

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

MEETING OF 06/12/19

Members Present

Karen Mackay, Ken Stanvick ,
Brandie Shydo, Lisa Loosigian,
Al Steward (alt), Dennis Hogan (alt)

APPROVED 07/10/19

Members Absent:

Louise Delehanty, Paul Gagnon,
Mike Gendreau,
Kara Kubit (alt)

Karen Mackay brought the meeting to order at 7:00 p.m. and appointed Al Steward and Dennis Hogan as voting members for tonight.

PUBLIC HEARING:

Map 32 Lot 2-69 (4.62 ac) & Lot 2- 69-3 (12 ac)	Off Spaulding Hill Road – Proposed purchase of two parcels of land in accordance with RSA 36-A for the purpose of conservation and open space. – Presentation by Al Steward
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Mr. Steward became interested in the Commission when he met Deb Waters and Paul Gagnon at Old Home Day 2018. Mr. Gagnon and Ms. Waters recruited Mr. Steward as a trail adopter. He attended a few meetings of the Forestry Committee and then decided to join the Conservation Commission. Recently, he began working with Mr. Gagnon to identify land and land owners that would work with us to expand our conservation lands and open space.

Mr. Steward gave a brief explanation of the revised statutes annotated (RSA) that govern the formation and function of New Hampshire Conservation Commissions. Our Commission is governed by RSA 36-A. This statute describes the purpose of a town Conservation Commission and how the Commission will conduct business. Our purpose is to protect natural resources with one of our abilities being to acquire property for the protection and proper utilization of open space.

These properties are located on either side of the class 6 portion of Spaulding Hill Road. These parcels were chosen for purchase because they connect to other town owned properties, have wonderful natural resources, the owner was interested in conservation and the price was reasonable. The land is over 16 acres in size with forested rolling hills and a 6+ acre beaver dam wetland feature and abundant wildlife habitats.

Mr. Steward contacted the land owner by sending a letter that expressed the Commission's interest in the land. Mr. Steward told the land owner he would follow the letter with a call in a week or two. Mr. Steward talked to the land owner over the phone to discuss the land purchase. The land owner does not live locally and agreed to talk about selling the property to the town for the purpose of conservation. The Purchase and Sale agreement was signed with the understanding that the Commission would need to have a public hearing and a vote to recommend the parcel for purchase and the Selectmen would need two public hearings and a

vote to approve the purchase. The notice of the Conservation Commission public hearing was posted in the Lowell Sun on May 25, 2019.

Mr. Stanvick asked if the letter sent to the land owner had been reviewed by Commission members. The letter was reviewed by Mr. Steward and Mr. Gagnon. Mr. Stanvick asked if future letters could be discussed by the Commission prior to being sent so that members could make suggestions or changes to the letters sent to land owners. If the letter is being sent by the Commission, the Commission should review the letter. Mr. Stanvick asked if there were any minutes or record of the phone call between Mr. Steward and Mr. Cronin, the land owner. Mr. Steward did not take official minutes, but he took notes and gave them to Mr. Gagnon after the call. Mr. Stanvick would like to see a more formal process to review land purchases and suggested we talk about this procedure at our next Conservation meeting.

Ms. Mackay said that Mr. Gagnon does not share his notes from phone calls with land owners with the Commission. Usually, a member would identify a piece of land then at the next meeting, in non-public session, members would discuss the parcel(s) that had been identified as potential purchase opportunity. If members thought the parcel seemed like a good investment, the process would move forward. Notes do not get distributed for this procedure. The discussion is informal about whether members think the parcel should be pursued.

Mr. Stanvick suggested the process be more formal because we are spending money for these parcels. Ms. Mackay said that is the process we are going through with this public hearing. Mr. Steward, or whomever is presenting a parcel, will describe the agreement, then members will ask questions about the property. Mr. Stanvick felt this was late in the process because the purchase and sale document was already signed. Ms. Mackay acknowledged the purchase and sale document is signed, but we are not bound to buy this land. The purchase and sale has conditions that must be met prior to the sale, such as public hearings and approvals. Once the Commission agrees to pursue a purchase the members have no involvement in deciding the cost. The Selectmen decide how much they are willing to pay for a property.

The procedure for this parcel was unique. The property came up for sale quickly. The land owner agreed to the sale so Mr. Gagnon moved forward with the process. The Selectmen have been aware of this proposed purchase all along. Mr. Gagnon did not come to us with this specific purchase, but we have been working in this area, pursuing connections, for about 10 years.

