



TOWN OF **NEWMARKET** NEW HAMPSHIRE

Conservation Commission

May 9, 2024 at 7:00 PM

Town Hall Auditorium

APPROVED MEETING MINUTES

Members Present: Ellen Snyder (Chair), Melissa Sharples (Vice-Chair), David Bell, Jeffrey Goldknopf (Planning Board Rep.), Tom Jones (Alternate), Colin Lawson (Alternate), and Julianna Tyson.

Members Absent: Cris Blackstone, Jessica Cann (Alternate), and Brian Ward (Town Council Rep. ex officio)

Town Staff Present: Bart McDonough, Director, Planning and Community Development

Guests: Duane Hyde, Land Conservation Director, SELT

The Chair called the meeting to order at 7:00 PM.

1. Pledge of Allegiance

2. Roll Call

The Chair appointed Alternate **Colin Lawson** as voting member this evening. The seven voting members include **Ellen Snyder, David Bell, Jeff Goldknopf, Tom Jones, Colin Lawson, Melissa Sharples, and Julianna Tyson**. The Chair spoke with a Newmarket High School student who is interested in being a representative to the ConCom. She has agreed to serve. The Chair mentioned that, during the Newmarket Cares Day with the Newmarket HS students at Heron Point, she was approached by a student who asked if the ConCom might be willing to have a student representative. The members agree that they would like to have the Chair pursue a student representative.

3. Public Comment

There was no one present for public comment.

4. Land Conservation Project

Mitchell – Bald Hill and Jacob's Well Roads: Duane Hyde, SELT

The Chair distributed a packet of information on this project prior to the meeting and Duane Hyde provided maps to everyone. He then introduced himself and was present this evening to discuss a relatively new conservation project – the Mitchell Project. He is seeking approval from the ConCom by means of a letter of support from the Chair and then discuss the

funding necessary to purchase the land from the Mitchell family. The Mitchell property is located on both sides of Bald Hill Road, encompasses ~130 acres in Newmarket and includes a 1.3 acre portion in Epping. He went on to describe the unique and beautiful characteristics of the land and the Hilton Brook (which flows through the land). This property has been a topic of discussion among the conservation groups in the NE for a long time. For more detailed history and budget details please **see Addendum pages 1-6**. Total cost would be approximately \$2.2 million dollars. NH F&G will be the major funder at \$1,384,373.00. Durham has provided a letter of support. Funding from NHDES Drinking Water Ground Trust is pending funding ~\$245,000. LCHIP is pending funding at \$245,000. \$30,000 will come from the Moose Plate program and LRAC will be asked for \$100,000. The remained 'ask' is \$100,000. SELT will be sending residents of Newfields, Durham and Newmarket a letter requesting private and community donations. Duane hopes to close on the property by the mid to end of 2025 as the paper work proceeds on all the grant submissions. All the purchase and sales agreements have been signed. The Chair completed the new Town of Newmarket Conservation Commission Land Acquisition Criteria Evaluation (LACE) which gives the ConCom information about the benefits of conservation for this property.

Duane requested the following:

- 1) a letter of support including our level of interest
- 2) the dollar amount of the ConCom contribution and source of the funds
- 3) the hope that this proposal could go to the Town Council for the first reading in June and the second reading in July/August.

The members discussed this proposal and were very enthusiastic about the purchase and conservation of this beautiful property.

Action

Motion: **Melissa Sharples** made a motion to write a letter to the Town Council of support and express the level of interest in the property (executory interest).

Second: **David Bell**

Discussion: none

Vote: **Approved 6-0-1 (Ellen Snyder abstained)**

Action

Motion: **Tom Jones** made a motion to approved funding of \$100,000 from the fund remaining in the Open Space Bond and the Conservation Fund.

Second: **Melissa Sharples**

Discussion: none

Vote: **Approved 6-0-1 (Ellen Snyder abstained)**

The Chair will: 1) write up a document for the TC Public Hearing, 2) she and Duane will co-write the letter, and 3) they will coordinate a site walk for May 23 at 5:30 PM. A public hearing will be scheduled for the next meeting.

