

DEERFIELD CONSERVATION COMMISSION

1967 - FIFTY YEARS AND COUNTING - 2017

Meeting Minutes – October 15, 2018

Members Present: Haley Andreozzi, Serita Frey, Kate Hartnett, Erick Berglund
Members Absent: Wes Golomb, Ben Minerd
Visitors: Maura Adams, Bonnie Beaubien, Alden Beauchemin, Dan Kern

Serita Frey called the meeting to order at **7:07 pm**.

Alden Beauchemin submitted revised plans for the replacement of an 8” driveway culvert at Map 414 Lot 41 for an existing private driveway (Sleeper Court) that services Dana and Beth Cook’s three lots off Ridge Rd and provides access to their single family house on Map 414 Lot 42. Temporary planking is currently being used to cross the wetlands located on either side of the driveway. **The revised plan eliminates the need for the Wetlands Permit Application that was reviewed and approved at DCC’s July 9th meeting.** At that time, members suggested installing a box culvert as an alternative to the proposed 42” corrugated culvert. Mr. Beauchemin consulted with Deerfield contractor Kevin Fisher who suggested a fabricated, one-piece concrete slab, set on concrete blocks on dry land, be used to span the opening. **The new design will avoid disturbance to, and maintain the connection between, two very productive wetlands.**

Project #31 – Marston Farm:

38 Acre Parcel: Dan Kern reported that **Bear-Paw has approved the revised draft of the easement for the 38 acre parcel.** *Land and Community Heritage Investment Program* (LCHIP) revisions to several sections include those giving LCHIP greater leverage in enforcing the terms of the easement against violations, and language that confirms the secondary executive interest holder’s involvement in decision-making. **Serita Frey will request an appointment with the BOS to have them sign the revised document prior to the October 31st deadline for the \$7,500 transaction grant. Dan Kern will contact the owner, whose final approval is also needed in order to close.**

At the September meeting, members weighed the arguments for the need to honor the owner’s strong desire for the conservation easement document to specifically **exclude the use of motorized recreational vehicles on the property**, against the difficulty of enforcement. As an alternative, **Dan Kern suggested that the prohibition could be included as a warranty deed restriction in the future when the property is conveyed to another owner.** Appropriate language could prohibit the landowner from permitting such activity and absolve Bear-Paw from responsibility for violations.

128 Acre Parcel: Conveyance of a conservation easement to Bear-Paw on the 128 acre donated parcel is being handled by Paula Bellemore of LCHIP in conjunction with the NH Attorney General’s Office. The Town currently enforces the terms of the existing *Land Conservation Investment Program* (LCIP) easement on the property. **When fee ownership is conveyed to the Town, the responsibility for enforcement of the easement will need to be conveyed to another entity since the Town cannot both own and be the easement holder of a property, i.e. cannot enforce an easement on itself.** In order to work within the terms of the existing LCIP easement, an additional easement, as strict as or stricter than the LCIP easement, could be conveyed to Bear-Paw. **The Bear-Paw easement would overlay the LCIP easement, and the two would be consistent with one another.** Mr. Kern will work with Ms. Beye to **extend the purchase and sale agreement to 12/31/2018.**

Project #35: According to Mr. Kern, negotiations with the owner are ongoing and **additional sources of funding have been identified through LCHIP and the Merrimack Conservation Partnership.** Ben Minerd and Haley Andreozzi accompanied Dan Kern, Paula Bellemore (LCHIP) and others on a site visit to the property on September 11th which was viewed favorably by the participants. Epsom and Deerfield have partnered on this project which will conserve approximately 300 acres in the two towns. A fourth contiguous parcel is currently protected under a Federal *Natural Resources Conservation Service* (NRCS) *Wetland Reserve Program* (WRP) easement. **Deerfield’s share of the project is estimated to be \$47,000 and will come from the Conservation Fund. Members informally approved the project in June but an official vote on the purchase is anticipated for the November meeting.** Dan Kern agreed to inform Epsom of the NH Fish & Game methodology for planning and managing public trails in a manner that would minimize impacts to wildlife (“Trails for People and Wildlife”).

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Project #36: Members discussed the **donation of a conservation easement on 24 acres of land adjacent to Thurston Pond at the headwaters of the Lamprey River.** Conservation of the parcel, its unusual and historically significant features, and preservation of the surrounding area, is in keeping with the goals of the *Deerfield Open Space Plan*. The protection of significant natural habitat ranked highest in the state and the region as identified in the *NH Wildlife Action Plan*, supports the desirability of this project.

In exchange for the easement, the owner is requesting that DCC fund the transaction costs which are estimated at approximately \$10,500. The owner is working with Bear-Paw on easement language designed to address concerns about the operation of motorized recreational vehicles (OHRV's) on the property, and the noise and safety implications of target shooting with high-capacity, automatic and semi-automatic weapons. It was noted that the *Deerfield Open Space Plan* stresses darkness and quiet which are goals also anticipated to be incorporated into the language. Provisions for public use trails that use the NH Fish & Game methodology for planning and managing "Trails for People and Wildlife" are also included in the proposed language. Members were given a draft of the deed for review.

