

CONSERVATION COMMISSION

TOWN OF NEWMARKET, NH

December 12, 2019

7:00 PM Council Chambers

Members Present: Patrick Reynolds (Chair), Marianne Hannagan (Vice Chair), David Bell, Sarah Finch (Planning Board Rep), Sam Kenney, and Casey Finch (Town Council Rep – Ex-Officio).

Members Absent: Cris Blackstone Melissa Sharples, and Drew Kiefaber (Alternate), were excused this evening.

Call to Order: 7:04 PM

1. **Pledge of Allegiance**

2. **Roll Call**

3. **Public Comments/Permits**

Joanne Glode, Southern NH Stewardship Ecologist from The Nature Conservancy, is in attendance this evening to present a wetland permit request for the property at 112 Bay Road, aka as the Lubberland Creek Preserve. This is a continuation of the restoration project just completed last October of the culvert replacement. There was a small impediment that still needs to be repaired because at low tide there is a small pile of rocks which was always referred to as the “farm crossing” which disconnects the tidal flow. Funded completely by the US Fish & Wildlife National Fish Passage Fund, the plan is to remove the rocks. TNC has surveyed the land and the area is 50’ wide and 2’ tall with a 2’ tidal restriction. Volunteers will wheel barrow the rocks out of the “farm crossing” over carefully placed boards being sure not to destroy any plants. Joanne has checked with Amy Lamb, Ecological Information Specialist with the NH Division of Forests & Lands- Natural Heritage Bureau, and the State has no issues with the restoration. This project has also been reviewed by Fish & Game and the Coastal Marine Division.

Action

Motion: Marianne Hannagan made a motion to support this application for a wetland permit for the restoration at 112 Bay Road and sign the permit.

Second: Sam Kenney

Vote: Approved 5-0-0

The Chair signed all six copies. The project is scheduled for late summer (July, August, September- when low flow tides occur). The Chair offered to ask **Melissa Sharples** to post information on our social media to help get volunteers to move rocks.

4. **Approval of the Minutes:**

November 14, 2019

Action

Motion: Sam Kenney moved that the Minutes of November 14, 2019 be approved as drafted.

Second: Dave Bell

Vote: Approved 3-0-2 (Marianne Hannagan and Patrick Reynolds)

5. **Treasurer’s Report**

The Chair shared the most recent financial report with members. Balance in the account as of 12/9/2019 is

\$330,722.35. The Chair reminded that members that the Commission has committed to fund the Tucker Property off Neal Mill Road. The expenditure has been approved by the Town Council and we are now waiting for SELT to ask for the \$100,000.

6. Committee and Subcommittee Reports

Town Council: Casey Finch reported that the Town Council has been conducting quarterly meetings with the public called “Conversations with the Council”. The next quarterly meeting will be announced soon.

Planning Board: Sarah Finch had nothing to report from the PB.

7. Chairman’s Report

The Chair has nothing to report this evening as there was no mail or paperwork received.

8. Old/New Business

Clarke Farm Easement: The Clarke Farm property is a 210 acre property covering both Newmarket and Epping. The owners, Jack and Linda Clarke purchased the property in 1978. He raises grass-fed beef cattle and organic sheep right now. The Clarke’s have created a Preservation Trust to keep this property in agriculture for the future. The property has 1) prime agricultural lands which have great value in the State, 2) #1 and #2 tier wildlife habitats, 3) it is located near both the Bennett and Sewell Wells, and 4) endangered reptiles have been found on the land. The property has a network of trails in the forested area and we receive public access to this property. The property connects to Tuttle Swamp and other properties in our network – encompassing nearly 5,000 acres! The funding from SELT (Southeast Land Trust) and LCHIP (NH Land Conservation Heritage Investment Program) has been secured now. If SELT dissolves for any reason in the future (however impossible), the Town of Newmarket will hold an executory interest in the property. The Chair and a member of SELT will appear before the Town Council meeting on December 18, 2019 at 6:30 pm regarding the expenditure and purchase. The Town will not be required to monitor this property as SELT will be responsible.

Action

Motion: Patrick Reynolds moved that the Conservation Commission approve the expenditure of \$95,000 as a contribution toward the purchase of the permanent conservation easement as farmlands and forestlands of the Clarke Farm by the SELT.

Second: Marianne Hannagan

Vote: Approved 5-0-0

The SELT budget and a map of the property are attached as an addendum to the minutes. The Chair reviewed the points from Jeremy Lougee, Conservation Project Manager with SELT, from a recent email speaking to specific benefits to the community of Newmarket.

“EXECUTORY INTEREST - If Newmarket agrees to provide funding for this project, they will receive an Executory Interest in the Newmarket portion of the ALE easement. This means that SELT will be responsible for all annual monitoring and stewardship-related responsibilities. The benefit to this arrangement is that you can help protect a priority conservation property without having to shoulder the long-term monitoring responsibilities. Instead, the Town acts as a back-up to these responsibilities should SELT ever cease to exist. We plan for perpetuity, so I can tell you this is extremely unlikely.

