

DEERFIELD CONSERVATION COMMISSION

1967 - FIFTY YEARS AND COUNTING - 2017

Meeting Minutes – December 14, 2020

Roll Call Attendance: Brian Adams, Haley Andreozzi, Erick Berglund, Serita Frey, Wes Golomb
Members Absent: None
Visitors & Guests: Alan Perkins, Errol Rhodes

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

Serita Frey opened the meeting at 7:05 pm.

Lindsay-Flanders: *A copy of the 2020 monitoring report is attached below as an addendum to these minutes*

Alan Perkins, Erick Berglund and Wes Golomb were accompanied by Deerfield Police Officer Bernier on their 11/19/2020 site visit to the Lindsay-Flanders Conservation Area. Based on their findings, Alan Perkins commented that the deterioration is the worst he has seen.

Spent shells found on the ground determined to be from a 9mm handgun, a center fire rifle and a shotgun, a make-shift plywood target fastened to a tree, and bullet holes in trees within the forest were evidence of target shooting directed into Lindsay-Flanders, originating from an adjacent property. In addition to the extreme safety hazard posed by the gunfire to trail-users, remnants of campfires, both within and in the proximity of a lean-to, suggest previous and potential threats of forest fire.

The ground has been extremely torn up and rutted from ATV's which appear to have scoured and eroded large areas, especially down the hill and into the swampy areas. Access points are limited with possible entry being gained from a breach in a stone wall on the property abutting the Post Office, where boulders have been removed, and/or via an adjacent road. It is understood that NH Fish and Game typically enforces ATV use and police departments respond to incidents involving trespass (it is unlawful to operate an OHRV without the permission of the landowner). Erick Berglund will contact Officer Bernier to determine if he has spoken with the owner of the abutting property and Wes Golomb will obtain the name of the Fish and Game Officer who serves our jurisdiction.

Ideas for a town-wide information campaign to increase awareness were discussed, including an article in the FORUM, a reference in DCC's annual report to the Town and in the quarterly DCC report to the BOS. It was recognized that in the near term, the situation would require more immediate attention.

It was the consensus of the members that although it is not likely that posting signs will change the behavior of the ATV violators, it would constitute due diligence on the part of the DCC. Mr. Berglund will clarify if conservation funds can be used for Town Forest stewardship purposes, i.e., purchasing regulatory signage, and Mr. Perkins will send photos of the various signs he has seen posted on other conserved properties. A letter to the landowner of the adjacent property can be sent depending on the results of Mr. Berglund's conversation with Officer Bernier. Brian Adams will collaborate with Alan Perkins on the installation of a woods cam. Visitor Errol Rhodes mentioned that the Town website has been updated and residents can sign up for email notifications (meeting agendas, minutes, emergency alerts), suggesting that the new service might be used to inform residents regarding inappropriate use of the Town Forest.

Wetlands Zoning:

In 2018 DCC members were invited to review and make recommendations for updating the then-existing Zoning Ordinance Section 210 - Wetlands Conservation District. The process resulted in a 2020 zoning amendment, which clarified language and brought the previous ordinance in line with the definition used by the State of New Hampshire (i.e. as defined in the Army Corps of Engineers manual), increasing the protection of wetlands and adjacent areas. After multiple dialogues with the Planning Board and public hearings, the amended ordinance was placed on the ballot and adopted by vote of the Town in March of 2020 by a significant margin.

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At its November 9th meeting, DCC members were informed that the Planning Board was now considering a 2021 warrant article to once again amend the ordinance, reversing the provisions intended to protect small, isolated wetlands, and making the ordinance less restrictive. Members were offered alternatives to a revision that would *exclude* wetlands less than ¼ acre in size from the requirements of the ordinance.

After receiving public input, it now appears that the Planning Board has tabled any revisions until next year; however, it is believed that there is a perception that the DCC is open to a compromise in order to make the best of a worst-case scenario. Although willing to have a discussion with the Planning Board, the Members wish it to be understood that they remain overwhelmingly opposed to diminishing the restrictions contained in the 2020 zoning. The DCC has been clear regarding its concerns, as have members of the public who attended the recent Planning Board meeting addressing the matter. Erick Berglund will reach out to Planning Board member Robert Cote. In the interim, it is up to the DCC to keep the residents informed on this important issue and to encourage their continued participation in the process.

