

**Town of Pelham, NH**  
**Pelham Conservation Commission**  
**6 Village Green**  
**Pelham, NH 03076-3723**

**MEETING OF 10/11/17**

**APPROVED 04/11/18**

Members Present:

Karen Mackay, Ken Stanvick,  
Louise Delehanty, Paul Gagnon,  
Lisa Loosigian (late)

Members Absent:

Paul Dadak,  
Mike Gendreau

Paul Gagnon brought the meeting to order at 7:07 p.m.

**PUBLIC HEARING:**

Map 29 Lot 7-14	Off Briarwood Road – Proposal to purchase approximately 26 acres for use as conservation land per RSA 36-A – Presentation by Paul Gagnon
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The parcel is located along the class 6 portion of Briarwood Road with a small frontage on Clark Circle. Currently, the parcel is a residential lot of 29.5 acres with a single family home with Clark Circle access. The owner has agreed to sell the 26 back acres to the town. The 3.5 acres will remain with the home. The parcel abuts the Peabody Town Forest and will be added to the Forest if the parcel is acquired. Peabody Town Forest also abuts the golf course and the Girl Scout camp. These lands together comprise a large block of undeveloped or minimally developed land.

The parcel is about 75 percent uplands and 25 percent wetlands. The property sits close to the watershed dividing line between land that drains to Beaver Brook and Little Island Pond. This property drains to Beaver Brook via Tony's Brook. The wetland on the property is the headwaters of Tony's Brook. The upland area is heavily forested and provides great wildlife habitat along with the surrounding Peabody Town Forest land. There is potential to harvest timber from the property either when we next harvest Peabody or prior to that time. On average, a harvest yields \$1,000 per acre. There are about 19-20 acres of upland on this property.

One of the parcels of Peabody Town Forest abuts Fletcher Drive. The parcel on Fletcher abuts the subject property. There is potential to add a trail head off Fletcher and add a trail through the parcels that are south of Old Lawrence Road. This would provide easy access to residents in the Fletcher Drive area.

Mr. Gagnon filled out the Checklist for Acquisition of Open Space. The purpose of the check list is to ensure Conservation has considered the environmental value of the property prior to the acquisition. The checklist asks questions about the protection of water resources, wildlife habitat, aquifer recharge, rural character and natural resources. Land connectivity is considered as well as

the interest the land owner has in conservation of land. In addition, the housing units that the land could support, if developed, are considered. Negative aspects of the land are also evaluated.

The parcel is located in the Priority 1 area as designated on the Town of Pelham, Open Space Plan. The Plan was written up in 2009 in cooperation with Nashua Regional Planning Commission (NRPC). The Plan was designed to determine long term goals for land protection. Land was designated priority 1, 2, 3 or already developed/low value for protection. The designated priority 1 areas are concentrated in a large swath in the central part of town connecting the Fish and Game Club to the farm lands along route 38 to the Girl Scout land and the golf course to Peabody Town Forest. Another priority 1 land mass is in the western part of town.

The town has the property appraised at \$393,000 for the land including the full 29.5 acres with the house. In Pelham, an average acre of land with a house is valued at \$115,000. Each additional acre with the house is valued at about \$35,000. The appraised values described are for the land only, not the house. Land with a house is valued higher than land without a house. The house is valued separately on the accessor's property card. This break down shows the land we have proposed to purchase has a value of \$173,000. The proposed selling price is \$125,000. The selling price was well below the town appraised value; therefore, no independent appraisal was conducted on this property. The seller agreed to the bargain price for the property. The price per acre is about \$4,800 which is well below our target of \$7,000 per acre.

The Commission currently has \$315,000 left of the \$3,000,000 bond. The Current Use tax fund is just under \$700,000. This purchase will have no tax impact for town residents. The money used for this purchase will be from the Current Use fund. Current Use is a state program that helps land owners defray tax impacts from owning large pieces of land. Land owners are allowed to designate a parcel of open land over 10 acres to be current use land. This means the owner gets a huge break on their taxes for that land. As long as the parcel stays undeveloped, the land owner can take the reduced tax rate on the property. If the owner decides to sell to a developer, the town steps in and requires 10 percent of the selling price be paid to the town. This is basically a payment of the tax that had been given as a break for preceding years. In Pelham, the Current Use tax designates 75 percent of the 10 percent tax be given to the Conservation Commission. For example: if a parcel is sold for \$1,000,000, then the town gets 10 percent which is \$100,000 and the Conservation Commission gets \$75,000 of that money. The money acquired by the Commission can only be used for land conservation purposes.

