

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

**MEETING OF 07/10/19**

Members Present

Karen Mackay, Louise Delehanty,  
Brandie Shydo, Paul Gagnon,  
Al Steward (alt), Dennis Hogan (alt),  
Ken Stanvick

**APPROVED 08/14/19**

Members Absent:

Kara Kubit (alt),  
Lisa Loosigian,  
Mike Gendreau

Paul Gagnon brought the meeting to order at 7:03 p.m. and appointed Al Steward and Dennis Hogan as a voting member for tonight.

**PUBLIC HEARINGS:**

Map 31 Lot 11-32, 11-33, 11-34, 11-35	Off Blueberry Circle – Proposed purchase of four parcels of land in accordance with RSA 36-A for the purpose of conservation and open space – One acre will remain with the land owner for the installation of a cell tower – Presentation by Paul Gagnon
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The proposal is to purchase 4 parcels for a total of 36 acres of land. The price will be \$225,000 or \$6,250 per acre, which is less than the Commission goal of \$7,000 per acre. There is a lot of land in the area that is protected, but not all of the protected parcels are connected to other protected parcels. The Commission has been working on connecting protected land and will continue to do so.

The lots abut Blueberry Circle Town Forest, as well as, a large wetland complex in Dracut, Massachusetts. The wetland in Dracut, just across the state line, is the second largest white cedar swamp in Massachusetts. A small stream runs through the property and drains south into Massachusetts, into the white cedar swamp, then into Peter's Pond. There is significant area of saturated soils in the area in both New Hampshire and Massachusetts. We are proposing to spend a significant amount of money on this property given that about 40 percent of the property is wetlands, however, we must protect both the wetlands and the surrounding uplands. There is abundant wildlife habitat in the area.

There are challenges with the parcel also. The Zoning Board of Adjustment (ZBA) has approved a cell tower on this parcel. Access to the tower will be via a gravel road at the end of Blueberry Circle, across privately owned land. In the purchase and sale, the owner of the parcels will retain a one acre lot for the cell tower. The owners have the right, if they choose, to sell the acre to another owner who can manage the tower. Nothing else can ever be built on the land and when the cell tower is no longer in use, the land will revert to the town. The one acre can only be used for telecommunications purposes. In the short term, the town is buying 35 acres. Members asked

who would be responsible for removing the tower when it is no longer in use. Mr. Gagnon was not sure, but he will find the information. Ms. Mackay asked the same question at the Zoning meeting when the tower was approved. She felt that the Zoning Board would make sure the owner/operator of the tower would need to dismantle the tower when it was no longer in use.

The gravel road to the cell tower will be built both on private land off Blueberry Circle and on the land the town is proposing to purchase. The road will run along the property line between the Blueberry Circle parcel, owned by the town currently, and the proposed purchase property.

A developer owns this land. In 2007, Herbert Associates came before Planning and presented a 5 lot subdivision on this land. The market crashed around that time so the owner did not pursue the subdivision. When the market returned, the owner pursued a cell tower lease. The land has the possible potential for 5 house lots.

Mr. Gagnon reviewed the Selection Criteria and Checklist for Open Space Acquisitions (Checklist) with the Commission. The first three criteria on the Checklist must be met in order for the Commission to consider purchasing any parcel. The criteria are the parcel protects rural character and natural resources, meets goals in the Open Space Plan and Master Plan, and the owner is interested in conservation. All these conditions were met.

Public benefits for this property acquisition include, protecting water resources, land connectivity, outdoor recreation, educational value, wildlife habitat, working lands and reduces housing units. The land is in the Priority 2 area as defined in the Open Space Plan.

The Checklist also has items that disqualify a parcel from purchase. This parcel had no disqualifiers.

The Blueberry Circle parcel has been timber harvested at least twice. The Blueberry parcel is 20 acres in size. This purchase will almost triple the size of the Blueberry parcel to 56 acres.

Current use funds are to be used to purchase this land. Currently, the town has over \$700,000 in this fund. The fund is paid for by developers not residents. There will be no tax impact to the residents of town for this purchase. Current use is a program through the state that is designed to help land owners hold on to open space property by allowing a drastically reduced tax on the land. The land owner must have a minimum of 10 acres of open land. If an owner sells the land, then the town collects 10 percent of the sale price of the land for allowing the owner to have low taxes for all the years the land was held in open space. If a land owner sells a property for \$1,000,000, then the town gets \$100,000. The Conservation Commission gets \$75,000 of that money, which is 75 percent, to go and purchase more land.

This parcel may take a while to close because of the need to work with the cell tower company to define the boundaries of the one acre tower parcel within the 36 acre piece of property.

Open to Public:  
No public input.

