

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

**MEETING OF 08/11/21**

Members Present:

Karen Mackay, Paul Gagnon  
Lisa Loosigian, Mike Gendreau,  
Ken Stanvick, Al Steward,  
Dennis Hogan

**APPROVED 09/08/21**

Members Absent:

Kara Kubit (alt)

Paul Gagnon brought the meeting to order at 7:04 p. m.

**PUBLIC HEARING:**

Map 6 Lot 4-161, Baldwin Hill Rd. Map 6 Lot 4-162, Off Jeremy Hill Rd. Map 12 Lot 4-154, 8 Bowman Lane Map 13 Lot 4-150, 146 Jeremy Hill Rd. Map 13 Lot 4-156, 139 Jeremy Hill Rd. Hudson, NH Lots 208-18 & 202-1	Proposed purchase of 3 conservation easements totaling approximately 202 acres. Hudson, NH lots will have a deed restriction that the lots cannot be subdivided or developed. – Presentation by Al Steward
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The parcels are located in the western part of the town along the Pelham/Hudson town line. There are multiple other conservation lands in the area though they do not directly abut this property. A class 6 road runs along the east side of the property which runs to Raymond Park.

Mr. Steward showed pictures of the fields and forests on the property. The land has multiple structures such as homes, barns, sheds, a maple sugar house, a saw mill and an airplane landing strip. Mr. Steward showed an aerial view of the land.

Mr. Steward reviewed the Selection Criteria and Checklist for Open Space Acquisitions as a Conservation Easement (Checklist). The Checklist is a document used by Conservation to determine if a parcel of land has value to the town as conservation property. The Commission compares the requirements on this document to the proposed land to be purchased. The property must meet all of the following criteria to be considered for purchase. The purchase must protect the town's rural character and natural resources, must meet goals in the town Master Plan and Open Space Plan and the owner must be interested in conservation. This property met all of these criteria.

In addition, the property must meet some of the following criteria. The property must protect water resources, land connectivity, have educational value, scenic views, wildlife habitat, be working lands,

reduce housing units and be suitable for outdoor recreation. This parcel meets all of these criteria except the outdoor recreation. This parcel will not be open to the public. The town is purchasing an easement on the land; the property will remain in the hands of the current owners. This property is under threat of conversion to house lots. The owners have never been interested in selling the land for house lots, but have been asked to sell multiple times to developers. This land is 243 acres in size and could possibly fit 200 homes. The parcels are in the priority 1 area with regards to the Pelham Open Space Plan.

The Checklist also has criteria that would disqualify the property for acquisition. None of the disqualifiers apply to this property.

Mr. Steward worked with the Stecks, land owners, for the past 2 years. He discussed land acquisitions of which they were not interested. They thought maybe an easement would work for them. In November of 2020, Mr. Steward met with the Stecks. They allowed an appraisal of the property. The appraisal was of 240 acres. If sold and developed the appraised value of the property would be 2.695 million dollars. The agricultural rights to the property were worth \$420,000.00 which makes the development rights to the property worth 2.275 million dollars. This dollar amount divided by the 240 acres would be \$9,479.16 per acre. Pelham would not be able to buy land in Hudson so the Hudson land value was subtracted from the total. The final easement will be 202 acres at a cost of \$1,715,400.00.

The Smith Farm Easement was a model for this easement. An exclusion zone was agreed upon that contains the farm house and the barns, maple sugar house and saw mill. The exclusion zone will remain a working farm area. The remaining acreage can be farmed and have a managed forest under the easement agreement.

Mr. Paul Steck agreed to place a deed restriction on the 33 acres in Hudson so the land can never be subdivided or developed. He agreed to allow the town of Pelham to enforce the easement on the Hudson land. If we calculate the value per acre based on the Pelham land and the Hudson land that Mr. Steck voluntarily placed an easement, than the cost per acre for this land drops to \$7,109.00. This cost is in line with our goal of \$7,000.00 per acre for conservation land.

Current use funds will be used to pay for this purchase. Currently, we have about one million dollars in the current use account. Current use tax is a tax paid by land owners when they convert their property from open space to developed land. The owner pays low taxes on the open land for as long as the land remains open. When the land is sold for development, the owner must pay 10 percent of the sale value to the town as a fee for having low taxes for all the years the land was open. In the town of Pelham, the Conservation Commission gets 75% of the change use tax for the purpose of conserving land.