This property will need survey work to be done prior to a lot line adjustment and prior to the sale. We will adjust the lot line of Peabody Town Forest to envelop this parcel and simultaneously separate the 3.5 acre parcel with the house. This work will take time; therefore, the closing for this property is expected to be early next year.

The Commission meets in non-public session to discuss land acquisitions prior to these public hearings. In non-public, we discuss the property and its value for the town. Members ask questions about the property and discuss how the property fits into our plans about conserving land. If members are against the purchase, we do not move forward. All the properties that we have brought to this point have the backing of the majority of the members and have also been

discussed with the Selectmen. We do not bring properties forward if we think they will not have public support.

Ms. Mackay asked if we should merge the lot lines for the parcels that make up Peabody Town Forest to make Peabody one lot. Peabody currently has about 8 different parcels. Ms. Mackay felt that in the future someone in town may think about selling off one or more of the parcels to raise funds for the town. If Peabody was one parcel, it may be easier to hold together. Mr. Gagnon questioned the procedure and the cost associated with a merge. Ms. Mackay agreed to speak to Susan Snide, the assessor, to inquire about the procedure.

Ms. Delehanty spoke of how these lands need to be protected. Once they have been developed they are gone forever. The lands have great value for recreation and wildlife habitat. They are great for walking dogs and family recreation.

Public Comment: None.

Motion: (Mackay/Delehanty) to recommend to the Selectmen that we purchase this parcel for \$125,000.

Vote: 5-0-0 in favor

PUBLIC HEARING:

Map 39 Lot 6-181	Off Mammoth Road – Proposal to purchase approximately 46.5 acres for use as conservation land per RSA 36-A – Presentation by Paul Gagnon
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We have talked for a long time about connecting Gumpus Pond Conservation Area to Sherburne Road. We have completed that task. The town also owns a huge piece of property within the 400 acre Southern Beaver Brook Prime Wetland. The Commission would like to connect the Sherburne Road property to the Prime Wetland property.

The property is owned by Frederick Merriam the son of Frederick Merriam who sold the town the Merriam property on Sherburne Road. This property abuts Moonshadow Drive and could be easily developed. There would be no need to cut trees, pull stumps and crush rocks because the land is largely open. Gumpus Pond Brook which drains Gumpus Pond, flows through this property.

The proposal is to purchase a 46.5 acre parcel that has frontage on Mammoth Road and several hundred feet of frontage along Beaver Brook. The parcel is an old farm and is largely field/farm habitat and level elevation. The farm land continues to be farmed by the Nietupski family. The town owned land in the Southern Beaver Brook Prime Wetland is directly across the brook from the new proposed parcel. There may be the potential to build a bridge across the brook to gain access to the town owned prime wetland property.

The land owner would also like to donate a 5.76 acre parcel to the town. The donated piece is also on Beaver Brook, but is not adjacent to this parcel. The 5.76 acre piece is a cranberry bog upstream from the 46.5 acre parcel. The cranberry bog is off Cranberry Lane. The 5.76 acre

parcel is not developable. It is part of the Southern Beaver Brook Prime Wetland and will protect wetlands and the shore land of Beaver Brook.

A 9 lot conservation subdivision is being built on the corner of Sherburne and Mammoth Road. This subdivision abuts the Merriam/Cutter Conservation Area. The developers of the subdivision have agreed to donate the open space land on the subdivision to the town. This means there will be access from Merriam/Cutter, around the north side of the subdivision to Mammoth Road. The subject parcel is across the street from the new subdivision which means we will have the ability to run a trail around the subdivision to cross the road to the new proposed parcel.

