

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

MEETING OF 12/10/14

APPROVED 01/14/15

Members Present:

Karen Mackay, Paul Dadak
Mike Gendreau, Lisa Loosigian

Members Absent:

Paul Gagnon

Co-Chairman Paul Dadak brought the meeting to order at 7:02 p.m.

NEW BUSINESS

Map 33 Lot 1-158-21	22 Scenic View Drive – Proposed purchase of 6.4 acres of an 11.7 acre lot – Land to be used for conservation – Presented by Karen Mackay, Pelham Conservation Commission
Map 33 Lot 1-158-24	26 Scenic View Drive – Proposed purchase of 0.30 acres of a 5.04 acre lot – Land to be used for conservation – Presented by Karen Mackay, Pelham Conservation Commission

The proposal is to purchase a portion of two parcels of land to establish a permanent trail connection between the Merriam/Cutter Conservation Area and the Greenmeadow parcel which connects to Gumpus Pond Conservation Area through the Spalding and Cutler parcels. This connection has been a dream of Conservation for several years, but several parcels separated Merriam/Cutter from Gumpus Pond Areas. As we began to acquire parcels in the area, the dream became a goal for a permanent connection. These are the last two parcels to complete the connection. Currently, a recreational trail runs through both these lots. The land owners have always allowed public access to the trail use on their property. Commission members started thinking if the property were sold or the land owner's circumstances changed the owners could refuse to allow public access. We feel this trail connection is very important and provides access to remote areas of town for recreational use and must be kept open. This purchase will connect two large conservation areas and create an open space area of close to 600 contiguous acres.

Mr. Gagnon and Ms. Mackay approached the two land owners in the spring of 2014 to see if they would be interested in selling a portion of their land to the town for the purpose of the connection between the town conservation lands. Both land owners were open to the possibility. These parcels are oversized house lots, sized at 11.7 acres and 5.04 acres. The proposal is to purchase 6.4 acres of the 11.7 acre lot and 0.3 acres of the 5.04 acre lot.

Mr. Gagnon and Ms. Mackay walked the property lines that bordered the town land and we walked the trail to see if the trail could be rerouted if necessary. Often in cases involving the purchase of conservation land the Commission will hire an appraisal company to appraise the value of the land. This case is different because we were not proposing to purchase an established lot. We hired a survey company instead because we needed to subdivide the land, meaning we needed to know exactly where the property lines would run. The Conservation Commission/Forestry Committee paid for the survey to be done.

We have two signed Purchase and Sale agreements with the land owners. The cost for the 6.4 acres will be \$45,000. This is a higher cost than the value of the land as appraised on the tax card. The value of the 10.7 acres, not including the house is \$39,000. The land owner wanted a little more than we offered, but accepted the \$45,000. We were willing to pay more than the paper value of the land because of the connection the land provided. The Selectmen agreed and signed the Purchase and Sale. The cost for the 0.3 acre will be \$5,000. This figure is also higher than the value of the land, but we figured we had to offer some reasonable minimum offer.

When making this type of purchase a subdivision of land must be done through Planning. We talked to Mr. Gowan and it was decided to do a lot line adjustment rather than a subdivision, which would create two non-conforming lots. The lot line adjustment will move the lot line for lot 1-158-21 in such a way as to include the new purchased area as part of the Merriam/Cutter Conservation Area. The lot line for 1-158-24 will be adjusted to include the new purchased area as part of the Greenmeadow parcel. This process requires an application to Planning. The application has been filled out and signed by Conservation, the Selectmen and the land owners. We are tentatively scheduled on the January 5, 2015 Planning agenda.

After the Planning meeting, assuming an approval, the Selectmen must have two public hearings to allow public input about the purchase. We are hoping to have the first Selectmen's hearing by the end of January and the next in February. We would like to close this purchase in late February or early March.

We did not fill out the traditional form that describes the criteria for purchase with this purchase because the purchase is not a traditional conservation purchase. Each parcel in itself is not of great value. The connectivity they provide is the value of these parcels. We did not pursue an easement for this parcel. We suggested a purchase and the land owners agreed to the purchase.

