

DEERFIELD CONSERVATION COMMISSION

1967 - FIFTY YEARS AND COUNTING - 2017

Meeting Minutes – October 18, 2021

Roll Call Attendance: Haley Andreozzi, Josh Freed, Serita Frey, Chloe Gross, Wes Golomb, Erroll Rhodes
Members Absent: Brian Adams, Jo Anne Bradbury (Alternate)
Visitors & Guests: Barbara and Rob Mathews, Katrina Amaral, Kaitlin Deyo, Frank Mitchell

Serita Frey opened the meeting at 7:00 pm.

Easements and Land Protection:

Project #29 - Geraldine Mathews - ~20 Ac. – Map 414 Lot 007 – Cole Rd.

In 2013, Barbara and Rob Mathews approached the DCC with a proposal to conserve two parcels; Map 414 Lot 007 and Lot 007.1. The project did not move forward at that time, and the Mathews have now come to the DCC on behalf of Geraldine Mathews (Mother of Rob Mathews), with a **proposal to donate an easement on Map 414 Lot 007. The property is located at 27 Cole Rd., is approximately 20 Acres** (including house site), and has been in the family for 40 years. The property is special to Geraldine Mathews, who wishes that it remain undeveloped for her family and others.

Rob Mathews presented a summary of the property's attributes, including its location within both the Bear-Paw identified greenways and Deerfield's green infrastructure of its Open Space Plan. Also of note is its inclusion in the NH Wildlife Action Plan as a *Highest Ranked Habitat* statewide. **A summary of the property's Notable Features is attached as an addendum to these minutes.** The parcel is primarily former or current hay field on the southern portion with some woodland to the north. According to Katrina Amaral of Bear-Paw who was asked to weigh in on the project, the farmland aspects would allow for different funding opportunities and possibly good grant opportunities to explore, including NH Charitable Foundation farm grants, watershed focal area grants and State Conservation Commission grants. The parcel would be considered small for a USDA grant.

Resident Frank Mitchell, on a personal level (not as a representative of Bear-Paw), **spoke in favor of preserving the property** based on its many favorable characteristics including approximately 1,400 feet that abuts the Lindsay-Flanders Conservation Area. Mr. Mitchell noted that there is approximately 700 to 800 feet of road frontage.

Ownership would remain private with a conservation easement to a qualified land trust. Members commented that they thought it would be a great addition and a nice conservation opportunity. A hiking trail could extend into Lindsay-Flanders. A trail from Cole Rd. to the Post Office parallels the stone wall. The Mathews asked if hunting would be required. Ms. Amaral responded that it would depend on the funding sources. The deed could include a reserved right to post against hunting; however, this particular restriction is usually difficult to enforce from a stewardship standpoint. Private posting and enforcement are preferable.

Going forward, **a survey would be needed, especially to define the exclusion area.** Additional costs would include due diligence costs, closing costs, project management expenses, baseline documentation costs, and stewardship fees to uphold the conservation values contained in the easement deed (annual monitoring), and to manage easement violations (legal fees to defend easement terms can be significant). For comparison, the above project costs based on the Adami-Cote easement were approximately \$14,000. Ms. Amaral felt that **Bear-Paw's timeline to complete this project would be in excess of six months including the survey, grant funding and due diligence.**

Project #39 - Adami/Cote – 24.76 Ac: Mountain Rd/Nottingham Rd:

Bear-Paw is working with the owners to conserve 24.76 acres of this approximately 26-acre parcel which is primarily woodland and wildlife corridor. The property is 60% bounded by other conserved properties and the easement will *"...conserve undeveloped road frontage along Mountain Road and add to the contiguous, undeveloped lands within the Pawtuckaway Mountain forest block"*. The property also falls within a coastal watershed priority area and Blanding's turtle habitat focus area. **It is considered a "puzzle piece" that fits within other conservation lands within the Pawtuckaway contiguous forest area**, abutting the Berglund NRCS easement and the Menard conservation easement. The parcel has frontage on Mountain Road, and a ROW that bisects the Berglund property joins it to Nottingham Rd.

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Transaction costs of approximately \$14,000 are anticipated to be covered with a confirmed **transaction grant of \$7,100 from the Great Bay Resource Protection Program (GBRPP), and the balance of \$6,410 from the Town of Deerfield's conservation fund.** The owners wish to close by the end of the year.

The easement is to be held by Bear-Paw with an executory interest to the Town of Deerfield stemming from its contribution toward the project's transaction costs. The need for the executory interest was questioned and was followed by a discussion of statutory requirements regulating contributions from conservation funds for projects in which a Town holds no interest. The Clerk will forward information about the particulars of the RSA to members and to Ms. Amaral. Serita Frey will email Attorney Raymond to clarify whether the executory interest is actually required. A public hearing will be scheduled prior to requesting BOS approval.

