to have the approval of a quorum of members prior to the deadline, DCC scheduled its February meeting a week earlier than originally planned. Kate Hartnett once again explained that filing for intervenor status does not obligate the DCC to participate in the SEC process; however it would give the commission a seat at the table as the project moved forward. **As previously stated by Jeanne Menard during the January meeting, filing the application for the motion to intervene opens the door to DCC's participation should the need arise.** Ms. Menard had also noted that one of the benefits of filing is that DCC could **request the SEC to make site visits to understand specific situations.**

The process of filing involves creating language to be used in the application which explains to the SEC why they should consider the applicant's (DCC's) request to intervene in the SEC proceedings. **The applicant then states the particular rights, duties, privileges, immunities or other substantial interests that may be affected by the SEC's Northern Pass proceedings.** As a result of the combined efforts of Ms. Hartnett and a number of volunteers who have been working on the determination and wording of the points to be made in the application, DCC will file by Friday's deadline. **The members unanimously voted for DCC to file the petition.**

Ms. Hartnett informed the members that she had received word of the *Lamprey River Advisory Committee's* (LRAC) decision not to formally file for intervenor status, but that they would file a comment letter. On January 28<sup>th</sup>, Jeanne Menard (Deerfield BOS NPT Liaison) and Erick Berglund (NPT com) met with members of the LRAC to explain the intervention process. **LRAC members subsequently decided that due to the advisory nature of their committee, it would not be appropriate for their organization to formally intervene but rather would file a letter of comment to the SEC.** Preston Samuel of the LRAC offered a draft comment letter to LRAC members for their consideration, and the organization has voted to support and work with DCC as they can. Ms. Hartnett has received a copy of the draft.

**Petition Warrant Article #18:**

**Background:** On Saturday, January 30<sup>th</sup> at the Town Deliberative Session, a petitioned Warrant Article #18 was presented by a resident to be placed on the ballot as follows:

*Shall we repeal the former vote to have current use penalty go 50% to the Conservation Commission and now have all money from the Current Use Change Penalty go to a Town Trust to build the Safety Complex and for any future building needs in Deerfield since the town already has over 39% land in Conservation or untaxable parcels and 66% is in Current Use which means any change can be penalized and money put to use in a Trust fund set up with the Penalty money. (Petition warrant article).*

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**Erick Berglund**, having read the Town Attorney opinion in preparation for the meeting that the subject matter of the Warrant Article was to set up a trust fund, **proposed the following:**

**1<sup>st</sup> Amendment:**

*To see if the Town will vote to create a Town-funded trust fund pursuant to RSA 31:19-a, to be known as the Emergency Services Building Fund, for the purpose of financing construction and other costs incurred by the Town to build an Emergency Services Building, to appoint the Select Board as agents to spend this fund, and to raise and appropriate the sum of one Dollar (\$1.00) to be placed in this fund.*

Despite Town Attorney opinion, the Moderator declared that **DCC's proposed amendment was impermissible** and could not be put to a vote because it constituted a change in the *subject* of the original article. The following **2<sup>nd</sup> amendment to clarify the original language of the warrant article was then offered and approved by those present:**

**2<sup>nd</sup> Amendment:**

*Shall 100% of the Current Use Penalty Fees go to the General Fund with the advisement to the Select board to create and fund a Town Trust to build a Safety Complex or other building needs with these funds.*

A **3<sup>rd</sup> amendment** was offered which would have given 100% of the Current Use Penalty Fees to the Conservation Fund, but was narrowly defeated resulting in the **adoption of the 2<sup>nd</sup> proposed amendment.**

**DCC Meeting on 1 Feb:** As amended at the Deliberative Session, the new Article 18 proposes to eliminate any future revenues from Current Use Penalty Fees for the Conservation Fund. The amended article assumes all voters understand the current law and funding situation, and is written in a way that is confusing to most people. DCC members worked on neutral, non-advocacy, clarifying text for the voters' guide in the interest of helping voters understand the amended article. DCC provided the following language be used in the voter guide:

*The Conservation Commission currently receives 50% of the Current Use Penalty Fees. Voting NO maintains existing Conservation Commission funding. Voting YES eliminates existing Conservation Commission funding.*

Erick Berglund will contact Town Administrator Jan Foisy and propose insertion of the above explanatory text to appear in the Voter Guide below the article.

It was noted that for **Fiscal Year 2015**, DCC will have received **\$49,152 as its 50% share of Land Use Change Tax revenue. The amount stated at the Deliberative Session was incorrect.**

**Approval of Minutes:** The minutes from the **January meeting were approved with one abstention (Erick Berglund who was not in attendance in January).**

**Finance:** Erick Berglund reported a **balance in the conservation fund at the end of December of \$240,261.64 which reflects interest in the amount of \$30.60.** The clerk submitted a request for reimbursement for postage in the amount of \$4.84.

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**Regulated Wetlands (Notifications):**

- Wetland Program Permit Application DES File# 2016-00160 – Map 411/45-8 BMI Realty Trust – *Application Returned Due to Missing Information (Filing Fee)*
- Wetlands Min Impact Forestry Notice – DES File# 2016-0091– Map 410/111 John Thibodeau- *Approved*
- Minimum Impact Forestry Notice – DES File #2016-00235 – Map 414-142, 142-1, 142-2 and 142-3 Sandra Cross, Thurston Pond Rd-*New Application*

**Phragmites:** Members again briefly discussed the potential of a collaborative solution for the mitigation of the stand of *Phragmites* in the wetland on Route 43. Correspondence from Jim Deely reported that one of the abutters was willing to contribute toward the cost of spraying. Erick Berglund suggested developing a policy or procedure for expending funds for this purpose in keeping with the language in RSA 36-A.

**Easement Monitoring:** The Clerk noted that the monitoring reports for Great Brook Corridor were still pending. 5 Lyme disease prevention placards were donated to the DCC. Deb Campelia will post them at trailheads while she and Herb McKinney are tagging the boundaries. **REMEMBER TO CHECK FOR TICKS!**

**Freese Town Forest (Signage):** Since use information signs were placed by DCC and NH Fish and Game in 2009-10, DCC has received only one inquiry from a hunter asking clarification of uses. In 2015, a Bear-Paw easement monitor reported conflicting signage. Dave Linden presented photographs of the signage currently posted at the entrance to the Freese Town Forest. Kate Hartnett worked with NH Fish and Game in 2009 on the placement of the signs. The entry to the town forest is too narrow to allow for the required 300 foot Safety Zone buffer from “permanently occupied dwellings” on either side, as required by RSA 207: 3-a & 644:13, and as requested by abutters. The parcel widens farther back, which is where signs indicating hunting is allowed are placed.. DCC members decided that the signs should remain as placed and that no further action would be taken. A map of the property indicating the “zones” could be emailed to anyone inquiring in the future.

**New Business:** Erick Berglund received an inquiry from a resident wishing to protect approximately four acres of property. Mr. Berglund will speak with the resident in an effort to clarify the information prior to addressing the request with the members.

**Correspondence/Announcements:** Erick Berglund presented the original Concord Monitor clipping announcing the 1983 **Gilbert Knowles’ gift of land to the Town of Deerfield** now known as the *Dowst-Cate Town Forest & Park*. For the last 33 years the article has been in the safe keeping of Jack Sherburne who has graciously donated it to the DCC for posterity. Deb Campelia volunteered to send a note expressing DCC’s appreciation of Mr. Sherburne’s thoughtfulness.

Interim Chair Kate Hartnett **adjourned the meeting at 9:00 PM**

**The Next Meeting is Scheduled for Monday, March 14th, 2016**  
*(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*