5. Approve Meeting Minutes

January 11, 2024

Action

Motion: **Colin Lawson** made a motion to approved the Minutes of

January 11, 2024 as drafted.
Second: **Melissa Sharples**
Discussion: none
Vote: **Approved Unanimously 7-0-0**

6. Financial Summary

The Chair reported that the Conservation Fund has a balance of \$135,060.16. The Richard Schanda Fund has \$4,621.11. Together the fund totals: \$139,671.27. There was some interest recorded this month in addition to one expenditure for the bridge repairs and another for the waterfront & Moonlight Brook signage. The General Fund has a balance of \$1,693.95 with expenditures for staff salary and the ConCom notebook supplies.

7. Master Plan Update

Conservation Focus Areas, Land Acquisition Checklist

Present this evening to make a presentation are **Bart McDonough**, Town Planner. The PB will not meet next week as there are no urgent agenda items, but they will look at the proposed zoning amendments for North Main Street and the downtown corridor at a meeting later in May.

The Chair provided the draft of the Open Space Plan. She asked that everyone take the time to read and comment. Please submit any comments to **Ellen** with **Bart** cc'd by May 16.

The Chair then discussed the Land Acquisition Checklist. She discussed her thoughts on possible edits. Please submit any comments to **Ellen**. **Bart** will update the final Checklist.

Bart mentioned that a new survey will be ready for distribution regarding all the rest of the Master Plan Chapters. Each chapter is limited to three questions because this is a larger/longer survey. He welcomes ConCom members to participate in discussions about these other chapters if interested – like recreation/connections etc.

The Chair distributed a draft of the Priority Focus Area Map for comments/discussion/questions. The members had a valuable discussion. The Chair will make the changes to the map for inclusion in the Open Space Plan.

8. Committee/Board Reports

Town Council: There was no report this evening.

Planning Board/Town Planner: **Jeff** had no report this evening. **Bart** spoke about the April 18 meeting with Ivy Vann who is a consultant for the SRPC. **Bart** contacted 195 property owners in the N. Main Street and downtown corridor regarding the housing and building types they could visualize for the zones. Approximately 60 folks attended the meeting. The Master Plan Subcommittee met to discuss the questions for the new survey. They discussed a program called CommunityVis which he hopes to employ. CommunityViz is used primarily for land-use planning and natural resource management, but because it allows its users to create custom analyses, it can be applied to almost any geographic decision-making process.

Riverfront Advisory Committee/Schanda Park: **Bart** mentioned that the Moonlight Brook sign is done, but the 'wildlife feeding' sign is still in draft form. They plan a QR

code for this draft sign which will link to the ConCom website.

Energy and Environment Advisory Committee: **Julianna** reported that they have been working on their survey questions. She also said that the Chair of EEAC, Ellen Read, is interested in setting up tours of other Towns in the area in order to see how they do their recycling. After a presentation by Casella, there is a lot of interest in an evaluation of effective waste management programs.

9. Trails

Boulder Creek HOA Trail: **Colin** reported on the progress on the Boulder Creek Trail. All the fencing is now off the property and is awaiting pick-up by DPW. There will be a meeting shortly with the new President of the HOA about woodchips and stones for the dry areas of the trail. Over the next few weeks they expect to begin the work on improvements. There is hope that someday the Boulder Creek Trail might cross Bay Road and connect with Heron Point.

Old Lee Class A Trail: trail improvement: budget and grant opportunities: The Chair reported on the work being done on Old Lee Road. Greg DiSanto is submitted a proposal for the trail work and a she has submitted a grant request to LRAC for \$4,500. Suzanne Peterson has provided valuable suggestions/feedback for the grant request and the Chair will revise and submit the grant.

Wiggin Farm: bridge re-build: budget and grant opportunities: The Chair provided information on the proposed bridge improvements to the Wiggin Farm Footbridge. Given the complexities of the NHDES application, we need additional information about the location of the wetlands. She proposes bringing on Mark West complete a wetlands survey and to determine if we need a \$25 application (just for notification) or a \$400 application for something larger. We truly hope that an expensive fee of \$1,000+ for a dredge and fill application would not be needed. Suzanne, from LRAC, is expressed concern about the Wetlands Permits with NHDES- they have become more challenging to obtain. The Chair has just learned about a grant opportunity with the Great Bay Resource Protection Partnership grant program and will be applying for matching funds to combine with the LRAC grant. The due date is very early in June.

