

DEERFIELD CONSERVATION COMMISSION

1967 - FIFTY YEARS AND COUNTING - 2017

Meeting Minutes – March 11, 2019

Members Present: Brian Adams, Haley Andreozzi, Erick Berglund, Serita Frey, Wes Golomb
Members Absent: None
Visitors & Guests: Sylvia von Aulock (Deerfield Town Planner), Melissa Doperalski

Serita Frey opened the meeting with introductions at 7:05 pm.

Project #31 – Marston Farm: Dan Kern confirmed that the conservation of the 38 acre parcel associated with this project is now complete while **work continues on the language for the Bear-Paw overlay easement on the 128 acre town-owned Pendleton parcel**. Members were asked to **review both the Bear-Paw draft overlay easement, and the LCHIP executory interest deed** which references the fee deed from Gile Beye to the Town, but will be recorded separately from the fee deed. Chair Frey will forward members' comments to Mr. Kern by the end of the month.

As the overlay easement holder of the 128 acre parcel, Bear-Paw will be primarily responsible for enforcing the terms of the executory interest and alerting LCHIP to any violations, as is the case with the Freese Town Forest. **Attorney review of the Bear-Paw overlay easement and LCHIP executory interest deed** will follow final approval of the language in April. Mr. Kern anticipates **completion of the baseline documents in May, and BOS signing and legal closing in May or June**.

Members discussed having an **option for parking in the overlay easement**, noting that there is no reserved right in the original deed. **Haley Andreozzi and Erick Berglund were asked to consider suggested options**, i.e. designating an area on the 75 ft. strip leading to the 128 acre parcel, working with the owner to consider a parking area and/or a dedicated access trail across the 38 acre parcel, and using the logging road on Perry Rd. for access, half of which is covered by the easement. The parking provisions contained in the Town Forest deed can be used as a template. Mr. Kern felt the commission should decide if it wanted language added to the easement deed or to address parking after the June deadline; however, there may not be sufficient time to complete an agreement before the deadline.

Project #35 – Epsom/Deerfield: Dan Kern suggested that **DCC should determine the amount it is willing to pay for one or both parcels and he would explore grant options for the balance**; possibly approaching LCHIP for additional funding. DCC's last offer was \$62,500. An LCHIP grant of \$28,000 was awarded to Deerfield in November 2018 with 18 months to complete the project.

Project #37 – North Rd (50 Acres – Map 208 Lot 5): A motion to pay a budgeted amount of \$18,000 to cover transaction costs for the project was approved in October 2018. **An updated March 11, 2019 budget reflecting a reduction in expenditures of \$4,788 resulted in revised transaction costs of \$10,962 after application of a PREP transaction grant.** Mr. Kern addressed members' questions regarding the potential donation of the property from the owner to Bear-Paw once the conservation easement was in place. A new easement holder would need to replace Bear-Paw at that time. As a courtesy, Erick Berglund offered to contact the owner to ensure that the most beneficial approach to the conveyance was being considered. Although members decided to move ahead with the project, it was suggested that in the future, a DCC conversation with the landowner should be part of the process. **Serita Frey moved to approve the language of the Mathes Conservation Easement Deed to Bear-Paw with an Executory Interest to the Town of Deerfield. Erick Berglund seconded the motion which passed unanimously.**

Project #38 – Raymond Rd: Members reviewed the summary appraisal for the three parcels. **Mr. Kern felt the project is a good candidate for a wetland reserve easement and that the property would meet the requirement of being 50% wet.** If granted, funding would come from the *USDA Wetland Reserve Program*, the property would be permanently conserved, and there would be no additional cost to the town.

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Edythe H. Boisvert Town Forest: The easement to Bear-Paw has been recorded (Rockingham County - Book 5985 Page 505) and the baseline documentation is forthcoming. **Completion of the conservation easements on the Boisvert Town Forest and the Marston Pendleton donated parcel brings the number of permanently protected town-owned parcels in Deerfield to ten, for a total of 996 acres.**

Wetland Buffer Zoning: Town Planner Sylvia von Aulock asked to reopen the October 2017 discussion on wetland buffers. Deerfield zoning currently provides for a 100 foot building setback, but setbacks are not buffers, and current Deerfield zoning does not address what is allowed within wetland *buffer areas*; the area located between a structure and a wetland. Ms. von Aulock pointed out that even a small change in terminology such as replacing the term *building* with *structure* is significant.