Mr. Gagnon filled out the Check List for Open Space Acquisitions for this property. The property protects natural resources, water resources, and land connectivity. This land is also in active agricultural use. The check list also requires the Commission to evaluate negatives on the land such as strict easements or unreasonable requests from the seller. Parcels with undue restrictions would not be pursued for purchase. The parcel is in the priority 2 area as defined in the Pelham Open Space Plan from 2009. This parcel is in a lower level priority area than our other hearing tonight. The priority 2 area does not mean this parcel is of less value than the other parcel which was designated a priority 1 area.

The Commission worked on the Open Space Plan with NRPC to define areas of open space importance in town. NRPC advised us to define large blocks of land that could be prioritized for maintaining open space. Large land blocks were suggested because we did not want a checkerboard effect by defining lots individually as priority 1, 2, or 3. The Commission decided, along with NRPC advice, to break the town up into different priority areas. We had to make decisions about how to define the different areas. Priority 1 areas are not necessarily of more value than priority 2 or 3. The priority 1 areas in our plan simply were part of already existing large undeveloped land blocks. The Commission thinks thoroughly about all parts of any land purchase and does not discount a parcel because it is in a lower priority area. This parcel is defined as priority 2, but is of high value to the town because of the ease of development and the frontage along the brook.

This parcel is much more expensive than the parcel on our other hearing tonight. This parcel is much easier to develop and has already been cleared as it is a farm. This parcel was appraised independently at \$440,000 while the town having appraised the land at \$468,600. The land owner wants to sell the parcel at the full appraisal price considering it is well below the town appraisal. A purchase and sale document has been signed for \$440,000 for the 46.5 acre parcel and the donation of the 5.76 acre parcel.

This parcel will be purchased, if approved, using Current Use funds. There will be no tax impact for this purchase. Current use money cannot be used for any purpose other than conservation activities. The funds are earmarked by state law.

Mr. Gagnon reviewed the list of acquired properties since 2003. He had added this purchase and donation as one purchased entity on the master list. Ms. Loosigian suggested he separate the purchased land of 46.5 acres from the 5.76 acre donated parcel in order to be more transparent in how the parcels were acquired.

Public Comment: None.

Motion: (Mackay/Loosigian) to recommend the purchase of this property to the Selectmen for \$440,000 and the donation of the 5.76 acre cranberry bog.

Vote: 5-0-0 in favor.

#### WALK IN ITEMS:

Ms. Delehanty reminded the Commission about a season kick-off party for the Border Riders Snowmobile Club on Saturday, October 21, 2017 at the Legion.

Ms. Delehanty talked about using the leaves from your mulching lawn mower to fertilize your garden. The mulched leaves are good for the soils and can be incorporated into the soil if they are mulched small.

Mr. Gagnon asked if anyone wanted to attend the annual meeting of the NH Association of Conservation Commissions on November 4, 2017. The town will cover the cost for any member who wants to attend.

Mr. Stanvick spoke about detention/retention ponds. He went to Planning and spoke to Jeff Gowan about the procedure for inspecting and cleaning ponds. Mr. Gowan told Mr. Stanvick that there was no master list of the locations of these ponds and no process for inspections. Any cleaning of the ponds would be done by the highway department. The highway department will inspect any ponds if complaints come into the office. The town is responsible for all maintenance on the ponds after the roads in new subdivisions have been accepted as town roads. Over time the ponds can fill with debris, weeds, and sediments and must be cleaned in order to continue to work as they were designed. We should have a described process for these inspections. The federal government will soon require GPS coordinates for all wetlands and waterbodies. Ms. Loosigian stated that Pelham is a regulated community so operates under a permit for storm water systems. New regulations for 2018 will require a maintenance schedule for detention basins. These ponds are good as intended, but there must be some type of enforcement to keep them functioning properly.

Motion: (Stanvick/Delehanty) to send a letter to Planning about detention/retention pond maintenance.

Vote: 4-0 in favor, Mackay abstained. Ms. Mackay felt uncomfortable in voting to give Planning a job to write up a list of basins and see to the regular maintenance.

#### ADJOURNMENT:

Motion: (Loosigian/Stanvick) to adjourn

Vote: 5-0-0 in favor.

Adjourned 8:51 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary