

## BRENTWOOD CONSERVATION COMMISSION

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Meeting of April 14, 2021

Members in attendance: Bob Stephens, Brian Silva, Robin Wrighton, Andy Laroche, Lise McNaughton

Selectmen in attendance: Jonathan Frizzell

Alternates in attendance: Michele Suidut

Public Present: Justin Cane

- Laroche made a motion to accept March's meeting minutes. McNaughton seconded the motion.

- SELTNH/Town of Brentwood Letter of Agreement on Meadows Mirth Firm: Town of Brentwood had authorize sum of 140,000 dollars for the purchase of Game Farm LLC. There were some concerns about language that would allow expenses to exceed the amount appropriated. Reviewed the contract with Jeremy Lougee of SELT. Paragraph 3 of the Letter of Agreement, states that "Any expenses for the project that exceed the aggregate amount of \$140,000 without authorization from the Selectmen, shall be the sole responsibility of SELT." Stephens also brought up concerns about other parties profiting from this transaction. If SELT requires less than 140,000, would the town get some money back. SELT addresses that in the contract. For instance, there's a 10,000 dollar contingency in the contract, if there are any funds remaining in that contingency, the funds would come back to the town.

The Draft Conservation Easement Deed presented by SELT, under Motor Vehicle Access, indicated recreational vehicles are allowed, but that was not their intent. They used an older template and will be revised for final document. Also, language allows snowmobiles. According to Jeremy, SELT does not have strong feelings on snowmobiles and can be addressed by the town or the landowner.

The Letter of Agreement is in draft, and the town will have time to review. SELT tries to not alter the language in the easement over concerns it would be very difficult to monitor and has to follow NRCS's requirements. NRCS comes out with updates to language, based on experience and the Farm Bill, that will need to be added to the final agreement. SELT has not applied the updated language to this Deed, but expects to before closing. NRCS is bringing most of the funding to this project. The Town will have a chance to review the final Deed language before closing.

Wrighton asked a question about what the difference between Executory Interest and the right of enforcement. Executory interest, gives the town the right to enforce the contract on the easements. Also states that the town is the next in line to step forward and assume the holding of the easement if something was to happen to SELT. The town does not have any responsibility to monitor the easement. SELT does provide a baseline document and a monitor report to the town, NRCS, and the landowner each year. . Another question was asked if there had been any funds expended that the town is responsible for reimbursing at this point? The town is not responsible for any reimbursement of expenditures at this point. SELT just raised the final \$10,000 and is fully funded. NRCS may require a second appraisal, but that can only be done after the land has

been surveyed. A question was brought up if the town has expended \$4500 and then additional \$1750 towards the appraisal costs already by Wrighton. According to Jeremy, the first appraisal was done for \$3300 dollars and it was done by Krass appraisal. Jeremy did not have the invoice for the appraisal, just had the budget that states how much it was. The money that was expended by the town is applied to the \$140,000.

A question was raised about the timing for the Conservation Committee to review the documents. SELT will provide all the documents to the town and the land owner, which includes title review, survey and the easement. Will also be provided to the NRCS for the final review. SELT will work with the town before it's sent to NRCS. It also states in the LOA item 3 what is SELT is required to provide to the town and the landowner.

Concerns were brought up if the second appraisal comes in higher than NRCS's, their contribution can go up. If the appraisal goes down, NRCS contribution will be less.

Jeremy asked if we can keep him in the loop as we do our internal review. They would like to be present at the May 4<sup>th</sup> Selectmen meeting. Also, there was an email going around stating 145,000 dollars and it was confirmed by Jeremy that was a typo and should have stated 140,000.

Stephens asks if we have any further questions that we send them along to him for inclusion in the comments to be submitted for review by Town Counsel.

#### - Goals

McNaughton hasn't made any progress on the Conservation Committee handbook. Wrighton made some progress on the Split Rock's management plans and to be presented at future meeting.

#### - Property Reviews

##### 3 Ponds second phase:

There are some changes to 7480 square feet of wetlands. They will be changing 12" concrete masonry pipe (CMP) to 18" reinforced concrete pipe (RCP) and 15" RCP to 4x4 open bottom box culvert with wing walls. The new prime wetland impact is 60% of an acre.

The Conservation Committee was contacted by the 3 Ponds developer in December 2019 to ask if the Town would identify some prime conservation properties for mitigation under this Project. The developer would consider assisting with the conservation of a property in exchange for a waiver to the wetland impact proposed in the second phase. Conservation Committee provided 5 properties to the 3 Ponds developer, but did not receive a response. Gove Environmental reached out to the state on behalf of the developer. Item 7 of the application says that the developer has worked with the town and was not provided any lands. The only viable option for mitigation was to pay into the ARM fund. The ARM fund is a state fund that's used for state purposes and wetland mitigation. It's also used in lieu of town wetland conservation.

This approach was appears not to have been determined by the town or the state, but the applicant. A hard copy was provided to Con Comm. The amount that was paid into the ARM or to be paid was not determined in the document provided. These funds will go to the state and not the town. This is less than satisfactory as an outcome to the town of Brentwood. The town planner was also not aware of this. Stephens informed them of what has transpired with the application. The document was date March 2020.

There was also a handwritten note filled out says pre-application meeting report, NH DES permitter is Evan Lewis and Lauri Summer. States that Brentwood CC does not have a site for mitigation by the town. The Pre-planning meeting report of 20 January 2021 included in the Application states that, "Brentwood CC does not have a site for mitigation.". According to the Application, mitigation will be paid to the ARM Fund. The work was reviewed by the town engineer and does not require Conservation Committee to review. Also states in note 1, mitigation payment into ARM fund will be based upon new impacts and not to existing road areas allowing the developer a credit for the existing gravel road.

Stephens will notify state of concerns over possible avoidance of mitigation of town properties, The Town of Brentwood should open up conversations with the State on what has transpired. Why was the town of Brentwood not afforded a conversation with the developer on solutions that could work for both parties.

Conservation Commission to come up with new ways of conserving land. Wrighton put forth an idea about CC creating a fund for future solutions like 3 Ponds. Will reach out to the NH Association Conservation Commissioners to see what other towns have done.

Conservation Committee reviewed new site plans for the 6 lot subdivision on NH Rt. 107 in West Brentwood.

On proposed large distribution center near RCC, Stephens spoke to Glen Greenwood, town planner, who is also the planner for Kingston. Dana Trustlow is a groundwater hydrologist that had written a report on behalf of Kingston with concerns that the town should follow up on. The town did follow up with the concerns to her satisfaction. Greenwood also mentioned that the Conservation Commission would be wasting their time with issuing a letter to the town of Kingston. Wrighton made a motion to rescind previous motion to prepare a the letter and Laroche seconded the motion. The motion passed.

A citizen of Brentwood raised a concern about unmarked contractor company filling up their truck using the town fire pond at the corner of Barlett and Middle Road. The citizen reported it to the non emergency police line. This should be monitored since this pond is used for the Fire Department. Frizzle to bring up to Fire Chief Bird and the Police Chief Wicks.

Bills and Reimbursements -  
None

Other Business -

Andy Gray from the Brentwood Recreation reached out to Bob Stephens that there was a clean up of the Rec fields on the 10<sup>th</sup> for Earth Day. Andy mentioned that the Conservation Commission also does a cleanup and a cook out. He asked if we wanted to do that and if we had a date. Stephens mentioned that we would get back to them on that. Stephens emailed him on the 24<sup>th</sup> of March. On the 25<sup>th</sup> of March, he advertised an event on a town like cleanup and a barbecue. Stephens spent time trying to recruit people for the cleanup, but found out that it had happen already. Rec Dept. did not give ample time to CC on the town event. Stephens to bring up concerns to the Selectmen.

Jessica Belukas sent Stephens her resume and it was forwarded to Conservation Commission. She asked a great question about the town warrant article about the new zoning ordinances. Conservation Commission was not consulted on the new zoning ordinances. The question opened up communication. She expressed an interest in becoming an alternate member. Frizzle to bring her up to the BOS as alternate.

Silva and Wrighton are up for term renewals. Stephens to give Karen Clement the names and request approval for 3 year terms.

Wrighton has built a list to keep track of properties that are managed by Conservation Commission and SELT. Wrighton and McNaughton to have a second meeting with SELT to go over property monitoring.

Culvert on Split Rock field. Wrighton questioned the need for a culvert. Wet areas are avoidable when walking. Will discuss further with Trails committee if desired.

A resident reached out to Conservation Commission about meeting and speaking with them about their property to minimize impact of wetlands. Conservation Commission agreed that they should not be going on people's properties and providing advice. Wrighton to provide list to Stephens and Stephens to send them resources on property management.

Next meeting May 12th.

Wrighton made a motion to adjourn the meeting. McNaughton seconded the motion. Meeting adjourned.

Respectfully submitted by: Brian Silva