Brackett Brook Farm Project

Public Hearing

August 09, 2018

Minutes

* The Chair called the hearing into session called at 7:01
* Roll Call of Commissioners Present: Ted Cooley (Chair), Carl Schmidt, Emily Bryant (Alternate), Craig Putnam, Fran Plaisted (Alternate, Secretary), and representing the Selectboard, David Smith
  + Recused: Harry Pease.
* Others Attending:
  + Megan Chapman from Upper Valley Land Trust (UVLT) presenting at the hearing
  + John and Bethany Miller, Ann Green, Sarah and Bruce Schwaegler, Harry Pease, and Jordon Sutherlin were present.
* Chair introduced Conservation Commissioners and UVLT attendee.
* Public Hearing on the Brackett Brook Farm began by reviewing the process for a public hearing. Reviewed public hearing noticing process and how OCC did so. Ted Cooley read the provisions (see Appendix).
* Conservation Fund Purpose: Chair outlined the process for the hearing. RSA 79-A:5 II Conservation Fund- Ted reviewed history, how funds are utilized. See Appendix.
* Brackett Brook Farm Project: 105 acres adjacent to NH Route 25A. Southern boundary abuts the AT corridor. The farm has been in the Pease family for five generations, and is one of the last remaining hill farms in East Orford. Cost for project including the easement and project expenses (see appendix) is $160,000. Proposed contribution of $10,000 from the Conservation Fund would be leveraged by grants applied for by the UVLT to gain Orford access to a $160,000 easement. The land will be conserved and public access will be secured.
* The land is presently in current use and will remain in current use. Thus, Orford will continue to collect taxes on the farm.
* Megan Chapman from UVLT reviewed the history of the organization and of other UVLT projects. The UVLT has been conserving mostly working farmland in NH and VT for 20 years. This project involves purchase of the conservation easement on the land. The project includes raising grant money and a contribution from the OCC to purchase the conservation easement from the Peases. Purchasing the easement pays the Pease’s to conserve the land and to ensure the land remains farmland, instead of developing the land. The Peases intend further improvements to the land.
* NRCS funding was obtained because Brackett Brook is high value farm land. The farm produces hay, wood, and syrup, and leases fields for beef cattle. NRCS contributed $60,000. An LCHIP application for $60,000 is in the works. Applied to AT Landscape Partnership Grant and was awarded $30,000. The Conservation Commission would contribute 6.25% of the budget. Benefits to Orford include public access for hiking, hunting, fishing, etc. The easement would help to maintain the rural character of Orford.
* A contribution to purchasing the easement aligns with the town plan and recreation plan. The easement would protect scenic vistas, wildlife habitat, and open space, along with a well-managed woodlot that provides field and woods edge habitat necessary for wildlife.
* Public Access to land is guaranteed in easements funded by LCHIP. The access includes: pedestrian, hunting and fishing (mechanized vehicle access up to land owner). There is a snow machine trail on land.
* Megan reviewed the LCHIP process and status with us. There is an onsite visit by LCHIP next week, and awards are typically decided in the November/December timeframe.
* Public Comments- John Miller 280 Orfordville Rd. – What happens if the LCHIP grant request is not approved? Megan reviewed the process and her optimism. If all other funds were secured by the time of the LCHIP site visit, more likely to be awarded LCHIP funds.
* Jordon Sutherlin, 2172 Route 25A- asked about how the conservation easement will run with the land. Anytime land is transferred, new owners are beholden to the same restrictions. Jordan was in favor of the project. UVLT is committed to uphold the conservation easement. Whomever owns the land must comply with the terms of the easement, even if the town were to become the landowner.
* Ann Green Route 10- Question to Harry about why he is doing this. Harry and Linda want to ensure that the farm always remains a farm. They have been thinking of doing this for 3 or 4 years. Harry’s family has done a good job as stewards of the land, and he wants to see it stay as forest and agriculture land. Ann has done the same thing and was supportive.
* Bruce Schwaegler-598 Indian Pond Rd- Bruce purchased both feed for livestock and mulch hay from Brackett Brook Farm, and reported that he can vouch for the fact that it is an active farm. UVLT has been supportive of preserving land in Orford and this project is a way for Orford to help support the work of the UVLT.
* Carl Schmidt asked about what land is put aside for residences and other buildings. The answer from Megan was 3 acres.
* David Smith is in support of the project but had to leave at 7:35pm.
* Craig asked about how do we confirm that the farm remains an active farm? There are requirements for easements from NRCS: there needs to be a forest management plan, and the main purpose for the farm is that it has to remain an active farm. Owner can lease the land to farm
* UVLT will be the holder of the easement and maintain the easement. The property will remain conserved even if the UVLT were to close. Easement transfers to another entity involved in land conservation.
* Chair moved we adjourn the Public Hearing at 7:42. Craig seconded. Motion carried.

Appendix

*Orford Conservation Commission*

*Brackett Brook Farm Public Hearing*

*Thursday, 9th August 2018*

*7:00 P.M.*

*Niles Room, Orford Town Offices*

*2529 NH Route 25A, Orford, NH*

**PUBLIC HEARING AGENDA**

1. Call Public Hearing into Session

2. Roll Call of Commissioners

3. Introductions

4. Purpose

5. Agenda

* Conservation Fund purpose
* Brackett Brook Farm Project
* Public questions and comments
* Next steps
* Adjourn Public Hearing

Orford Conservation Commission

Town of Orford, New Hampshire

**Notice of Public Hearing**

Regarding The

Brackett Brook Farm Project

Thursday, 9th August 2018 at 7 p.m.