Mr. Gagnon felt this price was worth conserving the land. Town residents will not be able to use the land, but the land will be open space into the future. If the land had been developed there could have been as many as 200 new houses and 400 new children in school in town. If this land was developed, there would be more stress on the schools, fire and police, highway department and general town services. This purchase takes the land out of development and protects a large block of open space. Conservation's mission is to protect the environment and this purchase protects the environment and protects open space.

On August 16 the markers for the exclusion zones will be set by a surveyor. After the markers are set, Mr. Steward will present to Planning in order to get their recommendation of the purchase for the Selectmen.

Motion: (Stanvick/Hogan) to recommend the conservation easement on the Steck property to the Selectmen for the price of \$1,715,400.00.

Roll call vote: 7-0-0 all in favor.

Map 23 Lot 8-15	16 Webster Ave – Proposed 3 lot subdivision with WCD impacts – Presentation by Shayne Gendron of Herbert Associates
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Historically, this has been a wood lot that has been owned for decades by the Kosik family. A 54 foot right-of-way (ROW) is the access to the property off Webster Avenue. The property currently has sheds and a small cabin. The family is looking to subdivide the parcel into 3 lots, with 2 of the lots being given to family members to build two houses. Three homes are proposed, but only 2 homes are to be built at this time. The third lot must be subdivided as a house lot, the lot cannot be subdivided as a wood lot. Mr. Gagnon asked if the land owner would agree to state that the lot will not be developed. Mr. Gendron could not make that commitment, but would ask his client.

The case went before Zoning in February and they obtained a variance for the 3 lots with a shared driveway. There is a condition from Zoning that the large back lot can only have one house. No further development can happen on this lot.

A portion of the driveway is within the WCD. A special permit from Planning will be needed for this infringement. The Highway Safety Committee must approve this driveway also because the length of the driveway is long and adequate turnaround spots for emergency equipment is required. The turnaround will be located between the two homes. The width of the driveway also needs to be 20 feet for the emergency vehicles. The fire department has approved the driveway to be gravel.

The WCD impact for the driveway is approximately 3,846 sf. The driveway will end just passed the two proposed houses. If or when the third lot is developed, there will be a 900 sf impact to the WCD for the driveway, but this is not proposed at this time. Wetlands were flagged by Gove Environmental. There are no wetland impacts for this project. The WCD's will be marked with placards. There is a small wetland on lot 8-15-2 that does not have WCD protection. Ms. Loosigian asked if this wetland could be reevaluated for WCD protection because the driveway is directly adjacent to the road. Ms. Loosigian asked if the house could be moved away from this wetland regardless of its size. Mr. Gendreau asked if the driveways could be angled, rather than a plus sign configuration, to allow more distance from the wetlands.

This lot is flat with low elevation with a substantial amount of wetlands around the lot. Members were concerned about basement flooding during storm events. The water table is about 24-30 inches below grade. Mr. Gendron said the homes will not dig down for the foundations. The foundations will be at ground level with walk out basements and garages. Mr. Gendron said the houses may be adjusted on the lots slightly as may the septic systems, but will be in the general area described on the plan.

Mr. Gendron will be at Planning on Monday night. Members felt they could not vote on this tonight without having a site walk.

The site walk was set for 6 p.m. on August 17, 2021 at 16 Webster Ave.

**MINUTES:**

Motion: (Stanvick/Steward) to approve the non-public minutes of July 14, 2021.

Vote: 7-0-0 in favor.

Motion: (Hogan/Steward) to approve the minutes of July 14, 2021.

Vote: 7-0-0 in favor.

**WALK-IN ITEMS:**

None.

**NON-PUBLIC SESSION:**

Motion: (Loosigian/Steward) to go into non-public session to discuss land acquisitions in accordance with RSA 91-A:3; seal the minutes of non-public; and adjourn after non-public.

Vote: 6-0-0 in favor. Mr. Gendreau did not vote to go into non-public as he stepped out of the room for a few minutes. He participated in the discussion when he returned a few moments later.

Adjourned at 8:55 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary