

**DECLARATION OF CONSERVATION
RESTRICTION**

This Grant of Conservation Restriction is made this ____ day of October, 2023, by Riley Trust of the May 20, 2013, c/o Dal Ray Riley and Joanne D. Riley, trustees, both of 33 Dimes Road, Town of Northwood, County of Rockingham, 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:

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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 more particularly described in the Deed of Riley Trust of May 2013, dated September 30, 2013, and recorded at the Strafford County Registry of Deeds at Book 4169, Page 419, and being referenced on a Plan entitled Riley Conservation Subdivision, dated August 4, 2023, prepared by Raymond A. Bisson of Stonewall Surveying and recorded at the Strafford County Registry of Deeds at _____ on October, 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 19 Lot 17-1 being 33.61 +/- 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 wildlife including the following threatened and endangered species identified by the New Hampshire Natural Heritage Bureau Data Check on August 21, 2023; 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 in the "Exclusion Area" and 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, generally accepted best practices for the sites, soils and terrain of the Property (For references,

see 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 or similar publications)*; 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.

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.

- Permitted Uses
 - 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.
 - Hunting shall be permitted but may be limited at the Grantors discretion.
 - The stonewalls in the interior of the Conservation Area may be altered but this activity is not encouraged.
 - Outside the “Exclusion Area”, the installation of a barn or stable to be used

for agricultural uses is allowed. The maximum size of each is to be 30'x50' measured to outside walls and is not intended to be measured to the roof overhang.

- Prohibited Uses
 - 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.
 - 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.
 - The stonewalls surrounding the perimeter of the Conservation Area shall remain undisturbed.
 - 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.
 - There shall be no dumping, injection, burning or burial of man-made materials or materials then known to be environmentally hazardous.

- Miscellaneous Provisions
 - 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*
 - Grantors for themselves, their heirs, successors and assigns, shall retain private uses of the property to include the activities described in Section I.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of
_____2023

Dal Ray Riley, Trustee
Riley Trust of the May 20, 2013

Date

Joanne D. Riley, Trustee
Riley Trust of the May 20, 2013

Date

STATE OF NEW
HAMPSHIRE
COUNTY OF
STRAFFORD, SS

On this ____ day of _____, 2023, before me the undersigned officer,
personally appeared Dal Ray Riley & Joanne D. Riley, Trustees of the Riley Trust of
May 20, 2013, 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: _____