The Niles Room

Orford Town Offices

2529 NH Route 25A

Orford, New Hampshire 03777

TO RECEIVE PUBLIC INPUT REGARDING THE PROPOSED ORFORD CONSERVATION COMMISSION CONTRIBUTION OF $10,000 FROM THE ORFORD CONSERVATION FUND TO SUPPORT THE PURCHASE BY THE UPPER VALLEY LAND TRUST OF A CONSERVATION EASEMENT ON

105 ACRES OF FARMLAND IN EAST ORFORD

OWNED BY HARRY AND LINDA PEASE

**OCC Bylaws, pp. 4-5:**

**Public Hearings**

* 1. At the Annual Town Meeting on March 14, 2000, Orford adopted the provisions of RSA 36-A:4-a, I (b) to authorize the Conservation Commission to expend funds for contributions to qualified organizations for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the Town of Orford will retain no interest in the property.
  2. The Commission is required to hold a public hearing before using money from the Conservation Fund to acquire any interest in real property. (RSA 36-A:5)
  3. The Commission may hold public hearings to solicit opinions on issues other than real property acquisitions or dredge and fill applications.
  4. Notice of a public hearing must be posted in two public places and published in a newspaper of general circulation in the Town of Orford at least 10 calendar days before the public hearing, counting neither the day of posting nor the day of the hearing. (RSA 675:7)
  5. Public hearings shall be conducted as follows:

1. The Chair shall call the hearing in session and ask the Secretary to call the roll of the Commission so that the hearing record will reflect those present.
2. The Chair shall identify the applicant or agent, and ask for their report on the proposal or application.
3. The applicant or agent shall present the proposal or application to the Commission.
4. Members of the Commission may ask questions at any point during the presentation.
5. Any party to the matter who desires to ask a question of another party must do so through the Chair.
6. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Commission at each hearing.
7. Each person who speaks shall be required to state her/his name and address and indicate whether she/he is a party to the matter or an agent or counsel for a party to the matter.
8. Other parties such as representatives of town departments and other town boards or commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
9. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

ORFORD CONSERVATION COMMISSION

AND

CONSERVATION FUND

The Orford Conservation Commission was established in 1972 by approval of Warrant Article 20 at Orford Town Meeting, which stated in part, “To see if the Town will establish a Conservation Commission under the provisions of R.S.A 36A.”

At the March 14th, 2000 Town Meeting, voters approved Warrant Article 19 which stated, “To see if the Town will vote to deposit 100% of the revenues collected pursuant to RSA 79-A (the Land Use Change Tax) into a fund known as the Conservation Fund as authorized by RSA 79-A:5 II, to be administered by the Conservation Commission to help preserve the rural character of Orford by encouraging the conservation of open land in accordance with RSA 36-A:5 III.”

In accordance with RSA 36-A: 5 II, “The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the conservation fund and shall pay out the same only upon order of the conservation commission. The disbursement of conservation funds shall be authorized by a majority of the conservation commission. Prior to the use of such funds for the purchase of any interest in real property or for a contribution to a qualified organization for the purchase of property interests under RSA 36-A:4-a, I(b), the conservation commission shall hold a public hearing with notice in accordance with RSA 675:7.”

Notice has been published in the Valley News and the Journal Opinion. Notice was posted at the two Orford libraries, Orford Town Offices, and the Orford Post Office. Notice was further published on the OCC Facebook page and using the Orford Listserv.

BRACKETT BROOK PROJECT

* 105 acres located adjacent to NH Route 25A. The southern boundary of the property abuts the AT corridor
* Owned by Linda and Harry Pease. Quoting Harry Pease:

“The farm has been in the Pease family since 1866.  My Great-Great Grandfather bought the farm September 10, 1866.  I'm the 4th generation to own the farm, 5th generation to farm here.  Dad farmed here (4th generation), but never owned it.  It is one of the last remaining active hill farms in East Orford.  There used to be dozens.”

* The conservation easement project is headed by the Upper Valley Land Trust (UVLT).
* Assessed cost of the easement and due diligence is $160k. The OCC would contribute $10k to the effort, thus obtaining a 16x multiplication.
* OCC Commissioners enthusiastically support this project
* The UVLT will be the holder of the easement and will be responsible for maintaining it.
* The land is in current use and is contributing to the Orford tax base. The land will continue to contribute to the tax base.
* Once the conservation easement is in place, The Town will have access to the land. The land provides opportunities for conservation and stewardship education, hiking, cross-country skiing, hunting, fishing, and other public uses. Mechanized traffic likely limited to snowmobiles.

Wildlife at Brackett Brook Farm

Animals:

Black Bear

Coyote

Fisher

Mink

Moose

Porcupine

Raccoon

Red Fox

Skunk

Snapping Turtle

White Tailed Deer

Wood Chuck

Birds:

Bald Eagle

Barred Owl

Bobolink (and many other types of songbirds)

Crow

Canada Geese

Grouse

Raven

Red Shouldered Hawk

Turkey Vulture

Wild Turkey

