

# DEERFIELD CONSERVATION COMMISSION

**1967 - FIFTY YEARS AND COUNTING - 2017**

Meeting Minutes & Public Hearing

**March 12, 2018**

**Members Present:** Haley Andreozzi, Erick Berglund, Kate Hartnett, Ben Minerd

**Members Absent:** Serita Frey, Wes Golomb

**Guests:** Dan Kern

**Hearing Attendees:** Jeanne Menard, Irene Cruikshank, Helen (Holly) Tomilson, Suzanne Steele, JoAnne Bradbury, Jeff Steele, Paula Duchano, Racheal Stuart, Barbara Mathews, Robert Mathews, Philip Bilodeau, Al Jaeger

**At 6:45 pm** Chair Kate Hartnett, acting in the absence of Serita Frey, called the regular meeting to order and made introductions. **The Chair then opened the Public Hearing** by reading the following published notice:

*The Deerfield Conservation Commission will hold a public hearing in accordance RSA 36-A:4, for the purpose of accepting public input about contributing to the purchase of a conservation easement on ~38 acres of land located off Nottingham Rd. in the Town of Deerfield, in conjunction with the Marston Farm conservation project, through the Deerfield Conservation Fund. The Town will acquire an executory interest in the easement. The public hearing will be held on March 12, 2018 at 6:30 PM at the George B. White Building, 8 Raymond Road, Deerfield, NH.*

After reading and giving an explanation of the provisions of RSA 36-A:4, Ms. Hartnett presented an overview of the history of Marston Farm within and adjacent to the *Great Brook Corridor*. In 1991 during the Land Conservation Investment Program (LCIP), a conservation easement on 128 acres of the existing 166 acre Marston Farm was granted to the Town of Deerfield by then owner Mary Pendleton. In keeping with the provisions of that easement deed, *to preserve the land in perpetuity*, the current owner, **Gile Beye, wishes to convey fee ownership of the 128 acre conserved portion of the parcel (valued at ~\$96,000) as a gift to the Town of Deerfield for a future Town Forest. Her gift is her contribution to this collaborative project.**

**The Deerfield Conservation Commission in turn wishes to contribute to the purchase of the development rights on the non-easement 38 acre portion of the parcel** which will remain after subdivision from the existing 166 acre Marston Farm (128 acres + 38 acres = 166 total acres). Ms. Beye will retain fee ownership of the 38 acre parcel and convey a conservation easement deed on the 38 acres to Bear-Paw Regional Greenways, with joint executory interests to the Town of Deerfield and the Land and Community Heritage Investment Program (LCHIP). **A more detailed description of the project is attached as an addendum to these minutes.**

Partial funding for this project has been secured and consists of a **donation of \$50,000 to the Town Conservation Fund from an Anonymous Donor Advised Fund held by the NH Charitable Foundation**, and a **\$50,000 LCHIP grant received in November of 2017**, both earmarked specifically for this project. An additional **\$7,500 Piscataqua Region Estuaries Partnership transaction grant is also pending**. The balance of the cost of the project, which is currently estimated at **approximately \$140,000, is expected to be paid from the Conservation Fund.**

## **Discussion among DCC and guests included:**

- The 38 acre parcel's ~1,200 feet of frontage and excellent soils, coupled, with the increased building activity in the Town, contribute to its high development value, and thus it's need to be protected
- A variance from the Zoning Board of Adjustment (ZBA) is being sought to enable the subdivision of the 128 acre donated parcel from the 166 acres because it lacks the required 200 foot frontage.
- The project is part of a 50 year vision of connecting Northwood Meadows to Pawtuckaway.

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- Marston Farm is one of the oldest, most productive farms in the area
- Much of the 38 acre parcel consists of Prime Agricultural and Soils of Statewide Importance, which contributed to the success of the farm over generations.
- Al Jaeger recalled that in 1960 the acreage was in field, which speaks to the quality of that land
- Future vision is for the parcel to be returned to agricultural production and become a functioning farm
- Part of the easement on the 38 acres can protect soils and resources, but also should allow the production of food and forage crops
- Forestry and agriculture will be allowed
- The 128 acre parcel is currently managed under an existing forestry plan
- Per Phil Bilodeau, the Forestry Commission reviews and approves plans prior to any forestry activity
- Changes to the 1991 easement language for the 128 acre parcel is currently under review and must be acceptable to, and approved by, the Charitable Trust Division of the NH Attorney General's Office
- Suggested changes to the easement language include protection of wildlife through a GIS based system to minimize the impact of trails on wildlife.
- Holly Tomilson commented that she and her sister, Gile Beye, wish to keep the parcel undeveloped, noting that this was the goal of their grandmother and mother. They want to continue the legacy of Marston Farm dating back to the 18<sup>th</sup> century.
- Jeanne Menard asked how uses for the future Town Forest will be established. DCC uses a public process to customize uses, based on specific characteristics of the land, along with public input
- JoAnne Bradbury strongly suggested the deed should include specific language to prohibit powerline corridors, given recent experience with Northern Pass
- Barb Mathews endorsed the project and recommended DCC "spend the money"!
- Ms. Bradbury thanked everyone who worked on the project

Ms. Tomilson was asked to convey DCC's appreciation to her sister for her patience and good humor throughout this long and complicated process.

