

DEERFIELD CONSERVATION COMMISSION
1967 – FIFTY-FIVE YEARS AND COUNTING – 2022
Meeting Minutes – **July 11, 2022**

Attendance: Haley Andreozzi, Serita Frey, Erroll Rhodes, Jo Anne Bradbury (Alternate)
Members Absent: Chloe Gross, Josh Freed, Wes Golomb
Visitors & Guests: Kaitlin Deyo (Bear-Paw), Denise Greig, Fran Menard, Jeanne Menard, Erick Berglund, Kathy Berglund, Maddy Folks, Bonnie Beaubien, Sherry Godlewski, Maureen Quinn and other members of the public.

Serita Frey convened the regular meeting at 7:06 pm.

PUBLIC HEARING:

Bradbury Conservation Easement – 55 +/- acres – Thurston Pond Rd. - Map 414 Lot 147

Serita Frey opened the public hearing at 7:08 PM stating that per a discussion with Town Counsel, “We don’t believe it is legally required, but out of an abundance of caution we are holding a public hearing regarding this expenditure from the Conservation Fund.”

The following notice appeared on the Deerfield Town website in accordance with the provisions in RSA 675:7 (as amended), on June 30, 2022. Additionally, it was posted in the following locations: the U.S. Post Office, Deerfield, NH, at two locations at the George B. White Building, and The Forum on line.

The Deerfield Conservation Commission will hold a public hearing in accordance with RSA 36-A:4, for the purpose of accepting public input about contributing to the transaction costs associated with a conservation easement on 55 +/- acres of land situated on Thurston Pond Road Map 414 Lot 147, in the Town of Deerfield, in conjunction with the Bradbury Conservation Easement project, through the Deerfield Conservation Fund. The Town will acquire an executory interest in the easement. The public hearing will be held on July 11, 2022 at 7:00 PM at the George B. White Building, 8 Raymond Road, Deerfield, NH.

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.

Visitors commented favorably on the abundance of conservation as well as historic value that the easement provides as a wonderful addition to Deerfield’s protected lands. Attendees and members of the Commission expressed their gratitude for Ms. Bradbury’s generous donation. Haley Andreozzi noted that the DCC welcomes and appreciates the donation of easements, and that contributing to the transaction fees is a judicious use of conservation funds.

Serita Frey adjourned the public hearing at 7:12 pm and reconvened the regular meeting.

Motion: Chair Frey moved to expend conservation funds in the amount of \$22,000 to contribute to the transaction costs of a conservation easement on 55 +/- acres of land situated on Thurston Pond Rd., Map 414 Lot 147, in the Town of Deerfield, in conjunction with the Bradbury conservation easement project, through the Deerfield Conservation Fund. The motion was seconded by Erroll Rhodes and passed with one abstention (by alternate member Jo Anne Bradbury, the landowner).

Erroll Rhodes will attend the July 18th BOS deed signing along with Kaitlin Deyo and Katrina Amaral.

Easements and Land Conservation

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

The Mathews family has finalized the survey and the deed. Kaitlin Deyo of Bear-Paw will attend the August 8th DCC meeting to answer any questions regarding the deed language. A public hearing for this easement was held in May at which time DCC approved a motion to contribute \$18,015 toward the transaction costs for the project.

Regulated Wetlands & Shorelands

Serita Frey introduced Reggie Moreau from DAR Builders, LLC who presented plans for a proposed senior housing project to be located on Freese Pond Rd. at the junction of routes 43 and 107, Deerfield Map 209 Lot 034. The project came about as a result of a number of Deerfield residents expressing the need for senior housing. Mr. Moreau purchased the property from the Town of Deerfield at an auction for tax-deeded properties with the intent of creating a three-lot subdivision on the 11.5 acres. Jeanne Menard reached out to Mr. Moreau on behalf of the residents, asking him to consider creating a senior housing complex instead.

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Mr. Moreau explained that the lot is grandfathered with 75-foot wetland setbacks as opposed to the current 100-foot wetland zoning limitation. The larger wetland areas shown on the plan provide water retention and will not be impacted; however, there are two, small “wetland” areas relative, to which **Mr. Moreau will be going to the State to file for remediation, and is asking DCC to provide a letter in support of his request.**

The first “wetland” is located primarily in a parking area. The second is located to the rear of one of the units. The leach fields, also shown on the current plan in the immediate vicinity of the second “wetland”, are to be relocated. An email provided by a wetland scientist is not clear as to whether the two areas are actual wetlands, based on hydrology, vegetation and soil type. **Chair Frey would like to hear from the wetland scientist to confirm that there is no hydrology or wetland soils in the areas referenced in his email as “isolated depressions”.** Mr. Moreau will request clarification from the wetland scientist. In addition to obtaining State approval to mitigate the wetland impacts, Mr. Moreau will need to obtain a zoning variance from the Town since this **senior housing complex is not located within one-half mile of Deerfield Center as is required for this type of development.**

Although DCC certainly appreciates this visit in the early stages of the project, **it is vague what DCC can provide.** Haley Andreozzi stated that she would find it difficult to draft a letter in support of filling in *any* wetland, regardless of the circumstances.