PUBLIC ACCESS – Because this project is using LCHIP funding, it is required that the landowner grant an affirmative right for public access (for hunting, fishing, and transitory passive recreational purposes). This right of public access exempts active agricultural areas in order to protect the farmer’s investment in crops/livestock and also to protect the public from livestock and other agricultural equipment. The Clarke’s have a beautiful network of trails through their forested areas which are currently and always will be open for public access as described above. An excellent property for cross-country skiing as Drew Kiefaber can attest.

WHY ARE THE CLARKE'S DOING THIS – Jack and Linda Clarke have poured their lives into this farm, restoring productive agricultural fields, improving soil health, and breeding top quality cattle and sheep. Jack and Linda previously conserved the western portion of their farm along the Lamprey River, and they now want to ensure the 210+/- acres to the east of Camp Lee Road will also be protected from future development. As proof from SELT's successful fundraising to date (with grants from USDA-NRCS and LCHIP), this property offers an amazing variety of conservation benefits, and the Clarke's want to be sure those remain for future generations of Newmarket residents. Their commitment to seeing this happen is evidenced by their significant donation to the project, a bargain sale of the ALE valued at ~\$245,000."

Ad-Hoc Riverfront Committee: Sam Kenney was asked about the Ad Hoc Riverfront Advisory Committee. Casey Finch indicated that first meeting will likely be held in late January or February. He mentioned that another new volunteer member will come before that TC for approval to serve on the committee and that the Town Administrator wants to meet with the UNH students in the Capstone Project before scheduling a meeting.

Monitoring Report Update:

Property	Monitor(s)	Comments
Piscassic River/Loiselle	Casey Finch	Casey reports that the property looks good. He lost the trail briefly because of fallen foliage. Downed trees were not affecting the trails.
New Roots Farm	Marianne Hannagan	Marianne will be going out on 12/14/2019.
Silverman-Schneer Easement	Patrick Reynolds	Patrick will be going out on 12/14/2019.
Audubon-Smith Sisters	Drew Kiefaber & David Bell	Dave reported that there was lots of beaver activity this year. Audubon boundary signs on several trees need to be replaced (the trees rotted and fell over). Otherwise the property looks very good. Drew is working on the final touches to the report.
Wiggin Farm	NH Fish & Game	
Dearborn	NH Fish & Game	
Hilton Easement	SELT of NH	

9. **Adjourn**

Action

Motion: Marianne Hannagan moved that the meeting be adjourned.

Second: Patrick Reynolds

Vote: 5-0-0

The meeting was adjourned at 7:44 PM.

The next meeting will be held on Thursday, January 9, 2019.

Respectfully submitted,

Sue Frick, Recording Secretary

Addendum page 1



Clarke Farm
Estimated Budget (12/9/2019)

EXPENSES

<u>Transaction Costs</u>	<u>Revised</u>	<u>Notes</u>
Acquisition Costs		
Easement Purchase Price	\$555,000	NRCS-ALE (\$4,440/ac for ~180 ac)
Landowner Bargain Sale	\$245,000	TBD by IRS appraisal
WRE Purchase Price	\$144,900	NRCS-WRE (\$4,830/ac for ~30 ac)
Due Diligence Costs		
Legal Expenses	\$8,000	
Survey	\$25,000	Estimate
Hazardous Waste Assessment	\$3,000	Estimate
Appraisal	\$7,000	Estimate
Closing Costs		
Recording fees	\$500	Estimate
Project Management Expenses		
Project Management	\$27,000	Flat fee
Contingency	\$10,000	~1% Project Costs
Subtotal, Transaction Costs	\$1,025,400	
Stewardship Costs		
Easement Stewardship & Legal Defense Fund	\$26,800	Min. contribution for Conservation Stewardship Fund
Subtotal, Stewardship Costs	\$26,800	
TOTAL EXPENSES	\$1,052,200	Transaction Costs + Stewardship Costs

REVENUES

<u>Revenue Sources</u>	<u>Revised</u>	<u>Notes</u>
Public Fundraising		
NRCS-ALE	\$400,000	Awarded 9/19
NRCS_WRE	\$144,900	Awarded 9/19
LCHIP	\$150,000	Awarded 12/19
Town of Newmarket	\$0	Requesting \$95,000
Private Fundraising		
Great Bay Partnership	\$13,650	Application Spring 2020
National Fish & Wildlife Foundation	\$3,650	Awarded 2018
Landowner Bargain Sale	\$245,000	TBD by IRS appraisal
TOTAL REVENUES	\$957,200	
ADD'L FUNDS NEEDED	\$95,000	

