

DEERFIELD CONSERVATION COMMISSION
1967 – FIFTY-FIVE YEARS AND COUNTING – 2022
Meeting Minutes – **June 13, 2022**

Attendance: Haley Andreozzi, Josh Freed, Serita Frey, Wes Golomb, Erroll Rhodes,
Jo Anne Bradbury (Alternate)
Members Absent: Chloe Gross
Visitors & Guests: Kaitlin Deyo (Bear-Paw), Jo Anne Bradbury, Denise Greig

Serita Frey opened the meeting at 7:08 pm.

Easements and Land Conservation:

Project #40: Bradbury Conservation Easement – 55 Acres – Thurston Pond Rd – Map 414 Lot 147

Kaitlin Deyo from Bear-Paw presented information about the *Bradbury Conservation Easement*. Bear-Paw approved the project on May 5th and is requesting a contribution from the Town of Deerfield, through its Conservation Fund, toward transaction costs of \$22,000. The landowner is donating the value of the land development rights which the 2021 assessed valuation is \$84,628.00.

According to the Bear-Paw proposal, the property is ...*identified as an important wildlife corridor in the original conservation plan for the Bear-Paw greenways, and contains 2,000 linear feet of an unnamed stream, which is the outflow from Thurston Pond, and connects to Hartford Brook, a tributary of the Lamprey River.* Based on the 2020 NH Wildlife Action Plan, 20% and 80% of the property respectively... *is Tier 1 (top-ranked in the state) and Tier 2 (top-ranked in the bioregion).* The Open Space Institute classifies the property as *high climate resiliency*. The proposed easement abuts the 30-acre Hartnett easement and will preserve 1000 feet of undeveloped frontage on Thurston Pond Rd. Just under two acres of the property occupied by the home will be excluded from the easement. Questioned about the status of Thurston Pond Rd., Ms. Bradbury detailed the conditions under which it is Class VI.

Given the need to expedite the project, Bear-Paw anticipates closing in one month. A public hearing will be scheduled in conjunction with the July 11th DCC meeting. The survey and draft easement deed will be available for review prior to the hearing. In order for DCC to expend conservation funds toward the project costs, the Town currently must retain an interest in the property. The easement **deed will grant the Town of Deerfield an executory interest in the easement**, and will require the BOS to sign the easement deed, fulfilling the requirement allowing for the expenditure.

Member comments were that this was a great project; a nice puzzle piece, and an excellent example of the type of easements we encourage (where the value of the land is donated by the landowner and the Town, through its conservation fund, contributes toward its preservation).

Motion: Josh Freed moved to accept the Bradbury Conservation Easement Project in consideration of a contribution toward transaction costs in the amount of \$22,000 to come from the Conservation Fund.
The motion was seconded by Erroll Rhodes and was approved with member Bradbury abstaining.

With respect to the above-mentioned executory interest, Haley Andreozzi researched two other towns who have put forth the following warrant article to allow contributions to these easements without the need for the Town to acquire an executory interest. Ms. Andreozzi noted that the executory interest is actually a liability since the executory interest holder (i.e. the Town) would become responsible, as the backup entity, for enforcement of the easement if the original grantee failed or was no longer able to perform. DCC's goal is to place the following proposal, with mandatory wording under ***RSA 36-A:4-a Optional Powers***, on the March 2023 ballot:

RSA 36A:4-a, I(b)

*"Shall the town vote to adopt the provisions of RSA 36-A:4-a, I(b) to authorize the conservation commission to expend funds for contributions to 'qualified organizations' for the purchase of property interests, or facilitating transactions related thereto, where **the property interest is to be held by the qualified organization and the town will retain no interest in the property?**"*

Passage of the above article will require a campaign of public outreach and education prior to Voting Day. Initial submission is typically due in December or January.

Project #39: Adami/Cote – 24.76 Ac. – Map 210 Lot 041 – Mountain Rd/Nottingham Rd

This project is complete. The easement deed has been recorded and baseline documentation received.

Motion: Serita Frey moved to pay the Bear-Paw invoice in the amount of \$6,410.00 representing DCC's contribution to the transaction costs associated with the Adami/Cote conservation easement project. Wes Golomb seconded the motion which passed unanimously.

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Project #29: Geraldine Mathews – 17.82 Ac. – Map 414 Lot 007- Candia and Cole Roads

A public hearing was held on this project at DCC's May meeting at which it received member approval. Bear-Paw anticipates a delay in finalizing this project of between one and two months; a family member is reported to be reviewing the survey.

The variance in the Town's contributions toward transaction costs between projects was questioned. In addition to the smaller acreages being conserved and associated costs, it was noted that Bear-Paw was able to obtain grants for the previous two projects, but not for the Bradbury. The \$8,500 Coastal Watershed grant requested for the Bradbury project was denied due to a *highly competitive round*.

Marston Family Town Forest

The 2003 management plan created for the former owner, Gile Beye, by Charlie Moreno in 2003 will be reviewed at some point in the future. The Town-owned 128-acre parcel under a Bear-Paw/LCHIP easement is addressed in the plan.

Deerfield Master Plan:

It was suggested that meetings may once again resume with the reported return of Cam Prolman to guide the project.