Easements and Land Protection:

Marston 128-Acre LCIP Parcel – CE & Town Forest Warrant Article:

Serita Frey received the following revised wording of the proposed 2021 warrant article from Attorney Raymond: (Edits in red)

*To see if the Town shall vote to ~~designate~~ **establish** the 128-acre Town-owned Marston Family Forest as a Town Forest as defined in RSA 31:111, **to be managed by the Conservation Commission**, and to convey ~~an updated~~ conservation easement pursuant to NH RSA 477:45-47 to one or more qualified conservation organizations which will ~~continue to~~ permanently restrict its use to open space purposes, including wildlife habitat conservation, forestry, and recreation **as an addition to an existing conservation easement on the property.***

Members chose to include the suggested wording referencing the *addition to an existing conservation easement on the property*. **A motion by Erick Berglund with a Second from by Serita Frey to Accept the proposed revised language for the 2021 Marston Family Forest warrant article, and any additional recommended edits suggested by Attorney Raymond, was passed by a roll call vote with Erick Berglund, Haley Andreozzi, Wes Golomb, Brian Adams and Serita Frey voting in favor.**

Serita Frey will forward the proposed warrant article to John Harrington for inclusion on the March ballot. The deadline for final submission of the warrant article is January 12th. Residents can be informed that the additional easement is due to LCHIP funding. Members should be prepared for the January 11th meeting to finalize language for the informational articles to be submitted to the FORUM and the Voters' Guide which are due before the end of January.

Stewardship/Easement Monitoring:

Great Brook Trail:

2020 monitoring of the Jaeger, Pendleton 56-acre, Marston (formerly Pendleton 128-acre) and the two Bear-Paw/Burbank, parcels are complete and will be emailed to Steve Walker at the NH Office of Strategic Initiatives (Conservation Land Stewardship Program). Serita Frey will contact Al Jaeger to clarify information in the Burbank 15-acre report.

Once again, the Curry parcel is the last holdout. Alternatives suggested by LCIP to monitoring a property without the landowner being present include having the owner attest to the condition of the easement, either in writing or verbally, or by sending a notice to the landowner, indicating the date and time that monitoring will take place without the need for the owner to be present. Serita Frey will reach out to Paula Duchano to determine what can be arranged to fulfill this annual obligation.

Edythe Boisvert Town Forest:

Bear-Paw will be asked to confirm that the parcel is on track for 2020 monitoring.

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Approval of Minutes:

Serita Frey moved to approve the minutes of the November meeting. The motion was seconded by Erick Berglund. Brian Adams, Haley Andreozzi, Erick Berglund, Wes Golomb and Serita Frey voted by roll call vote to accept the minutes as written.

Finance:

The unofficial *statement* balance in the conservation fund at the end of November was \$256,225.87 including interest of \$52.49. The next deposit of the 50% portion of Land Use Change Tax for fourth quarter 2020 is anticipated to post in January.

Mr. Berglund confirmed payment of invoices approved in November from *NH Association of Conservation Commissions* for 2021 dues in the amount of \$325, *Bear-Paw Regional Greenways* for 2021 dues in the amount of \$100, and *Lamprey River Watershed Association* for 2021 dues in the amount of \$100.

Regulated Wetlands & Shorelands:

DCC Review #2020-02

DES-Land Resources Management File# 2020-02413

145 South Rd – Map 420-57, 57.1 & 57.2

DCC was copied on an 11/24 Letter from NHDES outlining the results of their November 6th inspection. It was determined that approximately 28,045 square feet of wetlands, and an area in excess of 100,000 square feet had been disturbed without a permit or approval from NHDES. The owners were given until February 1, 2021 to retain a New Hampshire certified wetland scientist to submit a restoration plan for NHDES approval and to apply for an Alteration of Terrain permit or suitable alternative if the property meets the requirements for “normal agriculture operations”.

DCC Review #2020-04

DES File# 2020-02418

No additional updates were available for this review.