Serita Frey moved to approved Project #36 for the donation of an easement on 24 acres. In exchange, Deerfield Conservation Commission agrees to pay the related transaction costs of approximately \$10,500 from the Conservation Fund. Erick Berglund seconded the motion which passed with Kate Hartnett abstaining.

Project #37 – North Rd. (54 Acres): The owner of this parcel is asking that DCC pay the transaction costs estimated at \$18,000 in exchange for a 100% donation of an easement on Map 208 Lot 5. The parcel abuts the McGarry conservation easement, has wetlands that flow into Freese Pond, and significant frontage on North Rd.

Serita Frey moved to approve payment of the transaction costs of approximately \$18,000 from the Conservation Fund in exchange for the donation of an easement of approximately 54 acres on Deerfield Map 208 Lot 5. Haley Andreozzi seconded the motion which passed unanimously.

Project #38 – Raymond Rd: Owners are considering their options for conserving portions of four parcels abutting Raymond Rd. totaling approximately 258 acres. The parcel(s) on the south side of 107 (Map 418-78) abut the Deerfield Fairgrounds, and the Lamprey River bisects the two lots (shown as one single 43 acre lot on town maps. Two additional parcels, totaling approximately 215 acres, are located on the north side of 107 (Maps 418-22 and 23). **Dan Kern noted that the parcel(s) were good candidates for grant funding from the Federal NRCS/WRP, the Aquatic Resources Mitigation Fund (ARM) and LCHIP.**

Bear-Paw has asked that DCC **consider funding 50% of the cost of an appraisal of the land surrounding the house** (Map 418-22). There is a November 2nd application deadline for a transaction grant that would cover the other half of the appraisal. Members were undecided on the manner in which the funds would be expended; as an up-front payment or a reimbursement on the condition that the parcel is conserved.

Serita Frey moved to approve payment of up to \$2,500 from the Conservation Fund to cover 50% of the cost of the appraisal for the land surrounding the house on Map 418 Lot 22 with the additional 50% to be paid from a transaction grant to be obtained by Bear-Paw. Approval is given on the condition that the grant is approved. Haley Andreozzi seconded the motion which passed unanimously

Edythe H. Boisvert Town Forest: Dan Kern reported that most of the baseline documentation is done and the deed language is anticipated to be completed by November.

Approval of Minutes:

A motion by Serita Frey to approve the minutes of the September 10th regular meeting was followed with a second by Haley Andreozzi. The motion passed with Erick Berglund abstaining.

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Finance: The balance in the Conservation Fund at the end of August was \$431,114.23 including the deposits of Land Use Change Tax in the amount of \$21,850.00 (DCC's 50% portion), and interest in the amount of \$90.17. **The balance at the end of September was \$196,286.73** reflecting interest of \$72.50 and payments of \$900.00 to Scot Heath (Epsom/Deerfield shared appraisal costs - Project #35), \$12,000.00 to Berry Surveying (Boisvert Town Forest Survey), and \$222,000.00 to Hannah Gile Beye (Marston Farm Project #31).

Serita Frey moved to approve payment of an invoice in the amount of \$325.00 to NH Association of Conservation Commissions (NHACC) for annual dues. Haley Andreozzi seconded the motion which passed unanimously.

Regulated Wetlands & Shorelands:

Shoreland Permit Application 8/23/2018: NHDEWS File #2018-02580 – 19 Penn – Map 208 Lot 90 – Alice Mullen - Lamprey Rivers Advisory Committee (LRAC) 9/6/2018 comments to NHDES re: LRAC Project Review per NHRSA 483 (DCC was not copied on 8/23/2018 permit application or 6/29/2018 post-construction plan)

Seasonal Dock Notification: NHDES File #2005-00747 (Re-application - Grace Holden original applicant)
Map 204 Lot 36 – Pamela English 14 Gulf Rd – Disqualification-Lot does not include water frontage or right to dockage.

NOTE: Kate Hartnett previously provided clarification that the Town was working to resolve the permitting glitch that prevents residents on the north side of Gulf Rd from installing seasonal docks on the south side of the road.

Announcements/Correspondence/Reminders:

Kate Hartnett announced that the donation of backland to the Town related to the **4 NH Homes subdivision on Mt. Delight** is still on the back burner.

New Hampshire Association of Conservation Commissions: Annual meeting – Saturday, November 3rd

The next regular meeting is scheduled for Monday, November 12th, 2018

(Please check the website for scheduling changes)

townofdeerfieldnh.com

These minutes were prepared and submitted by Judy Marshall. Revisions, if any, will be contained in the minutes of the next meeting. If amended, a revised version will be posted to the website, after approval by the Deerfield Conservation Commission