

# DEERFIELD CONSERVATION COMMISSION

1967 - FIFTY YEARS AND COUNTING - 2017

Meeting Minutes – April 15, 2019

**Members Present:** Brian Adams, Haley Andreozzi, Erick Berglund, Serita Frey, Wes Golomb  
**Members Absent:** None  
**Visitors & Guests:** Dan Kern, Frank Mitchell

Serita Frey opened the meeting at 7:10 pm. The meeting was immediately recessed at which time Chair Frey opened the public hearing, stating that per a discussion with Town Counsel, “We don’t believe it is legally required, but out of an abundance of caution we are holding a public hearing regarding this expenditure from the Conservation Fund.” The following notice was published in the March 29, 2019 edition of the Union Leader Newspaper. Additionally, it was posted in the following locations: U.S. Post Office, Deerfield, NH, the Philbrick-James Library, the George B. White Building, on the Town’s website, and The Forum on line.

*The Deerfield Conservation Commission will hold a public hearing in accordance with RSA 36-A:4, for the purpose of accepting public input about contributing to the acquisition of a conservation easement on ~50.07 acres of land situated on North Rd, Map 208 Lot 5, in the Town of Deerfield, in conjunction with the Mathes conservation project, through the Deerfield Conservation Fund. The Town will acquire an executory interest in the easement. The public hearing will be held on April 8, 2019 at 7:00 PM at the George B. White Building, 8 Raymond Road, Deerfield, NH.*

*The hearing was subsequently rescheduled to April 15, 2019. No additional published notice was required per RSA.*

Hearing attendee Frank Mitchell expressed support for the project, commenting that he was familiar with the property which is well cared for and includes a stream to the Lamprey River. Mr. Mitchell thanked Nancy Mathes for her generous donation. Dan Kern also expressed appreciation and support for this donated 50 acre easement which will protect important wildlife habitat. Bear-Paw Regional Greenways will hold the easement on the property with an Executory Interest being conveyed to the Town of Deerfield. Conservation funds will be used to cover the transaction costs associated with this project

Serita Frey moved to adjourn the public hearing and Erick Berglund seconded the motion. The vote was unanimous. After reconvening the regular meeting, Chair Frey moved to approve expenditure from the Conservation Fund not to exceed \$14,000 to contribute to the acquisition of a conservation easement on ~50 acres of land situated on North Rd, Map 208 Lot 5, in the Town of Deerfield, in conjunction with the Mathes conservation project. The motion was seconded by Erick Berglund and passed unanimously. The BOS is scheduled to sign the conservation easement deed at its April 29<sup>th</sup> regular meeting. Deerfield’s contribution will be offset by any additional grant funds awarded through the Piscataqua Region Estuaries Partnership if Mr. Kern succeeds in securing additional funding.

Frank Mitchell reported that there is interest in a parcel that is bounded by two conserved parcels and Freese’s Pond. Mr. Mitchell’s comment resulted from an informal discussion of the value of adding this 75 acre parcel to the approximately 100 acres of contiguous conservation land. Serita Frey noted that based on past discussions, DCC does in fact wish to encourage the donation of land and conservation easements, and that it would not be inappropriate to approach the owner in this case. Mr. Mitchell offered to review the Deerfield Open Space Plan and Wildlife Action Plan after which Ms. Frey will attempt to contact the owner about the property.

**Project #31 – Marston Farm:** Dan Kern reported that approval by the office of the NH Attorney General will not be required for the Bear-Paw overlay easement on the town-owned 128 acre Pendleton parcel as long as the terms of the easement are at least as stringent as the Land Conservation Investment Program (LCIP) easement currently in place. Mr. Kern is waiting for feedback from the Land and Community Heritage Investment Program (LCHIP) and hopes that the final language for the easement deed being conveyed to Bear-Paw can be finalized in May with a closing prior to the grant deadline in June. The Bear-Paw easement will convey an executory interest to LCHIP per the terms for securing the \$50,000 grant from LCHIP for the project. Dan Kern will provide an updated budget and anticipates additional costs of approximately \$1,150.

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Members discussed the land management plan for Marston Farm prepared by Charlie Moreno for Sean LaBrie. The combined plan covers the recently-conserved 38 acre parcel currently owned by Gile Beye, and the 15 acre parcel owned by Sean LaBrie. Mr. LaBrie's objectives include conversion of some of the forestland to agricultural land to be used for fruit orchards and pollinator fields. Bear-Paw solicited an independent review of the Moreno plan by forester Stephen Perron. DCC members echoed concerns raised in Mr. Perron's report including establishment of a "stump dump" (size and location) and control of invasives (given that significant clearing/disruption of land can cause their proliferation). Additional comments included:

- The forest management plan does not focus sufficiently on the agricultural aspects of the owner's objectives
- Ultimate responsibility for implementation and fulfillment of the plan needs to be defined
- Adherence to the terms of the conservation easement needs to be stressed
- The "other uses" mentioned in the plan is vague and should be more clearly identified
- There should be an understanding that the forestry plan is not an agricultural plan
- Conversion to agriculture needs to be an informed, orderly process
- Input on intended uses/practices should be sought from the *Natural Resources Conservation Service* (NRCS)
- Structures need to be detailed and their placement needs to be incorporated into the plan
- A public access plan needs development

Dan Kern will draft a letter based on Bear-Paw and DCC comments. A meeting with Mr. LaBrie is anticipated.

**Approval of Minutes:** Serita Frey moved to approve the minutes of the March meeting. Haley Andreozzi seconded the motion.

**Amendments:** Erick Berglund proposed a clarification that *the February balance stated in the March minutes was unofficial*. The minutes were approved unanimously as amended.

**Finance:** The unofficial balance in the conservation fund at the end of March was \$187,505.13 including interest in the amount of \$39.80. 1st Quarter 2019 Land Use Change Tax (50% portion) in the amount of \$3,439.04 is anticipated to be credited in April. Brian Adams waived reimbursement for his purchase of the commemorative plaque for Kate Hartnett's donated file cabinet.

**Membership:** DCC still seeks to fill two open membership positions; one covering the vacancy created by the resignation of Ben Minerd through April 2020 and a second opening with a term through April 2023.

**Bear Brook Steering Committee:** The *State of New Hampshire Department of Natural and Cultural Resources* has requested the BOS to appoint a volunteer to serve on a steering committee being formed to assist in the production of an updated management plan for Bear Brook State Park. Serita Frey will submit a letter to the BOS informing them that Brian Adams has volunteered for the position.

**Easement Monitoring:** Completion of the 2018 monitoring reports for the Merrill (Kay Williams), Curry and Great Brook Corridor easements are slated for this spring.

**Wetland Buffer Zoning:** At the request of Town Planner Sylvia von Aulock, DCC has reopened a discussion on wetland buffers that was tabled in October 2017. Deerfield zoning currently does not address what is allowed within the 100 foot building setback, or *buffer area*; the area located between a structure and a wetland. Clarification is needed on what the actual process is and DCC's specific role in that process; is DCC expected to provide the actual language for a zoning amendment to be placed on the ballot, and is this to be a comprehensive rewrite of the existing ordinance or simply an amendment. A timeline has not been defined but members hope to have language to propose to the Planning Board by June.

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## **Correspondence:**

**LRAC Community Grant Program:** DCC received notification from the *Lamprey River Advisory Committee* (LRAC) of its Community Grants Program 2019-2020. **One-time grants up to \$6,000 will be awarded to cover expenses associated with projects intended to ...support community efforts that protect or enhance river resources or that complement goals identified in the 2013 Lamprey Rivers Management Plan.** It is possible that the school paving project may be a suitable candidate for the grant based on its proximity to the Lamprey River and the need to prevent runoff. **Members will review the grant criteria and suggest additional projects that might be eligible. Applications will be accepted on an on-going basis through 2020 with the expectation that the project be completed within 6 months of the grant.**

**Revised Wetland Rules:** DCC was notified that **NH DES has made major changes to the final version of the draft Wetland Rules.** Comments from the *NH Association of Conservation Commissions* (NHACC) and individual conservation commissions have resulted in **improvements to the proposed wetland review process.**

**Animal Composting:** The BOS held a public hearing on April 15<sup>th</sup> regarding a **proposed site for animal composting.** Members were offered copies of a fact sheet discussing the proposal.

**Bear-Paw Regional Greenways** will host its annual ***Breakfast in the Barn!*** fundraiser on **Saturday, May 4<sup>th</sup>** from 8:30 to 11:00 am at Kitz Farm in Strafford. RSVP 603-463-9400 or register at <http://www.bear-paw.org/news--events.html>.

**Rockingham County Conservation District Workshop:** Tuesday, April 16th  
**Transforming Conservation Properties – Agricultural Possibilities and Stewardship**  
A workshop encouraging agriculture on conservation land and farming on town-owned open space.

**Regulated Wetlands & Shorelands:** DCC received the following permit notifications:

- **NHDES Extension of Time to file wetland restoration plan by May 30, 2019 - File #2011-02869**  
Cohen–12/20/2018– McCarron Rd - Map 413 Lot 7
- **LRAC Comment Letter - NHDES File #2019-00957 – Shoreland Permit Notification**  
33 Hammond Rd – Map 208 Lot 35

A motion to adjourn the meeting at 8:40 pm passed unanimously.

**The next regular meeting is scheduled for Monday, May 13, 2019**

*(Please check the website for scheduling changes)*

[townofdeerfieldnh.com](http://townofdeerfieldnh.com)

*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*