It was explained that if the town were to **pass a warrant article to adopt the provisions of RSA 36-A:4-a, I(b)** at some point, the conservation commission would then be authorized to expend funds for contributions to "qualified organizations" for the purchase of property interests, such as it is doing with the Adami/Cote project, without the need for the grantor to convey an executory interest to the Town. It was felt that **adopting this provision could, in certain circumstances, be beneficial in facilitating good conservation work without placing a burden on the Town.**

Motion: *Serita Frey moved to approve the expenditure of \$6,410 towards the transaction costs of the Adami-Cote project. The motion was seconded by Josh Freed and approved unanimously by the members.*

A notice of **public hearing to be held during the first part of the November 8th DCC meeting** will be posted. An appointment for BOS approval can be scheduled for their first meeting after November 8th.

According to Ms. Amaral, LCHIP was directed to send the **\$50,000 grant funds reimbursement check for Marston Family Town Forest expenditures paid from the Conservation Fund** directly to the Town of Deerfield. Ms. Andreozzi will inquire whether it has been received.

Project #38: Mathes - Map 418 Lots 22, 23 & 78 – Raymond Rd

According to Ms. Amaral, this project is still in the appraisal stage.

Project #40: Bear-Paw Acquisition – Route 107 Ac off Mountain Rd.

Katrina Amaral spoke of this acquisition that is intended to be a gift to Bear-Paw. It is **not anticipated that the Town of Deerfield will be asked to contribute.** Although the property would be open, it will not be a "trails" property. The intention is for habitat and wildflower meadow restoration.

Briggs Field – Map 423 Lot 52 – Route 43:

DCC was informed by an abutter to the property that it was going up for auction on October 13th. The property was ultimately sold to the descendants of the Briggs family for \$500,000 who would like to continue to hay the field.

Katrina Amaral shared that the property has been on Bear-Paw's "radar" for a while and understands that there might be an interest on the part of the landowners to pursue conservation options. The acreage as a whole, the farmland soils (not Paxton but of statewide importance), the Bear Brook/Pawtuckaway corridor potential and a water element of the property are favorable factors that were high-lighted by Ms. Amaral, who felt that if DCC has an interest in pursuing a project to support its conservation, that DCC should be proactive. Members commented that the parcel is perceived to be a visual gateway to Deerfield; that it may be one of three or four things that define the Town.

Easement Monitoring:

Merrill easement (Kay Williams CE) – This easement was last monitored in 2019. **Frank Mitchell has volunteered to walk the easement with a DCC member who can take over the responsibility going forward.** It was explained that this property was converted to a Christmas Tree Farm and is located on 107 and Old Centre Rd. The Town is the easement holder in this case, and Bear-Paw holds an executory interest. Serita Frey will copy Josh Freed and Errol Rhodes in her email to Frank Mitchell so they can connect if they wish to accompany Mr. Mitchell.

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Freese Town Forest: The easement was scheduled to be monitored by Bear-Paw Volunteer Eric Detweiler on September 20th. The report is pending.

Great Brook Corridor: The Great Brook Corridor easements are the LCIP easements which Al Jaeger and Will Frey will be monitoring. The Jaeger and Burbank parcels have been completed and Will Frey will be walking Marston and Pendleton (Tomilson) along with the Cruikshank easement.

McNeil Town Forest: Will Frey has completed monitoring this easement. Paperwork is forthcoming.

Additional annual monitoring reports from Bear-Paw are pending completion.

Planning/Zoning:

The Planning Board has not yet rescheduled the meeting to discuss possible **amendments to the Deerfield Zoning Ordinance Section 210 - Wetlands Conservation District**. The topic has been tabled due to the need to address multiple pending Planning Board projects. Cameron Prolman will contact DCC when the Board revisits the matter.

Membership:

DCC extended an invitation to the October meeting to both Jim McDonald and Jim Deeley, both of whom have expressed an interest in membership. To date, there has not been a response and Serita Frey will continue to reach out to them.

Stewardship:

Lindsay-Flanders Conservation Area: Members **Josh Freed, Errol Rhodes and Brian Adams met with volunteer Alan Perkins and Julie DeCosta at the Lindsay Flanders Conservation Area**. Mr. Adams mounted game cameras in order to monitor the area. There has been **no change in the condition of the area since Mr. Freed's previous visit**, and no new, fresh cartridges were detected (evidence of past, unsafe target shooting had been previously reported). The trail was in good shape. **Potential bridge placements would be expensive and would require a lot of work to put in**. The limited amount of use they would receive would not make for a great investment; however, if there were an abutting parcel to continue the trail, a bridge might make sense. The conflicting/confusing **blazing still needs to be addressed at some point** in the future. Serita Frey will follow up with Brian Adams regarding retrieval of the chips from the web cams for review.

Approval of Minutes:

Motion: *Serita Frey moved to approve the minutes of the September meeting. The motion was seconded by Haley Andreozzi. The minutes were approved unanimously **with the following corrections:***

Page 2 Paragraph 7 should read:

Josh Freed will address possible re-blazing with Mr. Perkins at that time.

