

**CONSERVATION COMMISSION****October 15, 2020****7:00 PM****Virtual Meeting**

**Members Present:** Patrick Reynolds (Chair), Ellen Snyder (Treasurer), David Bell, Cris Blackstone, Sarah Finch (Planning Board Rep), Sam Kenney, Drew Kiefaber (Alternate), and Jonathan Kiper (Town Council Rep).

**Members Absent:** Melissa Sharples (Vice Chair)

**Guests Present:** Emma Tutein and Jeremy Lougee.

**1. Pledge of Allegiance****2. Roll Call****3. Public Comments**

There were no public comments this evening.

**4. Guest Presentation- Welcome!**

**Emma Tutein is a Natural Resources and Land Conservation Field Specialist** with UNH Extension for Rockingham County. She was invited this evening by **Cris Blackstone** to report on the different programs which she is involved with and has helped to create in order to work with land owners, towns and land trusts to provide outreach and technical assistance related to land conservation, educational outreach, and stewardship and management of conserved lands. One program partners with the NH Assoc. of Conservation Commission, Fish & Game, and UNH Extension and is called "Taking Action for Wildlife". The website is full of information and upcoming workshops. They also have a quarterly newsletter that everyone is invited to sign up for at [www.takingactionforwildlife.org/](http://www.takingactionforwildlife.org/). Emma is also involved with "Nature Groupie", <https://naturegroupie.org/>, and has worked on training guides which are available to download and print. Requesting printed guides right now is difficult with the ongoing pandemic. <https://naturegroupie.org/training-guides>. Another program which she is involved with is called Trail Finder <https://www.trailfinder.info/>. The goal is to make it easier for people in VT and NH to find trails for outdoor activities. NH has a wealth of lands including 40 Land Trusts, 200 Towns with Conservation Commissions, along with State and Federal Lands. TrailFinder can help you find trails with the all conditions which you seek to make your outdoor experience a happy one! Emma may be contacted at Emma.Tutein @unh.edu if you have any questions. Thank you Emma for sharing this information with the members and attending the meeting this evening!

**5. Approval of Minutes****September 10, 2020****Action**

**Motion:** **Ellen Snyder** made a motion to approve the minutes as written for September 10, 2020.

**Second:** **Sarah Finch**

**Vote:** Unanimously Approved

The Chair asked to move the agenda forward to Old/New Business to accommodate a guest.  
There was no objection by the members.

## 9. Old/New Business

### Clarke Farm Easement

Jeremy Lougee, Conservation Project Manager and Farmland Coordinator for SELT, is present this evening to update the members on the progress for the purchase of the Clarke Farm Easement.

### Information follows from the December 12, 2019 Approved Minutes:

*"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."*

The project is nearing completion! Funds are coming from the Natural Resources Conservation Service and Jeremy believes it might be possible to close in approximately three months. Remaining funds needed total \$90,000. Total project cost is a little under \$1.2 million. Jeremy is getting funding from LCHIP, Great Bay Resource Protection Partnership, NRCS, and the Newmarket ConCom. He is also working with the Epping ConCom. Epping is very enthusiastic about the project and will be meeting next week to consider a contribution of \$15,000. Because this is an Agricultural Land Easement, there is very specific deed language which must be followed. There is a deed plate which has been prepared and reviewed by the Clarkes. Then the deed language goes to the Town Attorney and is then submitted it to NRCS for final approval. 98% done! The Town Council has reviewed the project and has no objections to the ConCom vote this evening.

**Introduction by Patrick Reynolds:** Our meeting this evening concerns the acquisition of a proposed conservation easement to be held by the Southeast Land Trust of NH with the Town of Newmarket holding an executory interest in the portion of the property located in Newmarket (150 acres). The proposed conservation easement would encumber a portion of the property identified as Tax 6 Lot 43. The total contribution towards the acquisition of the conservation easement will not exceed \$75,000 and would come from the Town of Newmarket's Conservation Fund. The purpose of this easement is to maintain this property in perpetuity as open space. **Ellen Snyder** asked about the total acres of the farm. Jeremy said that 175+ acres will be an Agricultural Easement and the NRCC would place 32 acres in a Wetlands Reserve Easement on the south end of the property.

#### Action

**Motion:** **Ellen Snyder** moved that the Conservation Commission approve the expenditure of \$75,000 as a contribution toward the purchase of the permanent conservation easement of the Clarke Farm by the Southeast Land Trust of NH.

**Second:** **Cris Blackstone**

**Vote:** 6-0-0

The Chair will follow-up with the Finance Office to see that the funds are expended. Once the funds are appropriated, Jeremy will provide the deed language to the Town Attorney and then the TC will need to accept the executory interest in the property. Thank you very much Jeremy!

---

**The meeting returned to the regular agenda order.**

---

## 6. Treasurer's Report

**Ellen Snyder** reports that the Schoppmeyer Park fund currently has a balance of \$7,086.78. This money will be transferred to the Town as a separate line item for use by the DPW to take care of the Park. Once moved, the money will no longer be reported out to the ConCom. The Newmarket Community Church will be signing off on the new management plan for Schoppmeyer Park this week. The General Fund account currently has a balance of \$1,756.81. As of October 13, the Conservation Fund carried a balance of \$246,133.97. The only action in this account was interest deposited and \$985.78 paid to the SELT for the Tucker Property purchase. There were no current use funds entered.

