

DEERFIELD CONSERVATION COMMISSION
1967 – FIFTY-SIX YEARS AND COUNTING – 2023
Regular Meeting Minutes – September 11, 2023

Attendees: Ken Cohen, Josh Freed, Serita Frey, Erroll Rhodes
Members Absent: Chloe Gross, Haley Andreozzi
Visitors & Guests: Steven Nogueira

Chair Serita Frey convened the meeting at 7:12 pm.

Easements and Land Protection:

Cross Open Space Development – Mt. Delight Rd. – Easement Options

At the August 14th DCC meeting, members discussed a request received from the Planning board to provide input as to **the creation, management and legal makeup of the open space portion of the 18-home Cross subdivision.** In its August 18th letter to the Planning Board, DCC offered the following recommendations, not only for this development, but for open space developments in general:

1. *An open space parcel being a single lot with undivided interest*
2. *A Conservation Easement based on inherent conservation values of the land as determined by – and to be held by – an accredited land trust;*
3. *A stewardship fee paid up front to ensure proper monitoring; and*
4. *Consideration of contextual factors such as wildlife corridors, unfragmented lands, Fish and Game high priority designations, etc.*

It was reported that DCC’s recommendation letter had not been read into the August 23rd Planning Board minutes. *A copy has been attached as an addendum on page 4 of these minutes.* In the future, it was recommended that DCC request that correspondence submitted be read publicly. Fred McGarry will be approached in this regard for Planning Board communications. In addition, members felt it was important for residents to be better informed about the work that DCC is doing, and that attaching correspondence to the DCC minutes regarding its interactions with the various boards, committees, state agencies, or other entities with whom DCC partners was a means of accomplishing this.

Later in the meeting, visitor Steven Nogueira commented that the Planning Board should ensure that the developer is in compliance; that the Planning Board should be cautious about the decisions it makes with respect to these projects in order that Deerfield’s character be preserved. Once decisions are made, they can’t be undone. The Planning Board and the developer can work together with the DCC. It was noted that DAR has not been back for additional input from DCC for their senior housing project; however, plans have since been redesigned and continue to be refined. Letters make a difference.

Cassier Project #41

DCC received an invoice from Bear-Paw for its previously-agreed contribution toward the transaction costs for the Cassier easement. A brief review of the components of the expenditure was given prior to approval for payment. Notably, **the project came in under budget by \$1,765.**

Motion:

Serita Frey moved to approve payment of invoice #10245 to Bear-Paw Regional Greenways in the amount of \$17,465 in conjunction with the **Fred and Amanda Morrisette Memorial Forest Easement.**

Josh Freed seconded the motion.

Vote: The vote was unanimous

Finance Report

STATEMENT balances in the conservation fund

August Ending Balance	\$ 399,733.31	(Includes Interest of \$793.82 (Earned in July Posted in August))
LUCT – Through Q2 2023	\$ 45,500	

DCC Treasurer Erroll Rhodes informed members that he is in the process of updating and refining the financial spreadsheet recently sent to members, to capture additional information, including a budget line. Mr. Rhodes also

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reminded members that the fund is nearing its cap of \$500,000. Josh Freed suggested a warrant article for 2024 to request an increase to the cap. It is believed that the amount is not set by statute, but is flexible per the discretion of the voters.

2024 Budget:

Erroll Rhodes presented the DCC budget to the BOS, which they approved in the amount of \$3,488. Mr. Rhodes once again needed to justify the requested increase in the secretarial line, which was explained as an adjustment based on the “prevailing wage.” Ms. Marshall added that her hourly wage has increased significantly over the last 6 years, as with the other Town employees (through the passage of warrant article increases); however, **DCC is still operating on the default budget amount dating back to 2014.** Consequently, Ms. Marshall has needed to decrease the number of hours she reports in order to remain within the budgeted dollars for that line.

