

**Meeting Minutes  
Conservation Lands Review Committee  
of the Tamworth Conservation Commission  
Friday, January 3, 2014**

*Draft minutes to be reviewed and approved at a subsequent meeting.*

**Present:** Chele Miller, John Mersfelder, Ned Beecher (Chair), Bob Seston  
**Also:** Nelson O'Bryan and David White

Ned convened the meeting at 10:05 am. Several members had limited time, so the meeting was kept short. Ned updated the Committee on the completion of the **Gilman West/Freeto heirs Conservation Easement Addition and Amendment**, which Ned brought to the Carroll County Registry of Deeds on December 27, where it was recorded. That same day, he brought the new **Conservation Easement from Chris Alt to the Town of Tamworth**, which was also recorded then. The Committee members expressed thanks to Mr. Alt and his attorney, Doug Hill, for their expeditious help with the Alt easement. He also noted the great work done by Tom Howe and the Forest Society in securing the expansion of the Gilman Forest, for which the Committee is continuing to work on fundraising (Ned said he would contact the Forest Society to learn the current status of this fundraising effort, and this will be the focus of the next CLRC meeting; Chele ended up being the one to contact the Forest Society).

Nelson noted that the originals of the two recorded documents mentioned above had arrived at the town offices by mail. He agreed to scan them and email copies to Tom Howe, Chris Alt, and Doug Hill, as appropriate, copying Ned. He will bring the originals to the Selectmen's office for storage in the vault.

**Conservation Easement draft for the Bearcamp Valley Farm Southern Lots**

Ned had provided a next draft of this Easement document to the Committee in advance of the meeting. He also provided, at the meeting, a hard copy of a summary of the easement terms that Susan Bryant Kimball had kindly created. With short time, the focus of the meeting became to review key elements of the easement terms about which we continued to have some questions, as follows:

- Definition of "agriculture" - Bob asked if agricultural use includes food processing? - Ned said he would check the state RSA definition that is referenced in the Easement. [The definition is appended, below; it does include some processing and preparation of products].
- Structures allowed for ag & forestry purposes: Ned reviewed the suggested changes he had incorporated in the current draft and the Committee expressed general agreement with the relevant sections of the draft document. However, it was agreed to delete any restriction on the total size (square footage) of the related ag/forestry structures. Ned will remove this last sentence of Section IV.F (Ancillary Structures).
- Motorized recreational vehicles: Ned had included revised language in Section III.F regarding commercial uses and recreational uses. The key discussion point is whether some traditional uses, such as occasional snowmobile use on the property, should continue. The question is whether the grantor or the grantee should have the final say regarding such motorized use. In most easements (and others on the Bearcamp Valley Farm), the grantee has that final say. It was agreed that the grantee does not necessarily

enforce this restriction in every instance; occasional unknown or non-worrisome uses of this sort likely occur on easement lands. But the Committee felt it is important for the grantee to have the final say, if needed, to avoid having to rely on proving to a future grantor that motorized use that the grantor has allowed is having negative impacts on the conservation purposes. It was also agreed that, when in doubt, it is proper for the Committee to stick with the established language in the conservation easement standard document, as it has been developed from much experience over the years. Ned requested a vote on this particular item. Bob moved to include section V.C as it is written in the standard, original conservation easement document and John seconded.

**VOTE:** 3 to 0 to include section V.C as it is in the standard, original conservation easement document.

- Signs and posting: Ned reviewed the suggested changes he had incorporated in the current draft (removing mention of “control of access,” since that is covered by posting) and the Committee expressed general agreement with the relevant sections of the draft document.
- Section IV.I – Current Ag Use: The Committee agreed that this stipulation should be included in this easement, with three changes to be made:
  - The short-term exemption from some of the terms of the easement (related to ag use) shall be tied to the current owner; as soon as the property changes ownership by inheritance, sale, or whatever, all terms of the easement will need to be followed, including all the agricultural management requirements.
  - Ned had added “forestry” to this paragraph, but the Committee agreed it should not be added, since there are already steps being taken by the landowner and current logging operation to meet the terms of the easement, and this requirement is addressed in the signed purchase & sale agreement. Ned will remove “forestry” in this paragraph.
  - The exact date for the expiration of the exemption mentioned in this paragraph will be added, instead of “eight years.” The goal is for the exemption on this easement to expire at the same time as that on the Eastern Field, for consistency and ease of monitoring.

Ned has not been in touch recently with the surveyor (Jim Hambrook) nor the landowner. He will do so before the next meeting.

**Next Meeting:** Ned will contact the Committee by email to schedule the next meeting, likely next Friday.

**Adjournment:** Bob moved, John seconded, and all approved at 10:50 am.

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#### **RSA Definition of “forestry” -**

"Forestry" means the science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate.

#### **RSA Definition of “agriculture” (which includes forestry too):**

### **21:34-a Farm, Agriculture, Farming. –**

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:

(a)(1) The cultivation, conservation, and tillage of the soil.

(2) The storage, use of, and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, seepage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(3) The use of and application of agricultural chemicals.

(4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elephus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).

(5) The breeding, boarding, raising, training, riding instruction, and selling of equines.

(6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

(7) The raising, breeding, or sale of poultry or game birds.

(8) The raising of bees.

(9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

(b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

V. The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

VI. The term "agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.

**Source.** 1961, 140:1. 1977, 95:1. 1979, 60:1. 1985, 6:1. 1997, 250:1. 1999, 191:2. 2005, 107:1. 2006, 11:5; 326:1. 2007, 157:1. 2008, 8:1, eff. July 4, 2008.