## 7. Committee and Subcommittee Reports

**Town Council:** Jon Kiper had no report this evening.

**Planning Board:** Sarah Finch had no report this evening.

## 8. Chairman's Report

### **The New Hampshire Association of Conservation Commission (NHCAA) Annual Meeting:**

The online meeting ( <http://www.nhacc.org/annualmeeting50/> ) will be held this year on Saturday, November 7. **Cris Blackstone** gave a brief report on the meeting for us. There will be two sessions in the morning in addition to the general business meeting. The topics covered will include: Foundations, Leadership, Natural Resource Protection, Outreach and Engagement, Tools and Technology, Land Conservation. More information may be found at: <http://www.nhacc.org/annualmeeting50/workshops/> . The 50<sup>th</sup> Anniversary Celebration will be planned for next year. The fee is \$35.00 for members of the NHCAA. If you plan to attend the virtual conference, please contact the **Patrick Reynolds** or **Ellen Snyder** to prepare for the incoming bills! If you pay to attend, all the sessions will be recorded and will be available to you online for your convenience. Best wishes to **Cris Blackstone** for your part in session # 4: **A Better Way: Working with Town Leadership**; Jennifer Beck and **Cris Blackstone**, NHACC Board of Directors!

**The Annual Photo Exhibit:** **Cris Blackstone** reported that **Melissa Sharples** has been in touch with the Newmarket Business Association (NBA) and the Town Council Rep, Helen Sanders, from the Newmarket Arts & Tourism Commission. They are still looking for more businesses to display the photos. Currently there are 12 photos. **Melissa** is using all social media platforms to advertise the project and news about the event will be streamed on the Channel 13 station. More photos are welcome!

### **Easement Monitoring 2020:**

<b><i>Property</i></b>	<b><i>Monitor(s)</i></b>	<b><i>Comments</i></b>
Piscassic River/Loiselle	<b>Sam Kenney</b>	
New Roots Farm	<b>Patrick Reynolds</b>	
Silverman-Schneer Easement	<b>Ellen Snyder</b>	Dr. J. Barrnett may wish to go on the monitoring walk.
Audubon-Smith Sisters	<b>David Bell</b>	
Heron Point	<b>Sarah Finch</b>	Just a boundary walk.
<i>Wiggin Farm</i>	<i>NH Fish &amp; Game</i>	
<i>Dearborn</i>	<i>NH Fish &amp; Game</i>	
<i>Hilton Easement</i>	<i>SELT of NH</i>	<i>We pay for this.</i>

The Chair would like all the reports completed by December 1, 2020. We may possibly have some concerns at Wiggan Farm about 4 wheel vehicles (not permitted) and the gate was found unlocked at the top of the hill. DPW came to the rescue and locked the gate. The Chair will send every monitor the most recent documentation to help get started!

Special caution from **Drew Kiefaber** – watch out - the ticks are all around!

Helpful advice from **Drew Kiefaber** on past monitoring:

Other Town owned properties that should be periodically walked and evaluated, but that do not have specific easement monitoring responsibilities.

1) Heron Point

2) Follett's Brook Properties

3) Lita Lane Properties and Wetlands

#### **Items to bring on an easement monitoring visit:**

Survey/map of property

Camera

Blank easement monitoring form and pen

Boundary signs and nails

Saw and hand clippers

Blank paper and ziplock bags for notes

Bag for trash

Surveyor's flagging

Backpack

If you have a dog(s) with you, please keep them on a leash even when not required to do so. They should also wear an orange vest during the hunting season. <https://www.wildlife.state.nh.us/hunting/hunt-dates.html>

#### **9. Old/New Business (continued)**

**Heron Point Management Plan:** **Ellen Snyder** reported that she has received proposals from two excellent foresters, Charlie Moreno from Moreno Forestry <http://morenoforestry.com/> and Jon Martin from Martin Forestry Consulting, LLC <https://martinforestryconsulting.weebly.com/about.html> . The applicants were asked to complete the plan by April 1, 2021. The members discussed both proposals carefully.

#### **Action**

**Motion:** **Patrick Reynolds** moved that Conservation Commission accept the proposal of Jon Martin, Martin Forestry Consulting LLC. The Conservation Commission authorizes the expenditure of up to \$2,500 for the creation of the Heron Point Management Plan and trail maps.

**Second:** **Sam Kenney**

**Vote:** 5-0-1 (Ellen Snyder abstained)

**Patrick Reynolds** will reach out to both Jon Martin and Charlie Moreno with our decisions. Thank you Ellen for your good work in this project!

**10. Adjourn**

**Action**

**Motion:** Ellen Snyder moved that the meeting be adjourned.

**Second:** Cris Blackstone

**Vote:** Unanimously Approved

The meeting was adjourned at 8:10 PM.

The next meeting will be held on Thursday, November 12, 2020

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>
<b>Acquisition Costs</b>		
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)
<b>Due Diligence Costs</b>		
Legal Expenses	\$8,000	
Survey	\$25,000	Estimate
Hazardous Waste Assessment	\$3,000	Estimate
Appraisal	\$7,000	Estimate
<b>Closing Costs</b>		
Recording fees	\$500	Estimate
<b>Project Management Expenses</b>		
Project Management	\$27,000	Flat fee
<b>Contingency</b>	\$10,000	~1% Project Costs
<b>Subtotal, Transaction Costs</b>	<b>\$1,025,400</b>	
<b>Stewardship Costs</b>	<b>Revised</b>	<b>Notes</b>
Easement Stewardship & Legal Defense Fund	\$26,800	Min. contribution for Conservation Stewardship Fund
<b>Subtotal, Stewardship Costs</b>	<b>\$26,800</b>	
<b>TOTAL EXPENSES</b>	<b>\$1,052,200</b>	Transaction Costs + Stewardship Costs

**REVENUES**

<u>Revenue Sources</u>	<u>Revised</u>	<u>Notes</u>
<b>Public Fundraising</b>		
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
<b>Private Fundraising</b>		
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
<b>TOTAL REVENUES</b>	<b>\$957,200</b>	
<b>ADD'L FUNDS NEEDED</b>	<b>\$95,000</b>	



Addendum page 2