**The Chair adjourned the public hearing at 7:15 pm** and thanked the attendees for their participation and comments. **The Chair then reconvened the regular meeting.**

**The Chair moved:** *To contribute, to the purchase of a conservation easement on ~38 acres of land located off Nottingham Rd in the Town of Deerfield, in conjunction with the Marston Farm conservation project through the Deerfield Conservation Fund, and the acquisition of an executory interest in the easement.*

Haley Andreozzi seconded the motion which passed unanimously after discussion by the members.

### **Easements & Land Protection:**

**Project #35:** Dan Kern gave an **update on the status of the project.** Members discussed the value of protecting an area that has been described as one of the last high quality undeveloped blocks of land. Desirable features include prime wildlife habitat and wetland aquatic resources. The usual sources of funding would be explored. A future site visit was recommended.

**Open Space development on Mt Delight Road (Map 413 Lot 62):** Based on research by Haley Andreozzi of the various methods of conveying the development's easement area to the Town, members concurred that the **best choice is to convey fee ownership to the Town with a subsequent conservation easement** to be conveyed to a qualified conservation organization.

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**Project #35 (Marston Farm):** LCHIP is reviewing the proposed conservation easement for the 38 acre parcel. **Changes to the 1991 easement language for the 128 acre parcel are currently under review by the Charitable Trust Division of the NH Attorney General's Office.** Erick Berglund will request an updated project budget from Bear-Paw.

**Town Forest Protection – Boisvert Town Forest:** Dan Kern will confirm the most current version of the easement deed for continued member review. Bear-Paw can begin work on the baseline documents. **Erick Berglund was commended for his efforts to clarify and finalize the wording of the survey notes.**

**Membership Appointments:** Kate Hartnett moved to re-appoint current members Erick Berglund and Serita Frey for 3 year terms beginning May 1, 2018 and ending April 30, 2021. Ben Miner seconded the motion. Erick Berglund and Serita Frey each stated their willingness to accept re-appointment. Due to her absence at the meeting, Ms. Frey indicated her acceptance electronically in an email dated March 6, 2018, indicating, "I, Serita Frey, accept re-appointment as a member of the Deerfield Conservation Commission for the term beginning May 1, 2018 and ending April 30, 2021". **The vote to re-appoint was unanimous.**

**Regulated Wetlands:**

Erick Berglund and Haley Andreozzi updated members on their recent attendance at a meeting convened by the NH Department of Environmental Services (DES). The purpose of the event was to accept **public comments on the NHDES release of a draft revision of the New Hampshire wetlands rules;** the first complete rewrite of the rules since 1991. The *NH Timberland Owners Association* (NHTOA) has voiced objections to changes in stream crossing regulations and possible adverse impacts to forestry.

The **apparent purpose of the revisions is to speed up the process.** Currently the process starts with an application to NHDES which in turn invites comment from conservation commissions. The proposed changes would have the process start with review at the conservation commission level, with comments and recommendations then going to NHDES. It is thought that this will not only **serve to slow down the approval process, but bog down DCC's work as well.**

Haley Andreozzi will contact Barb Richter from the *NH Association of Conservation Commissions* (NHACC) for input. The *NH Association of Natural Resource Scientists* (NHANRS) is scheduled to meet and discuss the draft rules on March 15<sup>th</sup>. The **deadline for comments is April 20<sup>th</sup>** if DCC chooses to submit questions. **Public Comments may be submitted electronically to: [MaryAnn.Tilton@des.nh.gov](mailto:MaryAnn.Tilton@des.nh.gov)** and must include: **2018 Wetlands Rules Comments** in the subject line of the email. Ms. Tilton can also be reached at **(603) 271-2929**.

**Finance:** Erick Berglund has not received reports for the months of January or February for the conservation fund. The **balance as of December 31<sup>st</sup> was \$350,235.89.** The 50% portion of Fourth Quarter 2017 Land Use Change Tax in the amount of \$3,805 will be reflected in the January conservation fund balance report. An additional \$695.06 representing the DCC 2017 budget surplus was also expected to be deposited into the conservation fund in January.

**Mr. Berglund moved to pay \$70.65 to the NH Union Leader** for publication of the March 1<sup>st</sup> DCC public hearing notice. A second by Haley Andreozzi was followed by unanimous approval.

**Kate Hartnett moved to expend an amount not to exceed \$175 to cover Planning Board subdivision fees** in conjunction with the Marston Farm project. Erick Berglund seconded the motion. The vote was unanimous.

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**Stewardship & Easement Monitoring:** Ben Minerd would like to complete the balance of the **monitoring on the Curry easement** before spring. Covering the ground in snowshoes would be preferable to muck boots. Mr. Minerd will attempt to arrange a date with the owner.

**Approval of Minutes:** A motion by Erick Berglund to approve the **minutes of the February 12<sup>th</sup> meeting** was followed with a second by Haley Andreozzi. The motion passed with one abstention.