The Chair is asking the members 1) to endorse Mark's plan & budget, 2) to endorse him to do the work, and 3) to appropriate funds to complete the permitting.

Action

Motion: **Melissa Sharples** made a motion to appropriate \$520.00 from the Conservation Fund and to hire Mark West, West Environmental, Inc. for the wetlands survey work at Wiggin Farm.

Second: **Julianna Tyson**

Discussion: none

Vote: **Approved Unanimously 7-0-0**

10. Projects

Ash Swamp Road: turtle crossing/aquatic passage: The Chair, **Jeff, Bart**, and Lindsay Butler met at the site for a meeting. **Jeff** mentioned several things which have been done to slow the traffic speed with signage (the big Town flashing sign) and a flashing light. Speed bumps both permanent and removeable were discouraged. More ideas were discussed – including new speed limit signs (where are the current signs? what is the current speed limit?). Several turtles have been killed already this season. Members discussed volunteering to monitor traffic during especially busy times of the day, sitting by the road with a vest on, and manually slowing traffic...**Jeff** offered his driveway for parking!

11. Land Stewardship

Heron Point Sanctuary: The Chair reported on the Newmarket Cares Day with the 14 students from the Newmarket HS and their teacher, Silas Richards, along with Paul Marino (local carpenter). The students were wonderful and the group accomplished a lot: cleaned out and re-set rocks (with great improvements) in the drainage swale at the trailhead; raked leaves and gravel to smooth out the parking area and trail; cleaned the platform and boardwalk of debris, helped fix broken railings on the platform working with Paul, cleaned a trail sign, and cleared several trails of brush. Thanks to Karen Bloom at DPW for support and rakes and brooms and the Nature Groupie tool shed for loaning other tools. Thank you all!

12. Events

Newmarket Backyard Bash: August 2, 2024 5:00-8:00 PM: Save the date!

13. Outreach and Education

Bookmarks: **Jessica Cann** has agreed to work on the bookmarks!

Educational Videos: **Cris** is still working on these.

ConCom Notebooks: The Chair is still working on putting these together.

14. Adjourn**Action**

Motion: **Ellen Snyder** made a motion to adjourn at 8:50 PM.

Second: **Melissa Sharples**

Discussion: none

Vote: **Approved Unanimously 7-0-0**

Respectfully submitted,

Sue Frick, Recording Secretary

DCAT:

https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos

ADDENDUM Page 1

MEMORANDUM

TO: Newmarket Conservation Commission

FROM: Duane Hyde, Land Conservation Director, SELT

DATE: May 3, 2024 for May 9, 2024 meeting

RE: **Mitchell Conservation Project**

SELT has been actively working with the Mitchell family on an approximately 132-acre conservation project located near/along Bald Hill Road and Jacobs Well Road and shown on the Newmarket Tax Maps as Tax Maps as Map R7, Lots 21, 21-1, and 27. In addition, there is an approximately 1.3 acre portion of the property in Epping and shown on the Epping Tax Maps as Map 18, Lot 32 (see attached maps). Note that some of these parcels will be reconfigured through boundary line adjustments as described later in this memo. In addition, it is worth noting that Newmarket Tax Map R7, Lot 27 is shown on the tax maps in a much different configuration than shown in the attached maps, but the shape shown is based on abutting surveys.

Since the late 1990s there have been on again and off again conversations between the Mitchell family and the conservation community, including SELT, The Nature Conservancy, Great Bay Resource Protection Partnership, and the Newmarket Conservation Commission. The family has deep roots and reportedly the land has been in their family since it was granted to them by the King of England. Up until now the family was not ready to conserve the land and wished to retain the property as it had for 100's of years. The ownership is in a Trust with 5 siblings as Trustees. Four of the five siblings live in very close proximity or abutting the property and one is in California. The family members have realized that beyond the current generation the family will start to grow exponentially and managing the land and ownership interests of all these people would become practically infeasible. Thus, through the past meetings with conservation groups and town representatives, they have decided to pursue conservation. SELT began in depth conversations with the family late in 2022 to discuss conservation and explore funding options. We have decided on a configuration of a conservation sale in fee of an approximately 132-acre portion of their property and an appraisal has been completed with the purchase price based on the appraisal and agreed upon by all parties. The land is now under agreement for acquisition.