Page 2 Paragraph 6 should read:

...the area where the trail crosses between two wetlands immediately behind the ball field is very delicate and could use a raised walkway

Finance:

Haley Andreozzi reported that the **balance at the end of September was \$276,860.37 reflecting interest of \$22.75**. Information regarding the DCC 50% portion of Land Use Change Tax was unavailable at the time of this meeting and no deposit was reflected on the September statement. It was suggested that DCC explore **additional investment options for the funds contained in the conservation fund**. Haley Andreozzi will reach out to Barbara Richter at NHACC to see if there are other towns that pursue alternative investment opportunities and how that might work.

Motion: *Erroll Rhodes moved to approve an invoice from NHACC for 2022 dues in the amount of \$300. The motion was seconded by Serita Frey and passed unanimously.*

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Motion: *Serita Frey moved to approve the purchase of two copies of the 2021 NH Municipal Conservation Fund Guidebook. The motion was seconded by Josh Freed and passed unanimously.*

Public Outreach:

Facebook: Wes Golomb reported that the DCC Facebook page has been receiving a steady flow of traffic and “likes”. It was suggested that **notification of the monthly meeting could be posted as well as something of interest discussed at the meeting.**

Haley Andreozzi presented the **DCC update to the BOS for the third quarter 2021** from which DCC’s comments regarding ZOOM participation at meetings was well received by the BOS. It was suggested that DCC continue to encourage the BOS to explore improving the Town’s ZOOM capabilities. **Posting points from the BOS updates on Facebook was suggested** as a means of keeping content flowing so interest does not drop off.

The **Facebook page could also be a means for getting helpful feedback**; such as, whether there would be an interest in continuing public participation at meetings via ZOOM. The information could be shared with the BOS through the Town Administrator.

Board & Committee Questionnaire – The information about DCC requested by the Town Clerk, that is to be presented in an informational brochure, has been completed and can be forwarded to the Town Clerk.

NHACC 2021 Annual Survey – Serita Frey will complete.

The meeting adjourned at **8:55 pm.**

Please See Mathews Project Addendum Attached Below

A Public Hearing for the Adami-Cote Project
Is Scheduled for 7 pm - November 8, 2021

The next regular meeting is scheduled for Monday, November 8, 2021

(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

Summary of Potential Conservation Property's Notable Features

Date: **Jan 14, 2013, updated Oct 12, 2021**

Prepared by: **Frank Mitchell**

Landowner(s): **Geraldine Mathews**

Acreage: (total and amount to be conserved): **To be determined (20 acre parcel includes a house site)**

Property Location: **27 Cole Rd., Deerfield, NH**

Deed & Tax Map Info: **Tax map 414, lot 7.0 (7.0 in Assessor's web site listing, but 7.2 on Tax Map)**

Notes: **20 acres including house site**

FAVORABLE CRITERIA:

- ☐ Located within Bear-Paw identified greenways
Property is within a Bear-Paw "Blueway" riparian area (Nichol's Brook). It's also in a "green infrastructure" in the Deerfield Open Space Plan.
- ☐ Located within a Green Infrastructure area in the Deerfield Open Space Plan
Yes – the area associated with Nichol's Brook.
- ☐ Significant habitat for native plants and animals:
Property is included in NH Wildlife Action Plan "Highest Ranked Habitats" statewide. The property has been enrolled in the Wildlife Habitat Improvement Program (cost-share program for delayed mowing to benefit grassland birds and other wildlife).
- ☐ Significant water resources, including streams, rivers, ponds, lakes, and/or wetlands
Property contains part of Nichol's Brook.
- ☐ Actively Managed Farmland
Most of land is former or current hay field. There are 3.1/2 acres of 66B, Paxton (Prime Farm Soil)
- ☐ Well managed forests
Most of land is former or current hay field.
- ☐ Groundwater resources and or zones of contribution for existing public water supply
Property does not overlie a sand/gravel aquifer.
- ☐ Scenic view(s) enjoyed by the public
Land included undeveloped frontage on Cole Rd. (Class 5 town road)

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- ☐ Existing recreational opportunities:
NA
- ☐ Abuts or contributes to linkages between existing conservation:
Abuts Lindsay-Flanders Conservation Area (southern end of its western boundary).
- ☐ High development potential or is a key parcel that will lead to further development:
Road frontage and cleared land (field) gives the property high development potential.

UNFAVORABLE CRITERIA:

- ☐ Would present stewardship or monitoring problems
None anticipated.
- ☐ Poses actual or potential hazards from man-made substances or structures
None anticipated.
- ☐ Has title problems or encumbered ownership that cannot easily be resolved
To be determined
- ☐ Would be an expensive acquisition and use up significant financial or goodwill assets of the Conservation Commission
To be determined y the Conservation Commission
- ☐ Landowner wishes to retain rights in the land that are unacceptable to a potential easement holder
To be determined but not anticipated.
- ☐ Has impending development and there is no conservation funding immediately available
Development potential is significant but not imminent.

MAPS:

See separate files.