

DECLARATION OF CONSERVATION RESTRICTION

This Grant of Conservation Restriction is made this ____ day of ____ 2023, by KRJ Finance LLC, a limited liability company in the State of New Hampshire with a place of business located at 254 Drake Hill Road, Town of Strafford, County of Strafford, State of New Hampshire (hereinafter referred to as the "Grantors", which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantors' executors, administrators, legal representatives, devisees, heirs, successors and assigns),

for consideration, grant in perpetuity to the Town of Strafford:

WITNESSETH

WHEREAS, the Grantors are the sole owners, in fee simple, of certain real property in the Town of Strafford, County of Strafford and State of New Hampshire, being a portion of the property described in the Deed of Rebecca A. Witcher, Trustee of The Rebecca A. Witcher Trust, dated February 17, 2022, and recorded at the Strafford County Registry of Deeds at Book 5012, Page 883, said conserved portion being referenced on a Plan entitled "Conservation Easement Overview, Land of KRJ Finance LLC, Webber Road, Strafford, NH Tax Map 1, Lots 22 & 23" by Berry Surveying and Engineering Dated April 11, 2022 as may be revised and recorded at the Strafford County Registry of Deeds at _____ on _____, 2023 ("Plan") and described more particularly in the property description contained in Exhibit A; and

WHEREAS, a portion of the property possesses natural, aesthetic, agricultural, forestry, and upland/wetland values of importance to the Grantors, the Town of Strafford, and the State of New Hampshire, which said portion is labelled and partially shown on the Plan as Tax Map 1 Lot 23 Conservation Area 58.47 +/- Acres ("Conservation Area"); and

WHEREAS, Grantors, subject to those rights reserved herein, intend that the conservation values of the Conservation Lot be preserved and maintained, including those relating to uplands, wetlands, aesthetic characteristics, natural resources, agricultural cultivation, aquaculture activities, pastures and agricultural activities, use and harvesting of forest products and lumber, and open and forested space at the time of this grant that do not significantly impair or interfere with those values; and

WHEREAS, A purpose and intent of the conservation area is to protect rare, threatened, and endangered wildlife species identified by New Hampshire Fish and Game, including but not limited to Blanding's turtle (*Emydoidea blandingii*) and spotted turtle (*Clemmys guttata*).

WHEREAS, the Grantors further intend, as owners of the property, to restrict the use of said land, except as otherwise permitted herein, to preserve and protect the conservation values of the Conservation Lot in perpetuity, and that these Conservation Restrictions are to run with the land; and the property will be retained forever as forestland, field, pasture, ponds, and wetland, and

WHEREAS, the Grantors intend the property to remain in private ownership and to use and harvest forest products, and management activities shall be carried out in accordance with all applicable local, state and federal laws and regulations, and in accordance with the then current, accepted best practices for the rare species protection, sites, soils and terrain of the Property (For

references, see *A Guide of the Best Management Practices for the Blanding's Turtle (Emydoidea blandingii) in the Northeastern U.S.* (northeastturtles.org); *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire* (J.B. Cullen, 1996); *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire* (UNI-I Cooperative Extension and NH Department of Resources and Economic Development, Karen P. Bennett, ed OJ OJ); to use the land for agricultural cultivation, pastures and agricultural activities; to use the land for aquaculture activities; and

WHEREAS, if the Grantors sell or otherwise transfer the land to a public entity or other conservation entity the land be used in the same manner;

WHEREAS, this Declaration of Conservation Restriction is being given in consideration of the Town of Strafford Planning Board approval of subdivision more particularly shown on the Plan pursuant to RSA 674:21-a (2018), as hereinafter amended, which is incorporated herein by reference. This deed restriction and conservation easement has been included as part of conservation measures agreed upon in consultation with the New Hampshire Fish and Game Department in accordance with RSA 212-A:9 under New Hampshire Department of Environmental Services Wetland Dredge & Fill Permit # [REDACTED].

NOW THEREFORE, in consideration of all of the above, the Grantors hereby voluntarily impose a Conservation Restriction in perpetuity of the Conservation Area.

The Conservation Area shall be maintained in perpetuity as private, open space unless transferred to a public entity or other conservation entity. It shall be managed without there being conducted any industrial, commercial, residential, or recreational activities, except as described below.

I. Permitted Uses

- a. Agriculture shall be permitted. It being intended by the Grantors and understood by the Town of Strafford that agriculture shall be defined as broadly as possible and shall include the definitions set forth in RSA 21:34-a, I, II, and IV, regarding farm, agriculture, and best management practices, respectively, as hereinafter amended. However, structures shall be limited to those identified in Section I. d. Herbicide and pesticide use shall be in compliance with section II. d.
- b. Hunting shall be permitted but may be limited at the Grantors discretion.
- c. The stonewalls in the interior of the Conservation Area may be altered only as necessary for agricultural purposes and access, but this activity is not encouraged
- d. The installation of up to two barns to be used for agricultural uses. The maximum size of each barn is to be 30'X50' measured to outside walls and is not intended to be measured to the roof overhang.

II. Prohibited Uses/Limitations

- a. The Conservation Area may be subdivided or revised as to allow connection to other eased or conserved land by separate owners or parties. This is not restricted to private land owners.
- b. No changes to the topography, surface or subsurface water systems, wetland or natural habitat shall be allowed, except as necessary for allowed activities described in Section I.
- c. The stonewalls surrounding the perimeter of the Conservation Area shall remain undisturbed.
- d. No herbicides or pesticides shall be used within wetlands/vernal pools or their 50 ft. buffers.

- e. Except as part of allowed activities described in Section I, there shall be no mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, top soil or other similar materials on the property.
- f. There shall be no dumping, injection, burning or burial of man-made materials or materials then known to be environmentally hazardous.

III. Miscellaneous Provisions

- a. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of these covenants. The Town of Strafford and Grantors and their heirs, successors and assigns shall have the right to inspect, enforce or prosecute by legal or equitable action any violation of the *covenants contained herein. The Town shall provide Grantors at least five (5) days prior written notice of inspections, unless exigent circumstances exist which require less or no such notice*
- b. Grantors for themselves, their heirs, successors and assigns, shall retain private uses of the property to include the activities described in Section I.

IV. Information Sharing

- a. Grantor shall share with the New Hampshire Fish & Game Department Nongame Wildlife Program the Site Plans, shapefiles, and KMZ files delineating the Property and the Conservation Area. These items shall be provided to the New Hampshire Department of Environmental Services and New Hampshire Fish and Game, or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of habitat for rare, threatened, and endangered species, under 30 days of executing this document.
- b. Once signed and recorded, a copy of this document shall be shared with the New Hampshire Fish & Game Department Nongame Wildlife Program.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____ 2023

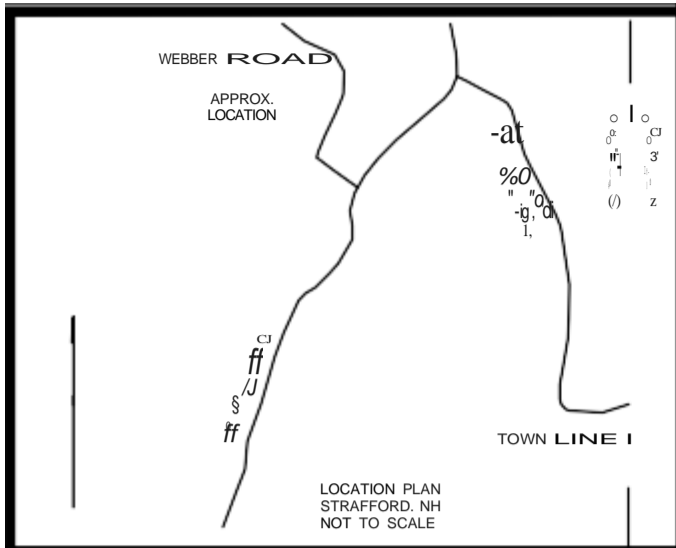
Michael Whitcher, Managing Member
KRJ Finance LLC

Date

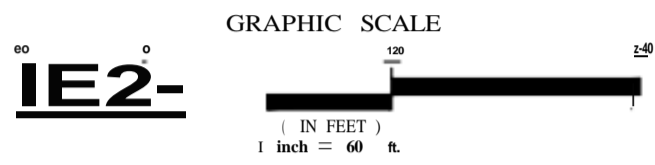
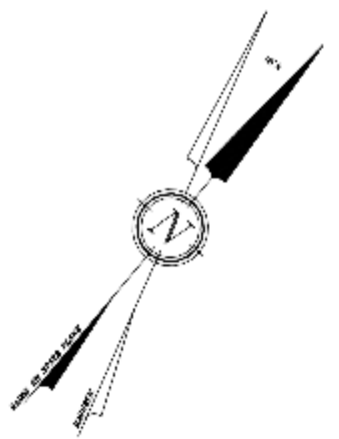
STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD, SS

On this ____ day of _____, 2023, before me the undersigned officer, personally appeared Michael Whitcher, Managing Member of KRJ Finance LLC who acknowledged the foregoing to be his and her voluntary acts and deed for the purposes therein contained.

Before me,
Justice of the Peace/Notary Public
My commission expires: _____



- LEGEND:**
- 3/4" REBAR W/ ID CAP -TBS...
 - 1/2" REBAR W/ EASEMENT CAP -TBS-
 - ⊙ DRILL HOLE -FND OR SET-
 - ⊙ UTILITY POLE
 - - - PROPOSED BOUNDARY LINE
 - ===== BUILDING SETBACK LINE
 - PROPOSED EASEMENT LINE
 - ~~~~~ POORLY DRAINED WETLANDS
 - ||||| 50' WETLAND BUILDING SETBACK
 - ||||| 25' WETLAND NO TOUCH BUFFER
 - ===== STONE WALL
 - STONE WALL REMAINS
 - m MATCH POINT
 - MATCH LINE
 - - - 76+ CONTOUR MINOR, EXISTING
 - - - 100+ CONTOUR MAJOR, EXISTING
 - - - 701 CONTOUR MINOR, PROPOSED
 - ===== 700 CONTOUR MAJOR, PROPOSED
 - DRAIN CULVERT W/ FLARED END SECTION (F.E.S.)
 - ===== SHOULDER
 - CENTER LINE
 - GUARD RAIL
 - P/C PERIMETER CONTROL
 - - - C - C CONSTRUCTION FENCE
 - FND FOUND
 - TR ABANDONED
 - S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS
 - Ⓡ PHOTO POINT
 - WETLAND BUFFER TO BE DISTURBED
 - WETLAND TO BE DISTURBED



- NOTES:**
- 1) OWNER: KRJ FINANCE, LLC
254 DRAKE HILL ROAD
STRAFFORD, NH 03884
 - A) TAX MAP I, LOT 22
 - 8.) EXISTING LOT AREA: 828,633 Sq.Ft., 19.02 Ac.
PROPOSED LOT AREA: 605,889 Sq.Ft., 13.91 Ac.
 - C.) S.C.R.D. BOOK 5012, PAGE 883
 - 2) OWNER: KRJ FINANCE, LLC
254 DRAKE HILL ROAD
STRAFFORD, NH 03884
 - A) TAX MAP I, LOT 23
 - 8.) EXISTING LOT AREA: 2,547,124 Sq.Ft., 58.47 Ac.
PROPOSED LOT AREA: 2,769,868 Sq.Ft., 63.59 Ac.
 - C.) S.C.R.D. BOOK 5012, PAGE 883
 - 3) THE INTENT OF THIS PLAN IS TO PROVIDE NH F&G WITH A PLAN THAT DEMONSTRATES THE ASSUMED TREE CLEARING LIMITS. THIS PLAN IS NOT INTENDED TO BE USED TO RESTRICT THE PRIVATE RIGHTS OF LAND OWNERS NOW OR IN THE FUTURE.



REVISION	DATE	DESCRIPTION
#1	6-27-22	REVISED PER PB COMMENT

ASSUMED TREE CLEARING LIMITS

LAND OF
KRJ FINANCE, LLC
WEBBER ROAD
STRAFFORD, N.H.
TAX MAP I, LOT 22 & 23

FERRY SURVEYING & ENGINEERING

335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863

SCALE : 1 IN. EQUALS 60 FT.

DATE : APRIL 11, 2022

FILE NO. : DB 2021-072