The purpose of this memo is to update the Commission on the project and work to date, the conservation features of the property, the project structure, discuss budget, and request for Newmarket Conservation Commission letter of support and also funding. With funding support the Town will likely want to hold a legal interest in the property and this could take the form of an Executory Interest in either the conservation easement or the fee deed, whichever the Town prefers.

Conservation Features

Commission members may be well aware of the conservation values of the Mitchell property and you may be able to share some additional information with me at your meeting; however, below is a summary of the conservation attributes SELT has identified in its evaluation of the property.

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Water resources:

- There is approximately 1.070 feet of Hilton Brook that flows through the property which then flows through a large matrix of conservation land protected by the Town of Newmarket and others. Eventually Hilton Brook joins with the Lamprey River. The brook has very good forested buffer protecting water quality and providing excellent wildlife habitat. There is also approximately 1,920 feet of a of intermittent tributaries to the Lamprey River that flow into the Lamprey just a short distance away on the other side of Jacobs Well Road.
- There are approximately 23-acres of National Wetland Inventory mapped wetlands on the property including open water wetlands, scrub-shrub wetlands, and forested wetlands.
- The property is approximately 1,800 feet from the mainstem of the Wild and Scenic Lamprey River.
- Along Hilton Brook there is approximately 28-acres of Army Corps of Engineers mapped 100-year floodplain.
- The property is important toward protecting the water quality within the Great Bay Watershed with approximately 39-acres mapped as significant toward Pollutant Attenuation according to the 2021 Land Conservation Plan for NH's Coastal Watershed (Coastal Conservation Plan).
- The property includes significant drinking water attributes with 70.5-acres of the property within a NH DES High Priority Water Supply Lands area and within a NHDES Hydrologic Area of Concern due to the Lamprey River downstream being a drinking water source for the Town of Durham and UNH. Approximately 10 acres of the property is also over a High Transmissivity Aquifer.

Wildlife & Conservation Plans:

- The property has exceptional conservation context and is part of an approximately 4,965-acre block of conservation lands. The Mitchell project abuts the 104-acre Town of Newmarket Hilton Conservation Easement, the 64-acre Hayden tract owned by NH Fish and Game Department, the 146-acre Bald Hill Forest owned by SELT (formerly Limperis and Chinburg tracts), and the list goes on (see attached map).
- 116-acres of the property is within a Prioritized Habitat Block identified through The Nature Conservancy's Connect the Coast report which identified key remaining wildlife habitat blocks and corridors of regional significance. These are the large intact areas of habitat that the wildlife corridors connect to and there is an approximately 0.4-acre portion of a wildlife corridor on the Mitchell property.
- NH Fish & Game Department Wildlife Action Plan identified 66-acres of the property as Highest Ranked Habitat in the State, 60-acres as Highest Ranked Habitat in the Biological Region, and 3-acres of the property as Supporting Landscape for wildlife.
- The property has very good climate resiliency features with approximately 8-acres Far Above Average for resiliency, 79-acres Above Average, and 34-acres Slightly Above Average.
- The property includes a portion of a NH Natural Heritage Bureau exemplary community, a Low-Gradient Silty-Sandy Riverbank System (S3, rare or uncommon) that is associated with Hilton Brook. This community provides important wildlife habitat including fowl and migratory bird habitat. The community includes several rare plant populations including giant bur reed and climbing hempweed. Rare bird species documented utilizing the community include golden-winged warbler and Northern harrier.
- The property is also identified habitat for and known occurrences documented for two rare reptile species: Blanding's turtle (S1-state endangered) and Spotted Turtle (S2- state threatened).

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Recreational Resources:

- SELT has long been working toward a vision of connecting Pawtuckaway State Park to Great Bay, known as the Pawtuckaway to Great Bay Greenway. We have been strategically conserving parcels within this greenway corridor and have made significant progress. The Mitchell property is one of the critical links toward achieving this greenway vision.
- SELT plans to construct a small parking area (3 to 5 cars) at the current old log landing along Jacobs Well Road. This parking area will connect to a looped trail along Bald Hill and also a connector trail to the trailhead for Bald Hill Forest located at the end of Hayden Place road.

