

DEERFIELD CONSERVATION COMMISSION
1967 – FIFTY-SIX YEARS AND COUNTING – 2023
Regular Meeting Minutes – August 14, 2023

Attendees: Haley Andreozzi, Josh Freed, Serita Frey, Erroll Rhodes
Members Absent: Chloe Gross
Visitors & Guests: Ken Cohen, Phil Bilodeau and Jeanne Menard (Forestry Committee),
Ken Cohen, Steven Nogueira

Chair Serita Frey convened the meeting at 7:01 pm.

Forestry Committee:

The topic of the Forestry Committee came up at DCC's July meeting during a discussion about appropriate uses of conservation funds. John Harrington was consulted, and informed DCC that there have been no active members on the Forestry Committee (since Phil Bilodeau and Alan Perkins left the body around 2016), and that at its discretion, the BOS could either appoint committee members (with or without a Tree Warden) or leave the responsibility of managing the Town's forests up to the DCC. After expressing their willingness to fill two of the three open positions, Jeanne Menard and Phil Bilodeau were appointed by the BOS.

Timber harvests on Dowst-Cate Town Forest undertaken in 2014 and 2015, resulted in revenue of \$27,360.45 which was deposited in the Forestry Fund (a special forest maintenance fund in which the proceeds are allowed to accumulate from year to year). On June 30, 2023 the fund had a balance of \$26,687. One of the uses of these funds is to create professional management plans for the forests. To date, Mr. Moreno has prepared management plans for Freese, McNeil, Wells, Arthur Chase and Dowst-Cate/Weiss which should be reviewed, and possibly updated.

Ms. Menard noted that although it is recommended to update management plans every 10 years, a determination should be made as to which Town properties are most in need of active management based on their current condition, regardless of the date of their report. The Boisvert Town Forest is still in need of a management plan, and it is believed that a management plan was never created for Hart Town Forest. The Marston Family Town Forest has a management plan that was created by Mr. Moreno for its previous owner, which can also be reviewed.

There was discussion about the process of designating Town-owned land a Town Forest through a warrant article. It was also explained that not all Town-owned parcels were *conserved*, nor were they all statutory *Town Forests* (in the legal sense, as opposed to the generic term, "town forest").

In 2014, a Conservation Easement was conveyed to Bear-Paw Regional Greenways (a qualified land trust) as a means of permanently protecting multiple Town-owned parcels under a single *easement* which covered Arthur Chase Town Forest, Dowst-Cate Town Forest and Park, Hart Town Forest, Lindsay/Flanders Conservation Area, Agnes B. McNeil Conservation Area, Weiss Town Forest, and Wells Town Forest. Additional examples of Town Forest designation include both the Edythe H. Boisvert Town Forest in 2014 and the Marston Family Town Forest in 2021.

Subsequent to its fee acquisition by the Town in 2012, the Town voted in 2014 to extend Town Forest status to the Edythe H. Boisvert parcel and to grant a conservation easement to ...*a qualified land trust*. The easement was conveyed to Bear-Paw in 2014.

The 128-acre parcel (now known as the Marston Family Town Forest), was donated to the Town in 2018. The Town voted to designate the parcel a Town Forest and to convey a conservation easement on it in 2021.

Ms. Menard and Mr. Bilodeau expressed their intention to explore alternatives to Town Forester Charlie Moreno due to Mr. Moreno's frequent lack of availability over the years. Haley Andreozzi, who expressed her strong interest in seeing active management of the Town's forests, voiced her opinion that Mr. Moreno's expertise and historical familiarity with the Town's forests from many years of attention to their care, in itself had great value, and should not be dismissed. Ms. Menard and Mr. Bilodeau intend to research good, available foresters and place RFPs in one of the Forest Society's publications.

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Josh Freed suggested contacting Paula Duchano to inquire about her forester, remarking that the Curry conservation easement (privately owned land under conservation easement and part of the Great Brook Corridor) is one of the most well managed properties he has seen in spite of its challenging nature. Chair Frey suggested a joint meeting with the Forestry Committee. It was also suggested that DCC invite Mr. Moreno to meet with members of the DCC and Forestry Committee. Mr. Rhodes felt that a list of candidates should be developed, after which a decision could be made.

Easements and Land Protection:

Cross Open Space Development – Mt. Delight Rd. – Easement Options:

Erroll Rhodes informed the members that the Planning Board has requested input from the DCC regarding the handling of the open space portion of the 18-home Cross subdivision. The Planning Board was wondering if DCC had an interest in taking on the role of managing the area.

