

DEERFIELD CONSERVATION COMMISSION

1967 - FIFTY YEARS AND COUNTING - 2017

Meeting Minutes – May 11, 2020

Roll Call Attendance: Haley Andreozzi, Erick Berglund, Serita Frey, Wes Golomb
Members Absent: Brian Adams
Visitors & Guests: Ann Scholz (via phone link)

Pursuant to Governor Sununu's *Emergency Order #12*, the Deerfield Conservation Commission met electronically and did not provide a physical location for the public to attend. In order to provide access to the public, a conference phone line and meeting ID number were established and posted in the official Meeting Notice.

PHONE NUMBER: 312-626-6799 Meeting ID: 634 101 4902

Chair Serita Frey opened the regular meeting, at 7:00 pm.

Marston Family Town Forest: 128 Acre Parcel

Consultation with Attorney Jim Raymond confirmed that **since the Town has not adopted RSA 41:14-a, passage of a warrant article in March of 2021 will be required to give the BOS authority to sign the easement deeds to Bear-Paw and LCHIP.** Attorney Raymond further stated that legally, *there is no basis to distinguish grants of conservation easements from other transfers of interests in real estate.* The fact that the property is currently encumbered by the 1991 Mary Pendleton LCIP easement does not change this restriction since the *conveyance of an easement to Bear-Paw creates a new interest in the land, separate from the Pendleton easement.*

(NOTE: **RSA 80:80**, adopted by the Town in 2017, gave the BOS the authority to sell property acquired by tax deed. **RSA 41:14-a**, had it also been adopted by the Town, would have given the BOS the authority *to acquire or sell land*, (i.e. *transfer property*...in this case, convey an easement) *without the need for a separate Town vote.* Notwithstanding, **RSA 41:14-a II** would still restrict BOS authority if such property were part of a statutory Town Forest, land managed by the conservation commission, or land conveyed to the Town for charitable or conservation purposes).

Katrina Amaral of Bear-Paw has applied for an LCHIP extension of time to complete the requirements for the grant, which include execution of the LCHIP and Bear-Paw easement deeds. Paula Bellemore from LCHIP has suggested that the *Grant Authorization* letter can be signed at closing when the deeds are executed “to make it easier for everyone”. **The \$50,000 grant funding will be on hold until the warrant article is passed in 2021.** In the interim, members have an opportunity to inform/educate the voters to ensure passage. Chair Frey will confirm with Katrina Amaral that the language in the deeds, approved by members in April, is final.

The procedure to finalize the Marston project will be similar to that used to permanently protect Deerfield's seven town forests and conservation areas, and the Boisvert Town Forest. In addition to asking the Town to allow the conveyance of easements to Bear-Paw and LCHIP, **the 2021 warrant article can simultaneously ask that the town convey town forest status on the Marston property, which was the original intent of the donor.** Gile Beye has requested that the property be known as the *Marston Family Town Forest*. Chair Frey will inform Ms. Beye of the delay in completing the project.

Approval of Minutes: Serita Frey moved: *To approve the minutes of the April 13th meeting.* The motion was seconded by Haley Andreozzi, with Serita Frey, Wes Golomb, Erick Berglund and Haley Andreozzi voting in favor of the motion.

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Finance: Erick Berglund has received the official January and February reports for the Conservation Fund and reported that at the end of **February the official balance in the Conservation Fund was \$194,629.45** which included interest in the amount of \$38.55. At the end of **March, the unofficial balance was \$194,670.66** including interest of \$41.21. There is no report for April. It is estimated that **DCC's 50% portion of Land Use Change Tax for 1st Quarter 2020 will be \$25,500.**

Chair Frey verified that DCC did receive the March legal services previously billed by Upton and Hatfield. Members approved payment of \$387.09 in April pending Ms. Frey's confirmation. Mr. Berglund has submitted the invoice for payment.

Although payment was originally approved in April, **Serita Frey moved: That payment of the \$400 reimbursement to Chris Carr for four Turtle Crossing signs and posts be equally split between the Supplies and the Trails lines in the budget.** The motion was seconded by Erick Berglund with Serita Frey, Erick Berglund, Haley Andreozzi and Wes Golomb voting in favor of the motion. Mr. Berglund noted that Mr. Carr has been paid and that the purpose of the vote was to approve the allocation of the payment from the two aforementioned accounts in the DCC budget.

Easements and Land Protection: Reservation Rd Tax Deeded Parcels

In February 2020 members unanimously voted to ***“Request that the Town retain the Reservation Rd. properties, Tax Map 418-25, 418- 26 and 418-62, for conservation purposes”***. Since that time, Serita Frey has been communicating with Town Administrator John Harrington and BOS Chair Andy Robertson to determine what the process for conserving the parcels would entail. **DCC was informed that the property is currently slated for auction and that DCC could bid on the properties at that time.**

Adoption by the Town of RSA 80:80 in 2017 gave the BOS the authority to sell property taken by tax deed, without the need for a warrant article, after consulting with the Conservation Commission, the Heritage Commission and Parks and Recreation. It was previously thought that the BOS could *retain* tax-deeded parcels at its discretion, if it was felt that the parcel had conservation value; however, according to Town Counsel, recent litigation (in another town) has proven otherwise. Selectman Robertson wrote that abuse of this practice in the past resulted in a change in the RSA's and now **requires that the land owner be paid the difference between the taxes and penalties owed, and the market value of the property.** In this case, DCC would be required to bid on the property at auction along with other interested bidders, in order for the Town to cover that difference.

It is felt that DCC is not currently in a financial position to cover the potential value of the properties. In view of Bear-Paw's collaboration with the Mathes family to conserve the Mathes Raymond Rd parcels (which about the tax-deeded properties), **Serita Frey will forward the details of this conservation opportunity to Bear-Paw for its review as a potential joint project.**

Turtle Crossing Signs: Chris Carr has delivered the requested location map from NH Fish & Game to Steve Rollins at the Highway Department. Mr. Carr has offered to take pictures and post an article in the Forum once the signs are installed.

Deerfield Energy Committee: Wes Golomb reported that work on this committee is on hold.

Stewardship/Easement Monitoring: A memo and related documents have been submitted to the Planning Board to update them on the status of the **Brown's Mill Corey Wildlife Open Space Subdivision project.** Hydroseeding was to have been completed as part of the reclamation of the gravel pit and was a

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condition of approval. No information was available to confirm that a \$2,500 bond was ever posted for the hydroseeding or that it had ever been completed. It is unclear what recourse the Town may have. DCC is responsible for overseeing resident monitoring of the easement area.

Regulated Wetlands & Shorelands – Permits/Applications:

At its April meeting, DCC discussed an email from an individual that **the owner of the property located at 13 Gulf Rd - Map 204 Lot 35 was in the process of filling in 3500 sq. ft. of wet area.** Erick Berglund visited the site and took photos of the disturbed area. A Shoreland Permit, DES File #2019-03485 dated 11/21/2019, was posted at the site and indicated that the proposed project was for the purpose of constructing a driveway and parking area.

A subsequent email indicated that **a complaint had been filed with DES**, and that from research of the Deerfield zoning ordinances, suggested the project would be considered a major site improvement subject to Deerfield Planning Board review. Haley Andreozzi advised that without a DES response, DCC has no factual evidence that the owner is actually impacting a regulated wetland; however, the filing of a complaint would trigger a review by DES with DCC being informed. Additional follow-up is needed and the matter will be placed on the agenda for June.

Regulated Wetlands & Shorelands – Permits/Applications:

- **NHDES – Complete Forestry Notification – File #2020-00818**
George Thompson – 217 Middle Rd – Tax Map #414, Lots 75 & 76
- **NHDES Electronic approval for expedited permits** – NHDES has issued an informational notice with respect to Wetland Permit by Notice and Expedited permit applications that require conservation commission waiver of signatures to meet RSA 482-A:11, III(a).

*NHDES will now accept emails from Town and City Clerks, conservation commissions, Local River Management Advisor Committee (LAC), and Rivers Council to serve as records of receipt and/or waiver of intervention for Wetland applications in lieu of wet signatures during this declared Corona emergency. **Emails should include the applicant name, land owner name, location address and project description, and be emailed to DES.WetlandsTownConn@des.nh.gov (DES: Wetlands Town Connect) with the subject line Town Connect.***

Announcements/Correspondence/Reminders:

Members were asked to review the matrix of allowed and prohibited uses contained in DCC's annual report to the Town. A discussion of whether horseback riding should be allowed on town-owned conservation land will be on the agenda for June.

The meeting adjourned at 7:57 pm.

The next regular meeting is scheduled for Monday, June 8, 2020

(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 and posted to the Town website, after approval by the Deerfield Conservation Commission