Motion: (Stanvick/Hogan) to recommend the purchase of this property to the Selectmen.  
Vote: 7-0-0 in favor

Map 40 Lot 6-159	Off Hildreth Street – Proposed purchase of one-half acre containing a recreational trail in accordance with RSA 36-A – Land will be added to adjacent town owned land – Presentation by Paul Gagnon
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This proposal is to purchase a half-acre parcel (.48acre) from a 10 acre parcel. The lot has a significant trail across the land. This property is located on Hildreth Street which is accessed through Dracut, Massachusetts. There are two duplexes on two parcels on Hildreth and this parcel has been approved, through Zoning and Planning, for the building of a third duplex. This is the last private owned lot in the area. The owner hired a surveyor to define the boundaries of the parcel. The surveyor discovered an existing town trail on the property. The trail crosses from town land, onto the private property, then back onto town land. The trail can be moved onto town land in one location, but cannot be moved in the north-west corner of the property because the property backs up to the Southern Beaver Brook Prime Wetland and crosses a bridge in the area.

The owner has no need to sell the property to us, but has been reasonable and is willing to work with us. The owner will need to pay the current use fees for removing current use status from this land in order to build the duplex. Sue Snide, the assessor, has determined the current use fee will be \$15,300. The owner agreed to sell the property to us for \$15,300 to cover his cost of taking the land out of current use status. This is quite an expensive piece of property, but Mr. Gagnon could not negotiate the price down because the land owner had no motivation to sell the property. The land owner could have simply closed the trail. Given the circumstances the price is fair. The owner will pay \$15,300 to the town to take the land out of current use, the Commission will get 75 percent of \$15,300, and then the Commission will pay the land owner \$15,300. This means the Commission is actually paying only 25% of the \$15,300 for the property because we are getting back some of that money then depositing the money into the current use fund.

The trail is a well-worn and 8-10 feet wide. The trail is used by snowmobiles that travel through the prime wetland then on to other trails in town. The trail hops from island to island through the wetland. Commission members hope to one day connect this trail to town land on the opposite shore of Beaver Brook.

This purchase is contingent on Conservation Commission and Board of Selectmen approvals. This plan will also need Planning Board approval because we are proposing to add the .48 acre to an existing adjacent parcel which means we will need a lot line adjustment.

Originally, Hildreth Street was to connect from Dracut to Pulpit Rock Road. The road was filled by farmers to form an old woods road that is still visible through the forest. This trail was GPS'ed by Nashua Regional Planning Commission (NRPC) who did the work for free.

There is a snow mobile trail that runs through this area, crosses a lake formed by the old quarry, goes into Dracut, crosses an old metal bridge, and then crosses back into Pelham. The lake is man-made from the harvesting of gravel from the quarry.

Ms. Mackay likened this purchase to a purchase we made a few years ago on Scenic View. The Commission purchased portions of two properties to complete a connection between Merriam/Cutter and Gumpas Pond Conservation Areas. The owners in that case were terrific and worked well with us to complete the transaction. This land owner seems the same. The owner is helping us to keep our trail system while gaining a bit in the process.

Open to Public:  
No public input.

Motion: (Mackay/Steward) to recommend the purchase of the half-acre lot to the Selectmen for \$15,300.

Vote: 7-0-0 in favor.

### **WALK IN ITEMS:**

Mr. Stanvick asked at our last meeting if our forester had knowledge of vernal pools. Mr. Gagnon said they were not wetland scientists, but they do know about best management practices for forestry. Mike Powers our forester is leaving to take a job with the state. Mr. Gagnon met our new forester, Eric. Once he gets settled, Mr. Gagnon thought we could invite him to talk to us about forestry practices.

Mr. Stanvick stated that the NH Fish and Game Department is supportive of our educational pursuits. He would like to see them come to give talks on additional subjects such as the endangered New England cottontail rabbits. Mr. Gagnon said the Commission created a NE cottontail habitat, which is early successional forest, several years ago. This forest area is doing well and perhaps we should consider converting more town land into early successional forest. Ms. Shydo said the winter is a better time for Fish and Game personal to present to us because there is less field work in the winter. Mr. Gagnon would also like to have someone, not necessarily Fish and Game, come to talk to us about snowmobiling

Ms. Mackay told the Commission she and Ms. Loosigian monitored the Dunlap Easement. We spent an hour with Ms. Dunlap walking and talking about her property. The land is a working farm on the town line with Dracut. The land looked great as it always does.

Mr. Gagnon reminded the Commission we were responsible for doing an annual inspection of the golf course land for safety concerns. Mr. Gagnon conducted the assessment last year and would like to pass this task off to another member. Mr. Stanvick asked what we should be looking for and if there was some type of direction as to what constituted a safety issue. Mr. Gagnon said members could just look for washed out paths, low hanging branches, and uneven terrain that could cause a safety issue for people playing golf. Mr. Stanvick thought this should be more specific. Ms. Mackay asked if we needed a checklist like our Checklist for Open Space Acquisitions. Mr. Stanvick said he was also concerned about chemical safety hazards. Mr. Gagnon said they do not fertilize the course on the east side of the wetland, but he did not get specific with them and does not know how far away from the wetland fertilizer is being used.