Stewardship/Easement Monitoring:

NH DOT Culvert Maintenance Project – Cole Rd and Rte 43:

The NH DOT is planning a culvert maintenance project on NH Route 43 in Deerfield approximately 250’ south of Cole Road (over Nichols Brook), tentatively scheduled for Winter 2023. **In the event that the project requires mitigation for possible wetland/stream impacts, it has asked the DCC to identify and provide a list of the Town’s preferred/priority mitigation efforts for DOT evaluation.** Examples given were *problematic culvert/bridge crossings, land protection, habitat restoration, etc.* The correspondence also asked if there were any *prime wetlands, floodplains, rare species, wildlife corridors or habitat strongholds in the vicinity of the project.* Chair Frey explained that mitigation funds were intended to *offset* any impacts resulting from the project, but need not be specifically tied to the location of the DOT work being performed. Mitigation funds could be directed to another area in need of improvement.

Members’ suggestions for mitigation and areas of concern include:

- Road salt management
- Funding for invasives management (i.e., Phragmites Route 43 wetland)
- Funding for a wetland study
- Funding toward a professionally-developed Natural Resources Inventory
- Funding for culvert improvement in the vicinity of 274/278 South Rd (no siltation collector-flowage through *Bear Brook SP* and into *Beaver Pond*)
- Range Rd. culvert washout, replacement project (contact Pete Schibbelhute for additional recommended culvert improvements)
- Creation of a siltation pond (Route 107 – 256 North Rd) to prevent siltation via Wilsons Creek into Pleasant Lake

DOT is cautioned against impacts to the Lamprey River and Nichols Brook. Invasive species potentially located in the area of the project are Japanese knotweed, purple loosestrife and phragmites. Additionally, it is being recommended that the DOT reach out to the Deerfield Heritage Commission (i.e., for the location of a historic sawmill and dam).

Stewardship/Easement Monitoring:

Boisvert TF – Request for Gate Key

Serita Frey reported that she has not received any additional communications from Great Woods, LLC requesting the key to the gate on Dow Road, at the entry to the Boisvert Town Forest (Map 404-002). The specifics of the road use are still unknown.

Cottonwood Estates – Update:

In July, members addressed the issue of a missing lock on the gate that restricts access to the conserved, open-space area on Cottonwood Estates. After evaluating the situation, Josh Freed reported back to the Deerfield Police Chief Gary Duquette that replacement of the lock would require a modification of the gate. **Chief Duquette felt that based on Mr. Freed’s assessment, no further action would be needed.**

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Great Brook Corridor:

Erroll Rhodes obtained additional information from the landowner who reported activities leading up to the placement of an unauthorized bench, at an overlook, on a portion of the Great Brook Trail. It seems that a fallen tree was split and converted into a makeshift *bench*. Disturbingly, the wood was subsequently removed and replaced with an actual bench. Mr. Rhodes will follow up on a lead that might explain the mysterious appearance of the bench. In the interim, the landowner has requested that signage at entry points of the trail include instructions for carry-in, carry-out, further indicating that the area is actually private property, which must be left as it is found. Serita Frey volunteered to speak with both Alan Perkins and Al Jaeger who are familiar with the easement, and may know who is responsible for the additional trail “improvements,” considering the work is not being performed by the landowner.

Approval of Minutes:

Motion:

Serita Frey moved to approve the minutes of the August regular meeting.

Josh Freed seconded the motion

Discussion:

Erroll Rhodes wished to add commentary to the August reporting, regarding the advisability of Charlie Moreno being retained as the Town’s first choice to continue as Town Forester, without first exploring other options. A better-informed selection could be made based on the results of an RFP that is being considered by the Forestry Committee.

Vote: *The vote to approve, as amended, was unanimous.*

At its August meeting, DCC members discussed the need to develop a natural resource inventory and the fact that UNH Extension could provide a professionally-developed natural resource inventory at a reasonable cost. The inventory would be useful for strategic planning of projects. It could also help tie together various “pockets” of the Town/DCC website. Mr. Rhodes suggested taking the approach of the *NH Coverts Project* <https://extension.unh.edu/natural-resources/wildlife/nh-coverts-project> to appeal to the various interests, e.g., conservation, forestry, hiking, hunting. Website development could be a project for an intern.