The land price is fair for these parcels. Each agreed price was more than the appraised value of the land on the town appraisal; however, the connection provided makes the parcels worth more to us. The land owners have allowed public use of their land in the past and present for recreational uses such as hiking and snowmobiling. The Commission was concerned that a change in ownership or a change in either of the owner's situation could potentially close the trail connection. We were looking for a permanent solution. When this deal is complete, the trail will be permanently protected.

Ms. Loosigian thanked Ms. Mackay and Mr. Gagnon for working hard to acquire this amazing connection. Mr. Gendreau commented that this connection was great and an asset to the parcels on both sides of this connection. Mr. Gendreau appreciates the land owner's willingness to work with the town on this purchase.

The owners of lot 33/1-158-24 wanted to keep as much of their land as possible so their lot would remain large. We therefore decided to reroute the trail to the corner of the property and divide off only 0.30 acres. The trail movement was possible because the new area is relatively level and unobstructed. We requested a larger portion of lot 33/158-21 because the trail runs through roughly the center of the property. The new property line will be close to the edge of where the trail enters the property. If we had taken half that amount of land we would have had to reroute the entire trail. Some parts of that section of the parcel are very steep and we were not sure a complete reroute would have been possible.

We want property owners to be happy with land transactions involving the town. Every land owner so far has been great. We try to make the process painless for them. Most other purchases have been large parcels and did not require Planning approvals. This situation is different and was much more involved because of the lot line adjustment. Planning has waived their fees because it is a purchase for the town. We still have to pay a map revision fee of \$50 and a fee for abutter notifications. The revision fee and the abutter notifications for the lots totaled \$500 for lot 33/158-21 and \$210 for lot 33/158-24. These fees are in addition to the purchase price. All abutters must receive notification via certified mail when a case goes to Planning.

Land owners do not pay any costs related to purchases the town makes. We want the land so we pay all fees. The funds come out of the Conservation budget, forestry funds and the Conservation fund.

We don't anticipate any problems with approvals through Planning. Whenever we have to go to other boards, they already are informed of our cases. We work with them, prior to the case being presented, so all requirements can be met. If there is complete opposition, we will not proceed with a project. The Selectmen are always completely informed from the beginning and throughout a project.

Two Selectmen's hearings are the next step after Planning. These hearings are required by law. The public has the right to voice their opinions on any case involving town land purchases. The Selectmen will be spending town approved money on property for the benefit of town residents. We will present the case, they will discuss it and open the discussion to the public. Anyone can speak in favor or in opposition to the project. If the public hearings go horribly wrong, the Selectmen can vote against the purchase. We have not had that issue in our previous purchases.

The Commission set a goal in 2003 to conserve 1000 acres of open space. About 830 acres have been conserved since that time. In 2003, town residents voted 71% in favor of spending a \$3,000,000 bond for conserving open space for recreation, wildlife, connections, clean water, etc. This land may be purchased with bond fund money or Conservation fund money. The bond

fund has about \$1,000,000 remaining. The cost per acre for lot 33/1-158-21, the 6.4 acre purchase, is \$7,000-\$8,000 which is within the range of previous purchases. The other purchase is well above the range of previous purchases. This land is connecting land rather than conservation land. Usually with conservation land purchases, we are looking for land owners that are willing to sell up to about 30% below the value of the land. Almost all are under the appraised value of the land. The Spalding parcel, purchased a few years ago was purchased for the appraised value on the tax card which was about \$78,200. The parcel was 30+ acres which came out to less than \$3,000 per acre. We did not feel comfortable asking for less on that lot of land.

Public Comment:
None.

Motion: (Gendreau/Mackay) to send a letter recommending the Selectmen purchase both parcels for a cost of \$45,000 for lot 33/1-158-21(6.4 acres of an 11.7 acre lot) and \$5,000 for lot 33/1-158-24 (0.30 acres of a 5.04 acre lot).

Vote: 4-0 in favor

ADJOURNMENT:

Motion: (Mackay/Gendreau) to adjourn

Vote: 4-0 in favor.

Our next meeting will be January 14, 2015.

Respectfully submitted,
Karen Mackay,
Recording Secretary