Stewardship/Easement Monitoring:

Curry Easement – Great Brook Corridor: Erroll Rhodes reported that he and Josh Freed have completed the monitoring. He also reported that the easement boundaries were poorly marked and that the Deerfield/Nottingham town line was not marked.

Freese Town Forest: A letter notifying all the abutters of the new informational signs being posted at the entrance was mailed along with copies of the two signs. Serita Frey reported that she has since received calls from recipients who were either confused by the letter or had concerns about the 300-foot abutter map. **The abutter map (indicating those properties located within 300 feet of the outer boundaries of Freese) has been removed.** The map indicating that hunters are required to maintain a **300-foot buffer from dwellings and 15 feet from roads (per New Hampshire RSA 207: 3-a & 644:13 discharge regulations) remains posted at the Freese entrance.** The multiple, misleading **Safety Zone signs prohibiting hunting** (that were previously posted at the entrance and along Mt. Delight) **have been removed.**

Lindsay-Flanders: In an attempt to address a complaint of possible target shooting, Chair Frey asked volunteer Brian Adams to **review activity on the game cameras.** A report of Mr. Adams findings is pending.

Approval of Minutes:

Motion: *Serita Frey moved to approve the minutes of the June meeting. The motion was seconded by Erroll Rhodes and approved as written.*

Finance:

The balance in the Conservation Fund at the end of June was \$341,161.76 which included interest of \$71.32 and reflects a payment of \$6,410 for the Adami/Cote transaction costs. A deposit of \$25,326 is expected in July for second quarter 2022 Land Use Change Tax. Eventual payments covering contributions to the Mathews and Bradbury projects of \$18,015 and \$22,000 respectively are also anticipated.

In anticipation of lacking a quorum, the members proactively voted to pay pending invoices for the following expenditures:

Motion: *Serita Frey moved to pay a forthcoming Bear-Paw invoice in the amount of \$22,000.00 representing DCC’s contribution to the transaction costs associated with the Bradbury conservation easement project. Erroll Rhodes seconded the motion which passed with member Jo Anne Bradbury abstaining.*

Motion: *Serita Frey moved to pay a forthcoming Bear-Paw invoice in the amount of \$18,015.00 representing DCC’s contribution to the transaction costs associated with the Mathews conservation easement project. Erroll Rhodes seconded the motion which passed unanimously.*

Public Outreach:

Erroll Rhodes attended a **training session for the operation of the video equipment for recording and “televising” meetings.** Mr. Rhodes reported that the procedure was not difficult but needed to be approached methodically. Serita Frey will be trained at an upcoming session.

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Membership:

In view of multiple absences during the next four months, the lack of a full seven members, and the loss of Ms. Bradbury as an alternate, there is a good possibility that a quorum will not be available to conduct official business. Available members are free to meet and discuss matters that come before the Commission; however, no final decisions can be made or votes taken without a quorum being physically present, except as noted below:

According to RSA 91-A:2,

Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action.

Announcements/Correspondence/Reminders:

Members briefly discussed the pros and cons of the Town maintaining an executory interest in the easements to which contributions are made from the Conservation Fund. Mr. Rhodes felt that it was beneficial for the Town to maintain a degree of control in the event that the grantee fails to manage the easement according to its terms. Ms. Andreozzi remarked that an executory interest is a liability in that we are a small commission and do not have the band-width to take over the responsibilities of managing these easements if necessary. It was recognized that land trusts have succession plans in place if the organization becomes incapable of performing its duties as grantee. Additionally, some landowners are hesitant to have the Town retain an interest in the property. DCC is researching the possibility of putting forth the following warrant article in 2023:

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?**"*

Town Maps

Mr. Rhodes has been researching a mapping tool that would allow the placement of additional layers on the Town maps.

Building Inspector/Code Enforcement Officer

Paul Colby has been hired as the new Building Inspector/Code Enforcement Officer. Additionally, Mr. Colby will be filling the rolls of Welfare Director and Co-Emergency Management Director. It was suggested to invite Mr. Colby to a future meeting to discuss his position on **enforcement of environmental rules, regulations and ordinances.**

A motion to adjourn at 8:30 PM by Chair Frey was seconded by Mr. Rhodes and passed unanimously.

The next regular meeting is scheduled for Monday, August 8, 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