Mr. Stanvick asked why this responsibility falls to Conservation. Mr. Gagnon tried to have the Selectmen move this responsibility to code enforcement, but the Selectmen felt it was better handled in Conservation. Members suggested some type of criteria should be used to conduct the inspection. The lease requires the golf course to carry insurance. Mr. Gagnon will get the lease and give it to Mr. Steward to review to see if there are any specifics about our yearly inspection.

The golf course land was purchased by the town a few years ago. As part of the purchase price, the town agreed to lease the golf course back to the original owner for 10 years at no cost. In years prior to the sale, the golf course land was taxed at \$25,000 per year. In 10 years, the cost savings to the golf course owner would be \$250,000. The town purchased the golf course for \$1,000,000. The golf course owner was paid \$750,000 from Conservation funds to purchase the land only. The \$250,000 was paid to the owner by the owner not having to pay taxes for 10 years. The \$250,000 from the town, paid for the structures such as tee boxes, water lines, greens and cart paths. After 10 years, the lease can be renegotiated.

### **MINUTES:**

Motion: (Steward/Shydo) to approve the minutes of May 8, 2019.

Vote: 5-0-0 in favor.

Motion: (Stanvick/Steward) to approve the site walk minutes of May 18, 2019.

Vote: 5-0-0 in favor.

Mr. Gagnon gave a brief summary of the site walk. Members approved the proposal with some recommended conditions. 1) WCD signs would be placed on the wetland side of the driveway. 2) Shrubs such as blueberry bushes would be planted between the driveway and wetland. 3) Salt would not be used on the driveway. 4) No lawn mowing or fertilizing on the wetland side of the driveway. Mr. Gagnon explained we lost a little on this site because there will be a driveway now close to the wetland instead of lawn, but we gained a little because now there will be no mowing, vegetation will be planted and will grow up to shade the wetland which will lower the water temperature. Ms. Shydo said she noticed the signs and the lawn has grown up a little since our site visit.

Mr. Stanvick asked if there had been WCD violations on the adjacent property. Mr. Gagnon said yes, but he did not call code enforcement yet. He asked Mr. Gendreau to talk to the adjacent owners because he knew them well. The problem on the adjacent property was some trailers in the WCD and mowing up to the edge of the wetland. Mr. Gagnon will follow up with Mr. Gendreau to see if he has had a chance to talk to the land owner.

Ms. Shydo reminded the Commission that there was a brush pile next to the wetland with metal and other trash. Mr. Stanvick was concerned about impacts to the WCD and that the area should be a no cut, no disturb zone and that brush piles are disturbing the WCD zone. Mr. Gagnon felt that natural materials piled up often can provide shelter for small animals. Ms. Mackay was not disturbed by brush piles in the WCD as they are beneficial to wildlife. Mr. Gagnon and Ms. Mackay both felt that metal and trash should not be in brush piles in the WCD.

Motion: (Shydo/Stanvick) to approve the minutes of June 12, 2019.  
Vote: 5-0-0 in favor.

Mr. Stanvick has some questions about procedures with land acquisitions that came up during our June public hearing. He questioned the letter that was sent out to land owners about land acquisitions. The letter was not reviewed by Commission members prior to being sent to land owners. If a letter is being sent on behalf of the Commission, then Commission members should know what is in the letter and be able to comment on the letter prior to the letter being mailed. Mr. Gagnon agreed. The next time a round of letters is to be sent to land owners, he will bring the text before the Commission. There are several letters that were sent at the same time that have not been reviewed by the Commission. Mr. Steward will send a list of land owners he has sent letters too.

Mr. Stanvick also asked if there were minutes from phone calls to land owners. Mr. Gagnon said no. He spends hours on phone calls, site visits, and appraisals. He cannot report back to the Commission on every detail and discussion topic. When it looks like he is getting close to a deal, he will bring the purchase proposal forward. All proposals are discussed in non-public session prior to Mr. Gagnon pursuing them.

Mr. Stanvick asked if the Commission knew the condition of properties we were considering buying. He was wondering how we know if a property is contaminated or if we know the historic use of the property. We don't want to buy property and then have to deal with an environmental cleanup. Mr. Gagnon said the purchase process allows us to do a phase 1 environmental assessment. We have never done this and do not know the cost. Usually, the parcels we purchase are in the middle of nowhere. The Commission has to make a calculation on how far we go to investigate a property and how much we spend for things other than the land purchase.

One parcel we purchased was Gumpas Pond Conservation Area. We went into the transaction with our eyes wide open. The purchase was 155 acres, for \$780,000 in 2004. The property had been used as an old car dumping ground. The Commission pulled 13 burnt cars out of the property. These cars could have dumped gas and oils on the property. In addition, there was a shooting range in a gravel pit. Conservation spent money to lower the gravel pit wall, level and seed the area.

**NON-PUBLIC:**

Motion: (Steward/Hogan) to go into non-public to discuss land acquisitions in accordance with RSA 91-A:3, seal the minutes of non-public, and adjourn after non-public.  
Vote: 7-0 in favor.

Adjourned 8:35 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary