

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

**Attendees:** Haley Andreozzi, Davis Brush, Ken Cohen, Serita Frey, Erroll Rhodes  
**Members Absent:** Chloe Gross, Josh Freed  
**Visitors & Guests:** Jeanne Menard, Phil Bilodeau, Norm Royce

Chair Serita Frey convened the meeting at 7:00 pm.

**Jeanne Menard and Phil Bilodeau**

**Forestry Commissioners Jeanne Menard and Phil Bilodeau shared the results of their site visits to Dowst Cate/Weiss, Arthur Chase, Freese, Wells and the McNeal Woods.** They were accompanied by Rockingham County Cooperative Extension Forester, Greg Jordan, who offered his observations and recommendations. A report summarizing their findings was reviewed by the members.

Greg Jordan was a great resource, contributing to a better understanding of the parcels and helping to put things into perspective. **Forester Jordan was able to quell the initial sense of urgency, indicating that the recommendations of 10 years ago are still valid.** There are still parcels that do not have management plans (mentioned were Boisvert, Hart and Wells) and Ms. Menard noted that *things are happening out there...beech diseases, hemlock adelgid...that would be cause to hit the pause button.*

**Ms. Menard remarked on the uniqueness of each of the forests with opportunities for different goals.** Of note was a stand of giant rhododendrons, the health of which might benefit from specialized care managed by a professional. A great deal of work went into the creation of the Town Forests, and the experience of those who were originally a part of those efforts could be tapped for group input in decision-making for their ongoing care. The Van de Pol study for McNeil was mentioned as a possible resource. **There is still thought being given to updating the management plans and there will be more to report at the beginning of 2024.**

**A recurring theme was the need for the remarking/repainting of the boundaries.** Mr. Bilodeau suggested meeting with the easement monitors regarding the boundaries. Serita Frey responded that DCC has medallions for boundary-marking and identifying the properties as Deerfield conservation easements. **A new kiosk was observed which was the built by Boy Scout Tim Gross. Serita Frey mentioned the ongoing efforts by local Boy Scouts who are performing trail work, including reblazing the trails, as part of the requirements for Life Scout and Eagle Scout.** Getting people involved was suggested.

**Mr. Bilodeau noted that the balance in the Forestry Fund is approximately \$29,000** and thought is being given to how it should be spent or what is involved. The possibility of **funding additional forestry management plans or a wildlife management plan** was mentioned. Ms. Menard and Mr. Bilodeau were encouraged to reach out to DCC members for input, discussion, and field visits. **Members are hoping for an increased awareness of the good work being done and that the voters will be supportive of retaining the 100% LUCT going to DCC work.**

**Norm Royce, President – Northwood Lake Watershed Association**

**Mr. Royce gave an overview of a project being undertaken by the Northwood Lake Watershed Association (NLWA) to control Cyanobacteria blooms being experienced in Northwood Lake.** Mr. Royce explained that cyanobacteria exist naturally and remain dormant until they emerge following the introduction of phosphorus or nitrogen, usually resulting from failed septic systems and fertilizer run-off.

**Cyanobacteria blooms in New Hampshire have been severe enough to prompt the Legislature to pass HB 1066** resulting in a comprehensive 89-page report by the DES. **\$25 million to \$30 million of funding has since been approved** in the form of grants and low interest loans, available to Towns and individuals, to address the problem. **The NLWA is applying to NH DES for a 604 (b) grant to fund 50% of the approximate \$75,000 cost of generating the required Watershed Management Plan (WMP)** to address the blooms on Northwood Lake. NLWA anticipates partnering with FB Environmental to develop the WMP, and has provided a list of tasks to be undertaken to arrive at a final plan.

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NLWA's grant application has received preliminary approval from NHDES, and as part of the conditions for being considered for the grant, **NLWA is requesting non-monetary support from Northwood Lake-town conservation commissions**, consisting of a *letter of commitment* to be sent to the NHDES. **The letter specifies that commission involvement ...will consist of at least one member's participation in, and attendance at, Steering Committee meetings, and providing feedback throughout the WMP development process.** In Deerfield, DCC's representative would ...serve as a line of communication between the NLWA and the Town of Deerfield.

**Regardless of whether NLWA is awarded the grant, it is NLWA's intention to raise the funds needed to move ahead with the project.** They have put the full cost into their budget, acknowledging that they have a vested interest in preserving their ability to use the lake. Preliminarily, NLWA is utilizing the services of college students to perform a septic system survey and analysis, hoping to acquire a voluntary response from residents. A correlation study will also be undertaken, which will analyze the experience of all lakes in NH that perform a draw-down, to determine if they also experience a bloom. **Mr. Royce stated that following the zoning regulations set up for shoreline buffers would be a means of addressing the root cause of the problem.**

**Motion:**

*Serita Frey moved to sign and submit the letter of commitment to DES to support development of the NLWA Watershed Management Plan, and to commit one person to participate on the steering committee.*

*Erroll Rhodes seconded the motion.*

**Vote:** *The vote was unanimous.*

Mr. Royce confirmed that DCC could provide a mix of its members to serve on the committee. **Participation in approximately eight meetings (in-person and hybrid) is expected to begin in late spring to early summer.** Participants will not require any specialized expertise; what is being sought is a transfer of knowledge. NLWA currently communicates with the residents of the towns that border on the lake using *Constant Contact*, and would continue to keep Deerfield, Epsom and Northwood informed of the program's progress or any setbacks. **The meetings will be minuted and DCC can facilitate future communications using social media and other publications.**