Stewardship/Easement Monitoring:

Curry Easement – Great Brook Corridor: Erroll Rhodes reported that he received a response from Paula Duchano who agreed to coordinate meeting with the easement monitors. There has, however, been no further progress and Serita Frey suggested that DCC move ahead with the monitoring at such time as was convenient for the volunteers. Terms of the easement deed include the easement holder's right to monitor the parcel.

Freese Town Forest: Serita Frey will complete the abutter letter which will be sent to all abutters informing them that because the purchase of this property was partially funded by the state-sponsored Land and Community Heritage Investment Program (LCHIP), we are not allowed to restrict hunting, except within 300 feet of residences per NH Fish and Game safety zone guidelines. Abutters on either side and across from the entrance to Freese will be informed in person of the new postings after the letters have been mailed. Old signs will be removed and replaced with a map of the property more clearly indicating where hunting is allowed and where it is restricted. An additional sign defining the 300-foot perimeter will also be posted at the entrance.

Lindsay-Flanders: A member reported seeing a complaint of target shooting "downtown" on a social media platform. Since no specific information about the exact location was available, it was decided that DCC should check the game cameras at Lindsay-Flanders to determine if there had been any activity at the Town Forest. Chair Frey will contact former member Brian Adams and request that he check the cameras on DCC's behalf.

Approval of Minutes:

Motion: *Serita Frey moved to approve the minutes of the May meeting. The motion was seconded by Erroll Rhodes and approved as written with Jo Anne Bradbury abstaining.*

Finance:

The balance in the Conservation Fund at the end of May was \$347,500.44 which included interest of \$35.41. Finance Officer Haley Andreozzi noted that this balance will be reduced by the Adami/Cote invoice of \$6,410 and the eventual Mathews and Bradbury expenditures of \$18,015 and \$22,000 respectively.

Public Outreach:

Serita Frey will reach out to John Harrington to determine when he would be available to **instruct selected DCC members in the operation of the video equipment for recording and "televising" meetings**. Serita Frey, Haley Andreozzi and Wes Golomb are potential candidates.

Wes Golomb reported that he posted a housing survey received from Sylvia von Aulock of the Southern NH Planning Commission. **Mr. Golomb will post the notice for the Bradbury public hearing on DCC's Facebook Page.**

Membership: Alternate member **Jo Anne Bradbury announced that the July meeting will be her last**. Ms. Bradbury will be leaving Deerfield but leaves behind a conservation easement on 58 acres of the property as her parting gift. The members expressed their appreciation for her having been part of the group. Ms. Bradbury thanked the group and responded that she was pleased to donate the Thurston Pond conservation easement.

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Regulated Wetlands & Shorelands – Permits/Applications/Potential Violations:

DCS Paving Plan: Serita Frey has not heard anything further.

Cross Fire Pond: On May 12th Fred McGarry responded to DCC's concerns relative to a potential violation of Deerfield's Wetland Conservation District Zoning Ordinance, indicating that *the section of the ordinance...regarding prohibition of excavation (210.6.d) is excavation as defined by RSA 155-E which is for earth excavations for the sale of soil or rock. The excavation for the fire pond would not fall under that definition.*

DCC further indicated in its May 11th letter to Mr. McGarry that permitted uses within the wetland jurisdiction, including all areas within 100 ft of wetlands, include those that do not "alter the surface configuration of the land by the addition of fill or by dredging". From this perspective, a fire pond is also counter to the intent of the ordinance. **Mr. McGarry responded regarding this point, that they would need to consider it further.**

Building Inspector/Code Enforcement Officer

Erroll Rhodes will draft a letter to the BOS suggesting the job description for the above position include **enforcement of environmental rules, regulations and ordinances.**

Permits:

- **NHDES File# 2022-01335** – Forestry Statutory Permit-by-Notification (RSA 482-A)
Shannon Boyle – 193 North Road – Map 405 Lots 83
- **NHDES File# 2022-01379** – Forestry Statutory Permit-by-Notification (RSA 482-A)
Map 406 Lots 36 – Saddleback Mountain Rd (UNH) c/o Steve Eisenhaure – 333 Knox Marsh Rd – Madbury, NH 03823

Announcements/Correspondence/Reminders:

Quorum Quandaries

Serita Frey announced that she will be unable to attend meetings from September through December. Josh Freed will also be unavailable from September thru January. Chloe Gross is expected to return in September. Haley Andreozzi may also be unavailable periodically during the coming months.

In view of these absences, **Chair Frey suggested that members devise a plan for meeting during this time period since it is not likely a quorum will be available for an official meeting.** It was proposed that members work on a plan for submission of the *Optional Powers* warrant article for the March ballot.

NHACC Update

Right-to-Know Laws:

Conservation commissions must continue to meet in person at a physical location. Meetings may continue to be available to the public with remote access and members may attend remotely as long as a quorum will be in person at a physical location.

Guns on Town Land:

HB307 did not pass through a Committee of Conference, effectively killing the bill. NHACC strongly opposed this bill and sent letters to the Governor, and the House and Senate leaders. **This bill would have prevented municipalities from managing their own property in a way that is appropriate for multiple interests of its citizens.** This bill, or one like it may be proposed next year.

A motion by Serita Frey to adjourn the meeting at 8:04 pm was seconded by Haley Andreozzi and passed unanimously.

The next regular meeting is scheduled for Monday, July 11, 2022

(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