Motion:

Erroll Rhodes moved to agree to develop and fund a digital natural resource inventory of Deerfield.

Serita Frey seconded the motion

Vote: *The vote was unanimous*

Chair Frey will work with Haley Andreozzi to write the RFP. Members were once again encouraged to review information on the UNH Extension website at <https://extension.unh.edu/nhnriguide> and *Taking Action for Wildlife* at <https://www.takingactionforwildlife.org/>.

Regulated Wetlands & Shorelands:

Potential impact from activity on the Lamprey River

To date there has been no response to emails and calls to David Price at the DES to verify if there is a report on file for activity reported around a private residence that lies just above the Lamprey River off Nottingham Rd. The concern is the potential of fill spilling over the edge of the steep ledge that drops to the river below. The Deerfield Code Enforcement Officer is aware of the situation, but has not received a response after reaching out to DES. DCC will write a formal complaint to be submitted to DES.

The meeting adjourned at 8:50 pm.

The next regular meeting is scheduled for 7 PM on Monday, October 16, 2023

(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

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DEERFIELD CONSERVATION COMMISSION
Deerfield, New Hampshire 03037

August 8, 2023

Dear Planning Board Members:

Open space developments in Deerfield have a checkered history, particularly with regards to the intent and maintenance of the conservation area(s) of these developments. We feel this is due largely to several factors, primarily a) the driving attention paid to compliance with housing and construction factors associated with the developed areas in these projects, and b) the discontinuity between the clear conservation and protection intentions in the zoning regulations and the implementation requirements related to those goals with respect to the definition, protection and conservation of undeveloped areas when approving those projects.

The purpose of our zoning regulations is to define parameters within or under which the development *and* conservation of land in Deerfield can occur **together**. For this reason, the open space rules stipulate that a) the *ownership* of the space must lie with the town *or* a qualified land trust *or* with a homeowner's association, the presumption being that any of the three will enforce and monitor the second basic requirement, which is b) the *protection* of the space must be ensured by way of a binding deed or easement restriction. The Cottonwood and Brown's Mill developments are not exactly sterling examples of how this should work.

We feel the issues that need to be addressed to make open space developments successful both from a community and environmental perspective include:

1. An open space parcel being a single lot with undivided interest;
2. A Conservation Easement based on inherent conservation values of the land as determined by – and to be held by - an accredited land trust;
3. A stewardship fee paid up front to ensure proper monitoring; and
4. Consideration of contextual factors such as wildlife corridors, unfragmented lands, Fish and Game high priority designations, etc.

These factors are consistent with our zoning ordinances and equitably reflect a 'best practices' approach to supporting the public interest in maintaining the rural character of Deerfield. These factors should be an integral part of open space developments from their inception.

Regarding the open space development proposed on Mount Delight Road, the properties involved hold significant conservation value. They are part of a large, forested habitat block and contain over 300 feet of Hartford Brook, a tributary of the Lamprey River. The large majority of the project area is composed of Tier 1 (highest ranked in the state) and Tier 2 (highest ranked in the region) Habitats, as defined by the NH State Wildlife Action Plan. A portion of the project area is identified as important wildlife corridors, according to NH Fish & Game's Wildlife Corridors Map. Almost the entirety of this project area is identified as a Coastal Conservation Focus Area in New Hampshire's Coastal Watershed Conservation Plan. The project plan should prioritize these factors and the valuable natural resources that are present on this site. Planning the open space to maximize conservation value would be most consistent with the purpose of the ordinance.

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We feel that taking as much care with the undeveloped portion of a property as with the developed portion will result in a higher value project overall for the community and will work to realize the purpose and intent of Deerfield's current zoning ordinances.

Best regards,

A handwritten signature in cursive script, appearing to read "Serita Frey".

Serita Frey

Chair and on behalf of the Deerfield Conservation Commission