A number of options were discussed. Fee ownership by the Town, protected with a conservation easement (or individual deed restrictions), to regulate its use. Alternatively, each of the 18 house lots could have a 1/18th undivided interest in the conserved area with mandatory membership in, and oversight by, a Home Owners' Association (HOA). In either case, the DCC would be responsible for enforcement. Neither of these options is desirable in that DCC would either be responsible for policing and monitoring activities on the parcel, or be required to regulate activity and maintenance of the parcel through intervention with the subdivision's HOA. Both of these scenarios serve to place DCC in conflict with the homeowners. Ideally the developer should pursue fee ownership by a single entity; preferably a land trust that would conserve the parcel and be responsible for stewardship and enforcement. Ms. Andreozzi felt that a conservation easement was preferable to deed restrictions. It is essential to ensure that someone is keeping an eye on it. Giving a 1/18th share per homeowner for valuable property is senseless.

The parcel, which should be a single lot, would need to have conservation value to be of interest to a land trust; however, builders are not typically interested in giving up their most valuable land. A fee could be assessed to the homeowners to cover the land trust's stewardship fee. Mr. Rhodes proposed drafting a letter to the Planning Board to convey DCC's suggestions.

Jeanne Menard suggested that the whole property is of high value, meeting all the conservation criteria in Deerfield's Open Space Plan. It also has connectivity with Freese and potential greenways. Ms. Menard also believed that the commission should never write off a landowner, and recommended that DCC meet with the developer and express its interest. It was speculated that the conservation easement needs to be more than just the open space property. DCC needs to evaluate the property; request a review of the parcel, define its boundaries, examine the subdivision plans and the maps in the Open Space Plan. DCC can prioritize based on the plan and how it meets conservation criteria.

Cassier Project #41

Bear-Paw presented the easement deed to the BOS for signing on August 17th. The deed, conveying the easement to Bear-Paw and an executory interest to the Town, can now be recorded. The base line documentation and invoice for Deerfield's contribution to the project is forthcoming.

NH DOT Culvert Maintenance Project – Cole Rd and Rte 43:

The NH DOT is planning a culvert maintenance project on NH Route 43 in Deerfield approximately 250' south of Cole Road, tentatively scheduled for Winter 2023. In the event that the project requires mitigation for possible wetland/stream impacts, it has asked the DCC to identify and provide a list of the Town's preferred/priority mitigation efforts for DOT evaluation. Examples given were *problematic culvert/bridge crossings, land protection, habitat restoration, etc.* The correspondence also asked if there were any *prime wetlands, floodplains, rare species, wildlife corridors or habitat strongholds in the vicinity of the project.* Haley Andreozzi suggested a review of Bear-Paw plans and that DCC respond to the DOT, even if not in depth, rather than wait till it is certain that mitigation is needed. Serita Frey will draft a letter to DOT for member review.

The absence of current information from which the DCC could identify mitigation projects sparked a discussion about tapping the Conservation Fund to finance a professionally-developed natural resource inventory which could focus on Town priorities. UNH Extension can provide this service for the Town at a reasonable cost. Members were encouraged

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to review the information on the *UNH Extension* website at <https://extension.unh.edu/nhnriguide> and the *Taking Action for Wildlife* <https://www.takingactionforwildlife.org/> website. Geospatial Mapping can be utilized and surveys can be taken based on various criteria. Members can discuss further in September after which RFP's can be sent out.

Stewardship/Easement Monitoring:

Boisvert TF – Request for Gate Key

Serita Frey received an email from Great Woods, LLC requesting the key to the gate on Dow Road, at the entry to the Boisvert Town Forest (Map 404-002). The Great Woods parcel (Map 404-005) is land-locked and abuts the Boisvert parcel to the east with Dow Rd. crossing the southern portion of the Boisvert property before it arrives at the Great Woods parcel. It is unknown what type of “traffic” Great Woods intends for the road, and there has been no response to Chair Frey’s reply to Great Woods. Since Bear-Paw holds the easement to the Boisvert parcel, Chair Frey proactively reached out to Kaitlin Deyo at Bear-Paw to request their input. It was explained that there had been past negotiations with Green Crow (the previously-recorded owner of Map 404 Lot 5) for the purchase of the parcel; however, the entities could not come to terms on the agreement.

DCS Paving Project – Update:

DCS is moving ahead with the paving.

Cottonwood Estates – Update: In July, members addressed the issue of a missing lock on the gate that restricts access to the conserved, open-space area on Cottonwood Estates. The Police Department originally reported the lock missing and requested that it be replaced with combination padlock. Mr. Freed has since discovered that the gate, in its current condition, will not accept any type of lock without replacing the missing “T-bar”, and that even after modification, a combination padlock would require the user to lay on the ground for access to the tumblers. Josh Freed will update Police Chief Gary Duquette on the status of the gate, which is currently secured with a bolt and nut, and determine if he feels there is still a need for modification and the addition of a lock.

Great Brook Corridor: As discussed in July, Erroll Rhodes attempted to obtain information as to the location of an unauthorized bench, reported to be on a portion of the Great Brook easement area. Mr. Rhodes will need to make further inquiries in order to make that determination.

