

DEERFIELD CONSERVATION COMMISSION
1967 – FIFTY-SIX YEARS AND COUNTING – 2023
Regular Meeting Minutes – October 16, 2023

Attendees: Haley Andreozzi, Ken Cohen, Josh Freed, Serita Frey, Erroll Rhodes
Members Absent: Chloe Gross,
Visitors & Guests: None

Chair Serita Frey convened the meeting at 7:07 pm.

Easements and Land Protection:

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

DCC's September recommendation letter has been read into the Planning Board minutes. A copy was attached to the DCC September minutes. Additional review of the subdivision has not been on the agenda of recent Planning Board meetings.

Cassier Project #41

DCC is waiting for the hard copy of the baseline documents from Bear-Paw. The electronic copy was received on 8/19.

Forestry:

The following management plans for Deerfield's Town forests and conservation areas were made available to Jeanne Menard and Phil Bilodeau on 10/11:

Freese (8/10/12), Arthur Chase (8/20/14), Dowst-Cate/Weiss (4/15/13), McNeil Woods (7/2/13), Marston TF (Beye Plan 9/2003), Deerfield Town Forests (3/31/91) Additional documents provided were a spreadsheet of Town-Owned lands noting conserved parcels as of 2018, Kate Hartnett's 2009 forestry plan update recommendations, minutes from the 9/9/2013 DCC meeting with Dan Kern, Phil Bilodeau, Alex Cote, Charlie Moreno and David Sidmore. As of 6/30/2023, the Forestry Fund had a balance of \$26,687.

Stewardship/Easement Monitoring:

Peter van Berkum has volunteered to work with Al Jaeger on the 2023 monitoring of the parcels in the Great Brook Corridor. Those parcels include the **Marston TF** (Pendleton) – 128 ac, **Jaeger** – 111 ac, **Pendleton** (Tomilson) 56 ac, and the **Burbank/Bear-Paw** – 92 and 15 ac parcels. The Curry parcels are pending.

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

DCC has responded to a request from the NH DOT for a list of **the Town's preferred/priority mitigation efforts for DOT evaluation** in the event of possible wetland/stream impacts related to the DOT's culvert maintenance project. The project is tentatively scheduled for Winter 2023. ***A copy of DCC's response has been attached as an addendum following these minutes.***

Great Brook Corridor:

Serita Frey obtained additional information about the **unauthorized placement of a bench at an overlook on a portion of the Great Brook Trail**. The bench replaced a natural one (which was removed) that had special significance to the landowner. The replacement bench was sited without the owner's consent. **It should be noted that the Great Brook Trail is comprised of individually owned and conserved parcels, and, with the exception of the Marston Town Forest, are NOT Town-owned land.** Although open for public use, the conserved portions of these parcels are bound by the terms of their specific easements, and their use remains under the control of the individual landowners. DCC will attempt to disseminate information to **prevent alteration or unauthorized activities without the permission of the individual landowners on any of the Great Brook Corridor conserved areas**. Chair Frey will reach out to Alan Perkins for information about reported blazing activity on those trails. Serita Frey will follow-up on ensuring that authorized activities and contact information are posted on the kiosk. Additionally, questions or concerns can be directed to any member of the Conservation Commission directly or through the link on the Town website.

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Approval of Minutes:

Motion:

*Serita Frey moved to approve the minutes of the **September** regular meeting.*

Erroll Rhodes seconded the motion

Discussion:

Haley Andreozzi offered a correction to **an inaccurate statement in the August minutes** that...*UNH Cooperative Extension could provide a professionally-developed natural resource inventory...at a reasonable cost.* Ms. Andreozzi pointed out that UNH Cooperative Extension does not provide this service; however, they do have a Natural Resources Inventory *guide* that provides useful information. Although UNH Cooperative Extension is prohibited from endorsing any specific consultants, they maintain a list of natural resources consultants who are experienced in this area.

<https://extension.unh.edu/nhnriguide>.

Vote: *The **September minutes** were approved as written.*

Natural Resources Inventory:

Serita Frey has developed a *Request for Proposal* (RFP) and, in addition to consultants on the UNH Extension *Listserve*, will be reaching out to the NH Association of Natural Resources Scientists (NHANRS) and the NH Municipal Association. Josh Freed will post the RFP on the Deerfield Facebook page and it will also be posted on the Town's website and Facebook page. A list and sample of the applicant's work product will be requested. Edits included the addition of *wildlife corridors* and *unfragmented blocks* to the Wildlife Habitats category and moving *Recreation and scenic resources* to the *Land Use* section.

Finance Report:

STATEMENT balances in the conservation fund:

September Ending Balance	\$ 400,617.25	(Includes Interest of \$883.94 (Earned in August Posted in Sept.)
LUCT – Through Q2 2023	\$ 45,500	

An invoice was received from NHACC in the amount of \$300 for 2024 dues. Erroll Rhodes will have it processed for payment.

Members discussed the potential for raising the cap on the Conservation Fund from its current \$500,000. An increase in the cap would allow the fund to grow, and reduce the need to ask the Town to fund a high-value project in the future. In the past, the Town was asked to raise and appropriate significant amounts to conserve both the Freese Town Forest and the Sylvia Clifford easement.

Notably, **voters in the towns of East Kingston and Amhurst supported large investments for conservation of land in their communities.** Amhurst voters supported the purchase of 178 acres of private land with a \$5.4 million expenditure over three fiscal years https://www.unionleader.com/nh/outdoors/amherst-land-deal-creates-huge-conservation-tract/article_95a5b90e-4fdc-5194-9729-0aac79fd53d8.html. In 2023 East Kingston, voters approved a *second* \$4 million bond, 20 years after their *first* \$4 million bond in 2003 which conserved 600 acres on 16 properties.