Conservation Structure-Ownership

Due to the proximity to the NHFG Piscassic Wildlife Management Area's Hayden tract and multiple other conservation lands, conversations with NHFG were pursued to figure out a viable path toward raising the funds necessary to conserve the Mitchell property. NHFG staff expressed strong interest after visiting the property. Further conversations with NHFG have resulted in a project structure that involves breaking the Mitchell Project I into three separate transactions that are all envisioned to occur on the same date one after the other:

- NHFG will acquire fee interest to approximately 61-acres of the Mitchell property which is located on the east side of Bald Hill Road, which includes a portion of Hilton Brook and its associated wetlands and abuts NHFG's Hayden tract. This property is located in Newmarket. This project will involve two boundary line adjustments as described later in this memo.
- SELT will acquire approximately 71-acres which is located on the west side of Bald Hill Road and the east side of Jacobs Well Road, which includes Bald Hill and abuts SELT's Bald Hill-Chinburg tract and the Limperis properties. This property is located in Newmarket with a small portion in Epping. This project will involve two boundary line adjustments as described later in this memo.
- SELT will sell a conservation easement over the 71-acre Bald Hill property to NHFG.

NHFG will make its purchases utilizing US Fish and Wildlife Service Wildlife and Sport Fish Restoration grant funds (aka Pitman-Robinson funds) which pay 75% of the purchase price at fair market value and 75% of eligible project costs. SELT will be responsible for providing funds to cover project costs not covered by NHFG and the 25% match funding through non-federal sources. Three sales agreements have been signed: one between SELT and the Mitchell's for the Bald Hill tract, another for SELT and NHFG for NHFG's acquisition of a conservation easement on the Bald Hill Tract, and the third between Mitchell's and NHFG for NHFG's acquisition of the Hilton Brook Tract. Each of the three agreements are summarized as follows:

SELT Acquisition of Bald Hill Tract

SELT purchase from the Mitchell's at a Purchase Price based on the appraised fair market value of \$1,420,000.

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Closing no later than December 31, 2025.

Standard contingencies of title, hazardous waste, and boundary survey.

- Includes a provision for two boundary line adjustments that require Newmarket Planning Board approval. The family wishes to retain and add to family-owned abutting lots an approximately 2.6-acre area and an approximately 2.7-acre area which brings the total conservation acquisition to approximately 71 acres. SELT is responsible for securing the boundary line adjustments.

NHFG Acquisition of Conservation Easement Bald Hill Tract

- NHFG will purchase a conservation easement from SELT with the purchase price equal to 75% of the appraised fair market value of the conservation easement plus eligible project costs.
- Requires an appraisal be prepared that meets federal "Yellow Book" standards and USPAP standards.
- Closing no later than December 31, 2025.

NHFG Acquisition of Hilton Brook Tract

This contract has NHFG is acquiring directly from the Mitchells.

- The Mitchell-NHFG agreement includes a Purchase Price based on an appraised fair market value of \$490,000.
- Contingent on boundary line adjustments for the Mitchell's to retain areas and increase the size of existing lots. The Mitchell's wish to increase one of their abutting lots by 1.14-acres and a second abutting lot so it totals 14.25 acres. SELT will manage the survey and boundary line process for NHFG and the landowner.
- Requires an appraisal be prepared that meets federal "Yellow Book" standards and USPAP standards. SELT will be managing the due diligence and project-related work.

Budget

With what equates to three separate projects, and NHFG as a partner in the project, the entire project budget is quite complicated. However, a total overall budget for the project is included as an exhibit to this memorandum.