NHDES File# 2020-02945 - Gary Sanborn - 141 Middle Rd – Map 419 Lots 69 & 67

Incomplete Culvert Repair-Replacement Statutory Permit-by-Notification

Request for missing information, revision of culvert sizing and resubmission of application

Application: Wetlands Permit-by-Notification

Steven Chamberlin – 46 Lake Road – Map 401 Lot 4 – Northwood Lake

Repair or replacement of an existing legal docking structure that complies with Env-Wt 513.24(a) and Repair or replacement of an existing legal wall that complies with ENV-Wt 514.07(a)(3)

The meeting adjourned at 8:33 pm.

The next regular meeting is scheduled for Monday, January 11, 2020

(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

Bear-Paw Regional Greenways Monitoring Report

Conservation Easement Monitoring Report

Date: September 15, 2020

Grantor/Name: Town of Deerfield: Lindsay-Flanders Conservation Area and Linden Property
Property Location: Off Raymond Rd, Deerfield, Tax Map 415, Lot 30
Current Owner: Town of Deerfield
Owner's Address (if different): Attn. Conservation Commission
8 Raymond Road, PO Box 159,
Deerfield, NH 03037
Phone: 463-8811
E-Mail: serita.frey@gmail.com (Conservation Commission Chair)

Checklist:	Yes	No	Comments
Landowner contacted in advance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Landowner accompanied monitor(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Met with owner/representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Walked boundaries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Walked trails/access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Walked road frontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Walked interior	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Monitored from air	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Condition of Boundaries:	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor % Walked 75		

Which activities/changes have taken place since the last monitoring inspection?

- ☐ Timber Harvest ☐ Agriculture ☐ Field Maintenance ☐ Boundary Maintenance
☐ Land Clearing ☐ Subdivision ☒ Trail Work ☒ ATV Use
☒ Activity on abutting land ☒ List other activities below:

There are signs of target shooting on adjacent land on the East boundary which resulted in bullets passing into the Lindsey Flanders property. Evidence in that area included spent cartridges of 9mm handgun, center fire rifle and shotgun. Evidence of this are multiple bullet impacts on trees on the Lindsey Flanders property. Photos and video attached.

Extensive evidence of ATV use with entrance from the same abutting property as the target shooting causing extensive rutting and damage to steep slopes in many areas from the intersection of the loop trail all the way out to Nichols Brook both on the existing hiking trail and many other locations.

Are there plans that may affect property?

- ☐ Yes ☒ No ☐ N/A Please explain:

Please describe the monitoring inspection in some detail, particularly the areas that were inspected:

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Monitor walked all the trails through the property from Bicentennial Field.

I walked all the trails which are adjacent to the boundaries in most areas, first taking the loop to the left out to the East boundary and along that boundary to the intersection of the main loop trail. Walked through an area that had litter and other misuse in recent years and the only signs of problems in this area was the target shooting and ATV incursion noted above. Proceeding up the east boundary on the trail I noticed that some of the access points that had been blocked in previous years had been unblocked. In the areas between this upper loop trail there appeared to disturbance to an area being used as a research site for EAB insect activity by UNH. After junction of two trails many ruts and damage noticed by ATV use. Cable and tires that had been noted in previous reports have been removed. Drought conditions have almost completely dried up Nichols Brook making crossing possible at any location and so, the monitoring inspection continued to Cole Road and returned along flagged proposed loop trail. Found and removed mylar balloon in this area.

While walking through the areas of the proposed trail route that had been approved by Bear-Paw when walked with Deb Campelia, Dan Kern and myself it was noted that some trail clearing and marking had been done starting on Cole Road. When the proposed trail had been approved it was agreed that the proposed location be moved away from the property line near an occupied dwelling so as to not intrude unnecessarily on the abutting property. The trail marking and clearing along the southern boundary near Cole road did not follow this change and has marked and cleared trail right along the property line in this location and should probably be moved to meet the location originally approved by Bear-Paw.

The area of the intersection of the northern main loop trail there is a sort of lean-to that has been built at the intersection blocking the left path. Adjacent to and within this are remnants of fires.

Attached to report are:

☒ Photos ☐ Maps ☒ Other

Comments/Follow Up Needed:

New trail clearing and blazing needs to be completed. Notification of incursions to property owner/Police. Notification of UNH of possible interference with their study.

List all persons attending the inspection: Alan Perkins

Submitted by: Alan D Perkins **Date:** 9/15/2020