<https://www.eknh.org/conservation-commission/pages/protect-it-or-lose-it-land-conservation>. Members were reminded that DCC was *financially incapable* of bidding on the Reservation Road parcel in 2020 due to lack of funds. The combined acreage of that parcel and other contiguous parcels being considered for conservation could have exceeded 350 acres.

Zoning, Land Use & Planning: A recent inquiry raised a question about the **whereabouts/existence of a Deerfield Wetlands Conservation District Map** which is referenced in the Town's zoning ordinance. Based on the clerk's research, and correspondence from Frank Mitchell, it is surmised that **the "map" is only conceptual in nature.**

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In his October 11th email, Mr. Mitchell pointed to language in the zoning. The zoning ordinance refers to the established districts, as being shown on the *Town of Deerfield Zoning Map dated March 1987*, as amended; as being part of the ordinance; and as being on file in the offices of the Town of Deerfield.

Mr. Mitchell questioned whether the wetlands district could be part of the general zoning map referenced in the ordinance, and be implied. The general zoning map potentially shows wetlands defined in the zoning; basically, hydric soils, NWI (National Wetlands Inventory) wetlands and surface waters, plus the 100 ft. buffer. It is believed that the 1987 map existed and may have been the basis for determining the *Wetlands Conservation District*. Mr. Mitchell further noted that the 1987 *Town of Deerfield Zoning Map* predates the wetlands zoning district and may have been “amended” when the wetlands ordinance was implemented, suggesting that the *Deerfield Wetlands Conservation District “Map”* may have been referenced without ever being created.

The clerk has determined that the DCC files do not contain either of the referenced maps and will attempt to locate one or both maps which could be among those in the Planning Board archives.

Regulated Wetlands & Shorelands:

Potential impact from activity on the Lamprey River

DCC has been reviewing 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. A formal complaint was filed with DES on 9/26 and additional information was provided on 10/16. DCC is following up on previous correspondence (from DES) that was shared with DCC, indicating that no permit was required in this instance. The section of the Lamprey in the vicinity of Nichols Brook is protected, which may indicate that the section in question may be a local issue, and not one under the purview of DES.

Members questioned whether the Code Enforcement Officer had sufficient understanding of the wetland ordinance to provide him with the knowledge required to enforce it. It was suggested that DCC reach out to the Code Enforcement Officer to determine if this situation falls within the context of Deerfield’s zoning ordinance.

Announcements & Correspondence:

Bear Brook

Josh Freed reported that the State of NH is planning to perform an *experimental cut* in the vicinity of Spruce Pond Rd. The cut would involve removing mature, unhealthy Hemlock and Beech. The Deerfield BOS has given its approval.

Southern NH Planning Commission

Erroll Rhodes informed members of his new role on the SHNPC.

NH Association of Conservation Commissions

DCC received correspondence from NHACC regarding updates to the NH wetlands rules effective October 13, 2023. The new rules include updates to mitigation, Greater Wetlands Permit by Notification forms, stream crossings, minimum impact single lot residential driveways, and pond maintenance. See NHACC.org for details.

The meeting adjourned at 8:52 pm.

The next regular meeting is scheduled for 7 PM on Monday, November 13, 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

September 15, 2023

Kerry Ryan
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302

Dear Ms. Ryan:

This letter is in response to your request on July 28, 2023 for comments relative to Project #42279 regarding its potential impacts on environmental, social, economic, or cultural resources. Thank you for the opportunity to provide input. Please see our responses below to your specific questions.

1. Does the Town have a list of priority wetland and stream mitigation efforts that the DOT may evaluate and consider undertaking if it is determined that the project requires mitigation?

There are several culverts around Deerfield that were improperly or insufficiently engineered and that need work to prevent siltation and road salt run-off into local water bodies (e.g., culvert on Wilson's Creek that flows into Pleasant Lake; culvert on Bear Brook (274-278 South Road) continues to wash and there is no siltation control).

There are several wetlands in Deerfield where invasive plant (i.e., Phragmites) removal is needed to minimize spread.

Contributions to a natural resource inventory would allow Deerfield to develop a more complete list of potential mitigation projects.

2. Are there any existing or proposed community or regional plans that might have a bearing on this project?

Wildlife Action Plan; Deerfield Open Space Plan

3. Are there any natural resources of significance in the vicinity of the project?

Turtles, snakes, and frogs, some of which are rare or threatened

4. Are there any cultural resources of significance in the vicinity of the project?

There is an old dam and sawmill in vicinity; Please confer with the Deerfield Heritage Commission

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- 5. Are there any public parks, recreation areas, conservation lands, or wildlife/waterfowl refuges in the vicinity of the project?**

Lamprey River Watershed

- 6. Are there any locally or regionally significant water resources or related protection areas in the project vicinity?**

Lamprey River

- 7. Are there any water quality concerns that should be addressed during the development of this project?**

Yes, sediment and road salt run-off into Lamprey

- 8. Are you aware of any existing or potential hazardous materials or contaminants in the vicinity of the project?**

No

- 9. Do you have any environmental concerns not previously noted?**

See above.

- 10. Will the proposed project have a significant effect on the surrounding area?**

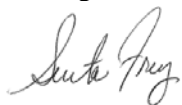
Refer to above concerns.

- 11. Are you aware of any existing roadside populations of non-native invasive plant species in the project area?**

Japanese knotweed, buckthorn

Thanks again for the opportunity to address these questions. We invite you to attend a Conservation Commission meeting to discuss our concerns in more detail. We meet the second Monday of every month at 7 pm at the George B. White Building in Deerfield. Please contact Judy Marshall (marshallgj@metrocast.net) to get on our agenda.

Best regards,



Serita Frey
Chair, Deerfield Conservation Commission