**Regulated Wetlands & Shorelands:**

DCC will re-submit its August 2023 letter outlining recommendations regarding the Cross open space subdivision to the Planning Board. DCC will also request that it be read into the minutes of their January meeting. **A copy is once again attached as an addendum to these minutes.**

**Proposed March 2024 Warrant Articles:**

Members were informed that the **BOS will be placing a warrant article on the March 2024 ballot asking voters if they wish to revert to the former 50/50 split on Land Use Change Tax revenue going into the Conservation Fund.** The BOS action comes after the Town voted in March 2023 to *increase* the allocation to 100%. **DCC will request placing the issue on the BOS agenda for their 12/18 meeting in order to solicit reconsideration of their 12/11 action.** An appeal to individual Selectboard members will be undertaken, asking that they reverse their positions. Members will also inform their contacts and ask that they attend the 12/18 meeting to register their opposition to the BOS-proposed article. The importance of public outreach was stressed, focusing on why it is important to maintain the current level of funding, and how the work of the DCC serves to maintain the *rural character* residents have expressed they value, as evidenced by the Deerfield Master Plan. Moving ahead with the Natural Resources Inventory will be a positive example of a worthwhile use of those funds. **A copy of the letter is attached as an addendum to these minutes.**

**Approval of Minutes:**

**Motion:**

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

*Ken Cohen seconded the motion*

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**Discussion/Additions/Corrections:**

Josh Freed will be added to the names of *members absent* from the November meeting  
The spelling of Jim Deely's name is to be corrected.  
Specific references to future articles in the *Dooryard Gazette* will be removed, and not publicized in the future

**Vote:**

*The November minutes were approved as amended.*

**Finance Report:**

STATEMENT balances in the conservation fund:

<b>November Ending Balance</b>	<b>\$ 402,351.74</b>	<b>(Includes Interest of \$882.93 (Earned in Oct. &amp; posted in Nov.)</b>
<b>LUCT – Through Q2 2023</b>	<b>\$ 45,500</b>	

No LUCT for Q3 2023 has been received as of this date. **Erroll Rhodes will confirm that nothing is pending.**

**Natural Resources Inventory:**

**Four proposals were received, two of which were firms based in New Hampshire**, and ranging in both cost and scope. It was determined that **additional discussion was needed to address certain reputational aspects of the firms** offering the proposals, which warranted a non-public session.

**Non-public Session - NRI:**

At **8:34 pm** Erroll Rhodes moved to enter a non-public session under RSA 91-A:3, II(c), *Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of this board, unless such person requests an open meeting...*

Serita Frey seconded the motion which was followed by a roll call vote, with Andreozzi, Brush, Cohen, Frey and Rhodes voting in favor of the motion.

At approximately **8:55 pm** the members re-entered public session. A motion by Erroll Rhodes to seal the minutes was seconded by Ken Cohen and was followed by a roll call vote with Andreozzi, Brush, Cohen, Frey and Rhodes voting in favor of the motion. Chair Frey noted that no final decisions were made during the session.

**Note:** Upon return to public session, it was not possible to return to the Zoom meeting format due to technical difficulties.

**Announcements/Correspondence/Reminders:**

**NH Association of Conservation Commissions:**

Chair Frey informed the members that she has competed and returned the NH Association of Conservation Commissions survey requesting information about what we are doing as a commission and areas where we need more help.

Chair Frey's **motion to adjourn the meeting at 9:10 pm** was approved unanimously.

**Two Addendums are Attached on the Following Pages**

**The next regular meeting is scheduled for 7 PM on Monday, January 8, 2024**

*(Please check the website [townofdeerfieldnh.com](http://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

December 15, 2023

Dear Board of Selectmen:

We understand that you plan to place an article on the March ballot to reduce the amount of the land use change tax (LUCT) going to the Deerfield Conservation Fund to 50%. Please read this letter into the minutes of this meeting.

We ask you to reconsider this decision.

The Conservation Commission placed its article on the warrant last year to increase the LUCT percentage to 100% because we are stepping up our long-term plans - consistent with our RSA mandate - to protect the town's natural resources. Primary among these plans is the development and maintenance of an inventory of Deerfield's natural resources. This will allow for prioritization of conservation efforts, sound management of town-owned lands, and effective engagement of private landowners interested in conserving and managing natural resources. This is a goal broadly supported by our community that, per the town Master Plan, prioritizes maintaining Deerfield's rural character and important natural resources.

An equally important goal is the care and maintenance of the Town's public spaces - its forests and trails – for use by a broad swath of constituents, from hunters and hikers to birders and social groups such as the Boy Scouts. These are the voters who enjoy the benefits of Deerfield's rural character and nature.

The potential financial gain associated with reclaiming 50% of the LUCT is inconsequential to the town budget overall but makes a significant difference to the Conservation Fund. With the rising costs of land, easements, and management, the Deerfield Conservation Commission requires 100% of the LUCT to effectively carry out our duties to the town.

While we understand the short-term and recent pressures which may have given rise to your recent LUCT warrant decision, we wonder if it is either fair to the community or prudent from a responsibility perspective to undermine our long-view work for a short-term gain. After all, as you have recently pointed out, Deerfield's current tax rate is below the 50-year average. This suggests that the Town is managing its finances effectively. Reducing the LUCT allocation could be seen as yielding to short-term financial pressures rather than upholding a commitment to long-term community welfare.

Please don't propose to defund our efforts to fund a tax subsidy. Rather, let us work together with a long-term plan to serve and protect our natural resources.

Best regards,

Chair and on behalf of 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.

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,

Serita Frey  
Chair and on behalf of the Deerfield Conservation Commission