In 2017, based on a review of wetland regulations adopted by other communities, members suggested the following: The creation of two categories; *Wetlands*, and *Inland Streams*. *Wetlands* would be defined as a group to include *Poorly Drained to Very Poorly Drained Soils* and *Vernal Pools*. *Inland Streams* would be as designated by USGS map. Proposed changes to current zoning would create a no-cut/no-disturbance area within the buffer zone. The goal of any changes would be to build on previous work to protect water quality by maintaining low vegetation between upland and wetland that removes pollution before it reaches surface waters. Requests for waivers would go through the Planning Board and could be coordinated with recommendations from the DCC. Provisions for appropriate plantings, conditional use permits and mitigation could also be addressed in the ordinance. An effort would be made to educate residents on the benefits of any proposed amendments.

Ms. von Aulock noted that in some communities, representatives from the various boards and committees meet annually to discuss and propose zoning amendments, which are then taken back to the Planning Board. **DCC could propose changes to the Planning Board with justification for making them.** A 2007 model ordinance created by *Southern New Hampshire Planning* containing recommendations for Deerfield and Candia was never enacted. Members were asked to review the 2007 report, the zoning of other towns for comparison, and the list of nine uses not permitted in the wetland or the wetland buffer zones, and to bring their recommendations to the April meeting.

Eversource Energy: At the Planning Board's February 27th public hearing, Eversource Energy submitted an application for a Conditional Use Permit (CUP), seeking to allow for temporary impacts to the *Town of Deerfield Wetland Conservation District* (see Section 210 *Deerfield Zoning Ordinance*) resulting from its grounding project on lines 373, 385 and 391. **The CUP was granted with conditions for a \$10,000 restoration bond, an escrow of \$2,000 for inspections by the Town engineer, weekly inspection reports from Eversource engineers to DCC and the Planning Board, and weekly Eversource reports of any encounters with imperiled wildlife species.**

After meeting with Eversource representatives at the DCC's February 11th meeting, Haley Andreozzi corresponded with Matthew Cardin of Eversource. His response to her questions and concerns were shared with the Planning Board along with recommendations from the *Lamprey River Advisory Committee* (LRAC). Eversource also submitted a *Major Impact Wetlands Permit* to NH DES. Based on member discussion at DCC's March 11th meeting, **Haley Andreozzi will submit a letter to NH DES expressing concern for impacts to wildlife, and recommending periodic inspections of the site by NH DES during the project and after its completion.**

Approval of Minutes: Serita Frey moved to approve the minutes of the January meeting and the February discussion. Haley Andreozzi seconded the motion which was approved.

Finance: **The balance in the conservation fund at the end of January was \$187,429.38** including 4th Quarter Land Use Change Tax (50% portion) in the amount of \$4,605, interest of \$39.18 and \$817.96 from the return of the 2018 budget surplus. **The balance at the end of February was \$18,465.33 including \$35.95 in interest.** Brian Adams was given approval to order a \$35 commemorative plaque for Kate Hartnett's donated file cabinet.

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Membership: Brian Adams and Haley Andreozzi have been sworn in for their respective terms.

Wildlife Biologist Melissa Doperalski was invited to attend to observe the workings of the DCC as a potential candidate for membership. Based on her current employment with NH F&G and her past experience at *NH DES* and the *Minnesota Department of Natural Resources*, members hope to draw on her work with non-game and endangered wildlife, reptiles, and amphibians, as well as her experience in environmental policy and utility oversight.

Regulated Wetlands & Shorelands:

NH DES Permit Application #2011-02869 McCarron Rd – Map 413 Lot 7 – Fill 9,990 sq. ft. of wetlands Approval subject to specific conditions. **Mitigation:** Convey and record a **3.8 acre conservation easement** (~50% wetland & 50% upland) to be held and stewarded by Rockingham County Conservation District. (See application for conditions of easement).

Correspondence:

Northern Pass Transmission – Motion to Strike Portions of Brief and Appendix

Towns of Deerfield, Littleton, New Hampton and Pembroke as parties to the motion.

The **Student Conservation Association** is currently seeking project proposals for the 2019 field season. The program partners AmeriCorps members with land management agencies and community organizations to work on host community environmental/conservation projects.

UNH Cooperative Extension: NH BioBliz – Notice of a new program to provide assistance for towns, working with volunteers, scientists and field experts, to conduct field research and collect data documenting plants, animals, fungi and insects found on town-owned lands.

Serita Frey will follow up with Kelly Hughes, the Deerfield Community School (DCS) 7th and 8th grade science teacher, to see if there is an interest for DCS to collaborate with DCC on this project. Members suggested the Dowst-Cate Town Forest would be a good fit since students have previously conducted field work on this parcel. Chair Frey will offer to work with DCS to complete the application.

The meeting was adjourned at 9:07 pm.

The next regular meeting is scheduled for Monday, April 8, 2019

(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