Approval of Minutes:

Motion:

*Josh Freed moved to approve the minutes of both the **July** regular meeting and the **July** Special meeting. Additionally, Mr. Freed moved to re-approve the minutes of the **April, May and June meetings**. Previous votes to approve were affected by quorum deficiencies, so a procedural vote was taken to correct the record.*

Serita Frey seconded the motion

Vote: *The vote was unanimous.*

Finance Report

STATEMENT balances in the conservation fund

July Ending Balance	\$ 398,939.49	(Includes Interest of \$739.75 (Earned in June Posted in July))
LUCT – Through Q2 2023	\$ 45,500	

Errol Rhodes reported that it has been a busy building season and that we should be seeing more LUCT. Mr. Rhodes has plans for a report on the increased LUCT and housing activity. Members were reminded that the conservation fund is at 79 to 80% of its maximum balance of \$500,000.

Budget:

Members discussed the possibility of contributing a portion of the DCC budget toward funding the Master Plan. Alternatively, it was suggested that DCC donate the cost of creating a natural resource inventory instead, which when

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completed, would satisfy a portion of the Master Plan. Although it was noted that the Master Plan has proven to be very important to the Town, the voters failed to approve a previous warrant article for \$35,000 to fund the plan.

Members were reminded that authority to approve invoices up to \$500 had previously been given to Erick Berglund when he served as Treasurer. That authority could be reaffirmed with a vote.

Motion:

Serita Frey moved to convey blanket approval/payment authority to the Treasurer of up to \$500 on invoices submitted to DCC for payment.

Josh Freed seconded the motion.

Vote: *The vote was unanimous.*

Mr. Rhodes will pursue payment of unpaid organizational dues from previous years. It was determined that DCC was never invoiced for these payments.

Membership:

Ken Cohen reaffirmed his desire to be approved as a regular member on the Conservation Commission.

Motion:

*Haley Andreozzi moved to recommend that the BOS appoint **Kenneth Cohen** to fill a term to expire on April 30, 2026. The vacancy was created with the move by Wes Golomb from Regular Member to Alternate Member.*

Serita Frey seconded the motion.

Vote: *The vote was unanimous.*

DCC Clerk, Judy Marshall, is being nominated as an alternate member and will fill a shortfall in the required quorum when requested to do so. Ms. Marshall will be a voting member but must recuse herself with respect to any votes regarding her pay, or approval of the minutes. The ability to serve in this capacity was confirmed by Town Clerk, Kelly Roberts, after seeking advice from the NH Municipal Association.

Motion:

*Josh Freed moved to recommend that the BOS appoint **Judith Marshall** to fill the unexpired term of **Alternate Member JoAnne Bradbury** which will expire on April 30, 2024.*

Erroll Rhodes seconded the motion.

Vote: *The vote was unanimous.*

Members originally voted at the April 10th meeting for Haley Andreozzi to hold the position of *Co-Chair*. Erroll Rhodes subsequently pointed out that the correct title should have been *Vice-Chair*. The following *Procedural Motion* was made to correct the record.

Motion: *Erroll Rhodes moved to nominate **Haley Andreozzi** as **Vice-Chair***

Serita Frey seconded the motion.

Vote: *The vote was unanimous.*

There is now an **opening for one regular member to fill one 3-year position** through April 30, 2026.

Public Outreach:

Josh Freed announced that administrative power for the DCC Facebook Page has been passed on to him and that he will post the membership vacancy. Erroll Rhodes will also publicize this information in the *Dooryard Gazette*.

In view of the recent flooding that has taken place in Town, a suggestion for an informational article about the role and importance of wetlands in flood control might be of educational value. Mr. Rhodes will ask wetland scientist Mark West to contribute his expertise on the subject.

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Serita Frey will reach out to John Harrington regarding DCC's desire to resume quarterly reporting to the BOS. Erroll Rhodes suggested that these presentations were a positive means of having the Board and Committee information read into the BOS minutes. Members agreed that it is important to resume the quarterly updates.

Jeanne Menard expressed her appreciation of DCC's review and input to the Planning Board of the Eversource CUP application for maintenance on the G146 line, and reporting on its potential impacts.

Regulated Wetlands & Shorelands

Potential impact from activity on the Lamprey River

DCC has been informed by multiple sources about truckloads of fill and boulders being brought in to expand an area around a private residence that lies just above the Lamprey River off Nottingham Rd. The concerns expressed were that fill is spilling over the edge of the steep ledge that drops to the river below. A call to David Price at the DES to verify if there is a report on file was determined to be the appropriate next step.

The Coastal Watershed Land Stewardship Survey

Serita Frey reported that the survey has been completed and submitted.

The meeting adjourned at 9:27 pm.

The next regular meeting is scheduled for 7 PM on Monday, September 11, 2023

(Please check the website townofdeerfieldnh.com for scheduling changes) These minutes were prepared and submitted by Judy Marshall. Revisions, if any, will be contained in the minutes of the next meeting and posted to the Town website, after approval by the Deerfield Conservation Commission