Lot 32/2-69 is 4.62 acres in size. The town has appraised this parcel at \$17,500.00. Lot 32/2-69-3 is 12 acres in size and is appraised at \$25,200.00. The parcels together are valued at \$42,700.00. Mr. Steward and Mr. Gagnon negotiated with the land owner to subtract the current use change tax from the price of the property. The change use tax on all properties in town is 10 percent of the value of the property. This property has a change use tax of \$4,270.00. This is the amount the land owner would have to pay the town if they sold their property to anyone for any type of development. The land has been in current use which allows a land owner to pay a low tax rate for open space land. If a land owner ever sells the property, they must pay the 10 percent fee for changing the use of the property from open space to developed land. The owner agreed to subtract the \$4,270.00 which brought the purchase price to \$38,430.00. The price per acre will be \$2312.27 which is the low end of what the Commission has paid per acre in the past.

The price per acre that the Commission has paid in the past ranges from about \$2,500 to \$14,500 depending on where in town a parcel is located. The average price paid per acre is \$7,000. These parcels are well below the average. There is another property that we purchased about 7-8 years

ago in the area that sold for \$78,000 for around 32 acres. This was also a connecting piece, but very inaccessible so the appraisal came in low.

At times, the Commission hires a licensed appraiser to determine the value of a property. This purchase did not have an independent appraisal, we used the town assessor's appraisal. Sometimes if a parcels is small or low cost we won't do an independent appraisal. If a land owner is willing to go with the appraisal on the town tax card and take some amount off, then we will go with that price because independent appraisals cost around \$2,500 which comes out of Conservation funds. If a land owner thinks their land is worth \$400,000 and we don't think it is worth that much, then we will get an appraisal if the land owner is serious about selling. If the appraisal comes back with a value of \$500,000, then we may pay \$400,000, but if the appraisal comes back at \$300,000 then we won't pay that price.

The Commission will be using the Conservation Fund (Current Use) to pay for this property. Money enters this fund through the change use tax which is charged to land owners when they convert their property from open land to developable land. The tax is charged to the land owner when the property is sold. The town of Pelham collects the tax, which is 10 percent of the sale price of the land, and deposits 75 percent of the money in the Conservation Fund. This money can only be used for the conservation of land.

This parcel has a big wetland on it. The Commission usually buys upland parcels. This parcel did not have any pressure of development on it because the parcel is so far up Spaulding Hill Road that the cost to build the road to the parcel was prohibitive. Any developer could not build enough houses on the land to make it worth putting in an expensive half-mile of road. The parcel is 16 acres with a 6+ acre wetland. A builder would need to get on the parcel and around the wetland to build houses which would be a challenge. Perhaps 5 houses could fit on the parcel. The lot does not have development pressure which is the reason the Commission could purchase the property for a low price. If this parcel were located on Sherburne Road or another main road, then the price would have been much higher. Lack of accessibility limits the value of the property.

Mr. Steward reviewed the Selection Criteria and Checklist for Open Space Acquisitions (Checklist) with the members. Conservation and the Selectmen designed and implemented the Checklist several years ago as an effort to make sure properties under consideration for acquisition were worthy of purchase. We wanted a list of features that would qualify or disqualify a parcel for purchase. The properties protect the rural character and natural resources, meets the goals of the Open Space Plan and the property owner was interested in conservation. In addition, the properties protect water resources, land connectivity, outdoor recreation, provide educational opportunities, scenic views, wildlife habitat and working lands. The purchase does not reduce housing units because this land was not under development pressure. The land is within the Priority 1 area as defined in the Pelham Open Space Plan, which is the land in town with the highest value for protection. The properties did not have any disqualifying features as described on the Checklist.

Mr. Stanvick questioned if there was any reason to believe or not believe that the land could be contaminated or otherwise undesirable to purchase. He asked if Commission members had looked into the historical use of the property and questioned if we should conduct such research prior to purchasing property. He asked if reasonable due diligence was undertaken to make sure the land is good quality. Ms. Mackay said the Commission simply does not have the resources to deeply investigate the history of every piece of land that we purchase. Mr. Steward speculated

the property had been vacant since the 1980's. Mr. Hogan has walked all around the area and speculates there has been no organized activity on this land for 100 years. Mr. Stanvick stated that we should always be looking to improving the process. Ms. Mackay said the purpose of this meeting is to get Conservation input.