**At 9:07 pm Erick Berglund moved to adjourn the meeting.** A second by Haley Andreozzi followed. The motion was unanimous.

**The next meeting is scheduled for Monday, April 9, 2018**

*(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. If amended, a revised version will be posted to the website, after approval by the Deerfield Conservation Commission.*

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**Deerfield Conservation Commission, Marston Farm Background for Public Hearing  
12 Mar 2018**

The Marston Farm project will help ensure the permanent protection of and public access to 166 acres of land in the Town of Deerfield. The property is part of the Great Brook Corridor, a conservation focus area. There are several steps to this complex project:

- 38 acres of unencumbered land with important agricultural soils (50% of its acreage) and 1,200 feet of road frontage will be protected from development with a conservation easement held by Bear-Paw;
- 128 acres of land will be donated to the Town and designated as a Town Forest.

This conservation protects the property's valuable natural resources and public access. It also helps preserve the rural character of the town and prevents development from fragmenting this important block of conservation land.

**HISTORY:** The Marston Farm is a significant cultural and historical property in Deerfield. It is one of the oldest farms in the region and has been owned by Marston descendants for nine generations. The farm dates to the early 1700s, with a garrison being built on the property in 1743. The property was purchased by the Marston family in 1765, when the garrison was torn down and replaced by the existing homestead. The property has remained in the Marston family for over 250 years. A long history of forest and agricultural land stewardship has resulted in a diversity of land cover types including pasture, softwood plantations, extensive young- to advanced-age natural forest, and several wetlands.

**WILDLIFE:** The Marston Farm property includes some of the most ecologically significant natural lands in NH and the region. The entire property is identified as either Tier 1 or Tier 2 wildlife habitat in the 2015 Wildlife Action Plan, and it is also part of a conservation focus area in the NH Coastal Plan. There have been numerous species identified as threatened (T) or endangered (E) recorded near the project area.

**PRODUCTIVE SOILS:** The 38-acre parcel that will be protected by a conservation easement has 19 acres of Prime and Statewide Important Farmland Soils, so will preserve an extremely productive landscape with excellent agricultural productivity.

**FORESTRY:** The full property, a registered Tree Farm, has been managed for the current landowner for many years guided by a long-term management plan for the property. There is a network of logging roads and an existing landing for future timber harvests. The Town of Deerfield will own and manage the 128 forest, which will contribute revenues through forest harvests.

**THE BIG PICTURE:** The property is part of the Great Brook Corridor, a 1,000-acre block of forest that is surrounded by even larger unfragmented forests (2,000, 5,000, 8,000, and 12,000 acres in size). The Great Brook Corridor, almost half of which is already protected, serves as an important connection between all these forests. The conveyance of the 128-acre portion of the property in fee to the Town will expand public access to the Great Brook Trail, which is cooperatively maintained by the participating landowners and open to the public. The trail follows the brook from Harvey Road to the Burbank

Woods Preserve on Coffeetown Road. The Marston Farm property has a tradition of use by local residents for a variety of outdoor activities, including hiking, hunting, and wildlife observation.

The conservation of the Marston Farm property will add directly to 425 acres already protected in the Great Brook Corridor, including the 128-acre Pendleton easement (to be donated to the Town of

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Deerfield as part of this project), the 109-acre Jaeger easement, the 27-acre Cruikshank easement, the 98-acre Burbank Woods Preserve (owned by Bear-Paw), and another 56-acre easement conveyed earlier by the Pendleton family. Great Brook flows across all of these properties and there is another 400 acres of land protected along its course to Pawtuckaway Lake.

The entire property is also identified as a Core Conservation Focus Area in the NH Coastal Plan. The waters of Great Brook flow across the property and empty into Pawtuckaway Lake and eventually Great Bay. The protection of this property will directly contribute to the health of the coastal watershed. The Great Bay Resource Protection Partnership has recognized the importance of this property to the health of Great Bay and the coastal watershed with two grant awards through the Land Protection Transaction Grant Program.

**THE RESULTS:** Concurrently with this project to protect 166 acres of the Marston Farm, the Deerfield Conservation Commission is working to preserve the remaining, undeveloped portion of the original farmstead (house, barn and 15 acres of land) that was owned by the Marston family heirs (a second phase of this project). The end result will be the conservation of the entire 181-acre historic Marston Farm.

This project will help preserve the rural character of the town and prevent development from fragmenting this important block of conservation land. With 1,200 feet of road frontage and 19 acres of agricultural soils, the 38 acres is a prime candidate for residential development.

This project represents the most recent effort in a long-standing (~30 year) engagement with the Deerfield community to protect properties with valuable natural resources and historical significance. One of the most complicated projects in the history of LCIP, which resulted in the formation of the Great Brook Corridor of protected land, was a partnership between the Deerfield Conservation Commission, the local community, and seven landowners, including Mary Marston Pendleton (grandmother of current landowner Gile Beye).

This project continues progress toward the 50 year vision to connect Saddleback Mountain and Northwood Area Land Management Collaborative (NALMC) lands with Pawtuckaway State Park.