The budget shows a total project cost of \$2,213,594. The costs in the budget are fairly self-explanatory, but I'd be happy to discuss any questions the Commission may have. A few items that often spark conversation are worth noting. The budget includes SELT Project Management Costs for managing and working on the project. SELT tracks its project management costs for each project it works on and categorizes the projects based upon the structure/funding sources. Based on several prior larger land conservation projects with complicated outside funding sources the Mitchell project falls into a \$30,000 Project Management cost category. The Land Management Fund calculation is based upon the size/features of the property, property taxes, insurance, repairing/maintaining improvements, maintaining trails, and the amount of staff time it will require to manage the property and the Volunteers. SELT has a spreadsheet calculator that it enters data about the project into and it calculates the Land Management Fund necessary to ensure that the organization will have the long-term (permanent) capacity to monitor and manage the property. SELT uses the interest from the Management Fund to pay for our costs of stewarding the property. It is a one-time payment to the Management Fund and we estimate a 4% annual return. The calculation indicates this project requires \$116,300 be placed in SELT's Land Management Fund for the long-term care and monitoring of this

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property, plus a one-time contribution of \$1,800 to SELT's legal defense fund. There are also \$22,000 in capital costs for the improvements to be made including the parking area, signs, kiosk, gates and the forest management plan. There is also a one-time Stewardship Fund contribution of \$20,000 to NHFG for the NHFG held conservation easement.

On the revenue side, the NHFG is the substantial major contributor to the project with \$1,384,373 in funds to be provided. The other major funding sources include LCHIP, NH Moose Plate Program Grant, the NHDES Drinking Water and Groundwater Trust Fund, Lamprey River Advisory Committee, and of course the Town. All the requests for funds from the grant sources listed will be made in the upcoming grant rounds. SELT is presenting the project to LRAC with the funding request this month.

SELT plans to send out a multi-community fundraising mailing for this project, the costs for which are shown in the Printing and postage section of the budget. With the mailing and other direct outreach to donors, SELT is budgeting to raise \$87,351 in private funds.

Request to the Commission

Request a letter of support for the project which can be used with funding applications. Request to provide SELT with \$100,000 toward the Mitchell land conservation project.

Authorize the Chair of the Conservation Commission to enter into a Letter of Understanding for this funding commitment (if/when it is made).

If required by the Town, recommend acceptance of a legal interest in the Bald Hill portion of the project via an Executory Interest in either the fee deed or conservation easement deed.

ADDENDUM page 6**Expenses**

<u>Transaction Costs</u>	<u>Total</u>	<u>Notes</u>
<i>Acquisition Costs</i>		
Easement Purchase Price	\$1,290,000	
Land Purchase Price	\$620,000	
<i>Due Diligence Costs</i>		
Hazardous Waste Assess.	\$4,000	
Survey	\$36,000	
Appraisal(s)	\$21,699	
Legal	\$13,570	<i>Includes Title research, insurance, legal costs</i>
<i>Closing Costs</i>	\$2,125	<i>Includes recording fees, taxes</i>
<i>Project Management Expenses</i>		
Project Management	\$30,000	<i>Flat rate</i>
Printing & Postage	\$6,000	<i>Community mailing</i>
Travel	\$100	
<i>Contingency</i>	\$30,000	
<i>Subtotal, Transaction Costs</i>	\$2,053,494	
<u>Stewardship Costs</u>	<u>Total</u>	<u>Notes</u>
Capital Costs and Management Planning	\$22,000	<i>Parking area, kiosk, signs, trail work, gates & forest management plan</i>
Land Management & Legal		
Defense Funds	\$118,100	<i>Min. contribution for fee ownership</i>
Stewardship Fund	\$20,000	<i>NHFG Easement Stewardship Fund</i>
<i>Subtotal, Stewardship Costs</i>	\$160,100	
TOTAL EXPENSES	\$2,213,594	<i>total Transaction Costs + Long Term Stewardship Costs</i>

REVENUES

<u>Revenue Sources</u>		<u>Notes</u>
<i>Government</i>		
NHFG	\$1,384,373	<i>Under Agreement</i>
LCHIP	\$245,000	<i>Application due Summer 2024</i>
NHDES Drinking Water & Groundwater Trust Fund	\$245,000	<i>Application due Summer 2024</i>
Moose Plate	\$30,000	<i>Application due in Fall 2024</i>
Lamprey River Advisory Committee	\$100,000	<i>Making Request</i>
Town of Newmarket	\$100,000	<i>Making Request</i>
<i>Private Fundraising</i>		
Great Bay Res. Protection Partnership	\$21,870	<i>Apply Fall 2024 or Spring 2025</i>
Landowner to Vendor		
Private gifts	\$87,351	<i>To be raised</i>
TOTAL REVENUES	\$2,213,594	

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