Ms. Mackay was certain the land had been vacant for at least 100 years. The area is very remote and all the surrounding area has minimal development. The closest development to the property is new within the past 5 years. The land contains some stone walls which were probably foundations for a barn or animal corrals at some time in the past. These parcels are in the middle of a 650+ acre swath of land that runs from Merriam/Cutter Conservation Area to Gumpas Pond Conservation Area. There is lots of stone walls in the area and evidence of historic farming. The land has been vacant for many years as there are 18-24 inch diameter trees growing throughout the parcels.

Gumpas Pond Conservation Area had a problem with illegal dumping several years ago. People had dumped old tires, refrigerators, etc. by entering the property through Hudson. The access road through Pelham is completely inaccessible by vehicles as the class 6 road is covered with rocks and large boulders as well as potholes. Residents will be able to access the land by hiking anytime or snowmobiling in winter months.

One important feature of this land is connectivity. The lots fit like a puzzle piece to other town owned parcels. There are no houses in the area. There is a one acre piece adjacent to this land, but the land owner wanted \$25,000 for the parcel which is way too much for a one acre parcel in this area. Additionally, the 12 acre parcel has a 6+ acre wetland that at times can grow larger and even overtop the dam and flow onto the road.

Ms. Mackay briefly went over the Open Space Plan (Plan). The Plan was put together in 2009 (approved 2010). The purpose of the plan was to make huge blocks of open land throughout town. We defined 3 different priority areas. Priority 1 areas are areas with a large total of existing conserved lands and the highest potential for connectivity. These areas are on the western part of town and the Girl Scout camp to fish and game. Priority 2 areas are areas with existing conserved lands with the potential for connectivity. These areas are in the central part of town, lower Beaver Brook area and Costa/Calitri corridor. Priority 3 areas are areas with few existing conserved lands, but highly ranked in co-occurrence. These areas are spread around town with one being Harris Pond area.

Public Input:
None.

Motion: (Steward/Hogan) to recommend the purchase of two lots, map 32/2-69 of 4.62 acres and map 32/2-69-3 of 12 acres for a price of \$38,430.00 (\$2312.27/acre).
Vote: 6-0-0 in favor.

PRESENTATION:

Ms. Melissa Doperalski, a wildlife biologist with NH Fish & Game, will give a presentation on vernal pool habitats.

Ms. Doperalski works for the Non-Game and Endangered Wildlife Program at NH Fish and Game. The focus of the program is primarily 600+ species of insects, mussels, invertebrates, mammals, amphibians and reptiles.

A vernal pool is a specialized wetland that holds water usually for a portion of the year, at minimum 2 months, but can hold water all year. All vernal pools are wetlands; not all wetlands are vernal pools. These pools often fill in spring with snow melt and spring runoff and can dry up in the summer and fall months. The pools are located in shallow depressions with poorly drained soils. Vernal pools are vital resource for reptiles and amphibians. They are fishless which is very important for amphibian egg masses to be able to develop without predators. They come in varying sizes and shapes. Size does not determine productivity in a pool. Productivity is more influenced by the surrounding landscape and other vernal pools in the area.

Vernal pools are often underrepresented in the landscape because they dry up and are not visible as a wetland feature all the time. They are hard to notice in the winter as they are covered with snow. In summer and/or fall they can be a slight depression in the ground with no water. Development of land can cause a problem for vernal pools because they can be overlooked and then destroyed unintentionally. All-terrain-vehicles (ATV's) can cause problems by laying tire tracks along the side of a pool and draining the pool of water. If amphibians have already laid eggs in the pool, the water can flow out and the eggs can dry up and die.

Spotted salamanders depend on vernal pools for part of their life cycle in order to successfully reproduce. They are a primary indicator of a vernal pool. Spotted salamanders live most of their lives underground; they are called mole salamanders. The males come out, in spring, on some of the first nights with 40 degree to 50 degree temperatures. They make their way to vernal pools where they deposit spermatiphores on the floor of the pools. Females follow the males and use the spermatiphores to fertilize their eggs. The females lay their eggs on twigs, leaves and debris within the vernal pools. In about 6 weeks, the juveniles hatch out. The young have external gills and live in the pools until mid-summer when they lose their gills and emerge from the pools to migrate into the surrounding forest and bury themselves in the ground. The juveniles spend 2-3 years underground then they return to their pool to reproduce.

Salamanders are not in every pool every year. Amphibians do not have the same reproductive cycle each year. Some years a pool may be light on amphibian activity. This does not mean the pool is not productive. The following year the pool may be crowded with amphibians.

Vernal pools are important habitats for many types of animals. Spotted turtles are dependent on vernal pools in the spring. The turtles feed on amphibian egg masses moving from pool to pool as they use the pools as stepping stones. Egg masses are an important food source in the spring. Blanding's turtles, snakes, marbled salamanders, and frogs also use this resource in the spring when they come out of hibernation.

Vernal pool habitats have a high biodiversity. One study documented over 500 species using New England vernal pools. Another study found that the biomass of breeding amphibians in a vernal pool complex in Massachusetts was greater than all the breeding birds and small mammals in the surrounding 53 acre forest.

The largest threats to vernal pools is direct loss from development. Developers often do not realize the land contains a vernal pool. The developers start to level the land and bury a pool in the process. Some vernal pools are very small, but very important. The loss of adjacent upland

habitat is also a serious problem. Protecting a vernal pool but not protecting the habitat surrounding the pool does not really protect the pool. Adjacent uplands provide necessary habitat for many species that use vernal pools. The uplands also provide corridors to other vernal pools or wetland areas needed for the life cycle of many animals. Isolated pools will eventually lose biodiversity and the population of amphibians will die out. The ranges of animals are often larger than you would think, including tiny animals such as salamanders and frogs.

Vernal pools need a forested canopy. Pools in an open area can heat up too much with direct sunlight. Amphibians need the water to stay cool in order for the proper development of the eggs and juveniles.

Habitat fragmentation and genetic isolation can doom a vernal pool. Roads, parking lots, houses and other development provide a genetic barrier. Animals have to cross these features to reach a pool, then have to cross them again to return to other habitat types. These journeys can result in road mortality.

The Harris Center conducts trainings on how to protect vernal pool species. They train people to protect amphibians while crossing roads. Fish and Game tries to work with Department of Transportation (DOT) to install better culverts for amphibians when the culverts need to be replaced. This is expensive and can only be done if the road or culvert needs repairs.

Vernal pools are protected features in the landscape under RSA 482-A Fill and Dredge Wetlands. The pools must be located and delineated, but the state does not require any wetland buffer around wetlands of the state. If a wetland permit is not needed to develop a piece of property, then the state or town may never know there was a vernal pool on the land. Towns can help by adding regulations regarding vernal pools when they periodically rewrite the Zoning ordinances. Language can be added that protects vernal pools.

The Department of Environmental Services (DES) has a very good website with information about vernal pools. Portsmouth did a study of vernal pools in their town which may help us develop regulations. The study is located on the DES website. The study is a 2008 inventory of vernal pools in Portsmouth.

Mr. Stanvick suggested we have the WCD protection around vernal pools. He also recommended we ask Mr. Gagnon if our forester knows about identifying vernal pools. Ms. Doperalski said that foresters are not necessarily trained on vernal pools. Forest management activities should be done in the winter when the ground is frozen to avoid damaging vernal pools.

If an indicator species is found in a pool then the pool is a vernal pool. Any point in the life cycle counts toward a ruling of vernal pool status. Primary indicator species or obligate species include: spotted salamanders, blue spotted salamanders, Jefferson salamanders, wood frogs, and fairy shrimp. Secondary indicator species or facultative species include: clam shrimp, fingernail clams, beetle larvae, dragonfly larvae. To define a vernal pool, the pool must have at least one primary indicator species or 3 secondary indicator species.

New Hampshire Granite database can be used to determine the topography of the land. Lidar, which is a satellite imagery can see elevation changes on the landscape. This can be a way to narrow down areas of potential vernal pools. Ultimately, we would need land owner permission to map vernal pools on private land.

Wildlife sightings can be reported at <http://nhwildlifesightings.unh.edu>. All wildlife reported is helpful to build the database, even common animals.

Brandie will post this presentation on the Facebook page.

Additional resources:

Cooperative Extension

Fish and Game Website

Wildlife Action Plan

Department of Environmental Services

Natural Resources Conservation Service

Harris Center for Conservation Education

University of NH

AVEO Ashuelot Valley Environmental Observatory

ADJOURNMENT:

Motion: (Stanvick/Steward) to adjourn

Vote: 6-0-0 in favor.

Adjourned 9:30 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary