

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

MEETING OF 08/12/20

Members Present

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

APPROVED 12/09/20

Members Absent:

Brandie Shydo, Mike Gendreau,
Lisa Loosigian,

Paul Gagnon brought the meeting to order at 7:06 p.m. He appointed Mr. Hogan, Ms. Kubit and Mr. Steward as voting members tonight.

OLD BUSINESS:

Map 35 Lots 10-200, 10-312, 10-351	Currier Road – Proposed donation of 38.3 acres of open space land to the town to be used as conservation land. The donated land was initially part of a 40 lot conservation subdivision off Currier Road – Presentation by Shayne Gendron of Herbert Associates
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This is the third time this case has come before the Commission. The conservation land in the subdivision has been offered to the town as a donation. Planning and the Selectmen have expressed an interest in the land on the south side of the development that is a prime wetland, but do not have interest in the open space land that has the wells for the development on them. Fifty-nine percent of the land on this project will be dedicated to open space between the donated land and the land that will remain with the subdivision.

The open space land on this project is 50+ acres and is separated into 3 separate lots. The lot (10-351-63) proposed to donate to the town is a 38.3 acre lot on the south side of the property and consists largely of a prime wetland. The wells are on a 9.8 acre lot along the west side of the property. This 9.8 acres was originally slated to be donated also, but the Selectmen said they did not want the wells to be on town property. A 2.1 acre drainage easement/view shed open space lot buffers the subdivision from Peabody Lane to the north. The two smaller lots are proposed to remain open space, but will remain with the subdivision and will not be donated to the town. The open space with the subdivision will be governed by the home owners association for the subdivision.

Any trails not on town land will have an easement so residents of town would be allowed to use the land. The main corridor snowmobile trail that runs out to route 38 will be located along the prime wetland largely on the donated land. The trail will pass by the wells for the subdivision which will be privately owned land. Mr. Gagnon asked if the lot line could be drawn closer to the wells so that the trail could be on town land for a longer distance. Mr. Gendron can move the lot line so that the trail stays on town land for a longer distance, but if he does then the well radii will also be on town land.

Mr. Gendron cannot move the wells from their current location. Mr. Gendron agreed to draw a second plan. The first and preferred plan will be drawn with the adjusted lot line and more of the trail on town land. The second plan will be the plan we just reviewed at this meeting.

Mr. Hogan felt that snowmobiles should be able to use all trails. Mr. Gagnon suggested we go to the Selectmen with the two options. One is the map in front of us with the lot line drawn with the wells and the well radii off town land the second option would be to have the wells off town land but the well radii and the trail on town land. The second option would increase the acreage donated at the corner of the lot. Mr. Gendron is not sure of the acreage on the plan when the lot line is moved closer to the wells. The acreage will need to be calculated after the lot line is moved. Mr. Gendron may need an easement for the well radii. Board members agreed to bring both options to the Selectmen.

The radius of a well is a protective area that nothing can be placed within such as a septic system that would contaminate a well. This open space land will not have any drainage fields or structures. The well radii should be fine if it overlaps with town conservation land.

Mr. Steward asked why the trail on town land matters. There are a lot of trails in town that cross private land and permission is granted to the town for use of the trail. He wondered why we would move the lot line to make sure the trail is on townland. The snowmobile club gets permission to cross private land and will need that permission for a long time because many trails cross private land. This trail is currently on private property and has to cross more private property to get to route 38. Mr. Gagnon said we are trying to plan for the future. The land between this parcel and route 38 is private. Planning is responsible for keeping a trail through that property when it gets developed. Mr. Stanvick commented that the property adjacent to the subject property and connects to route 38 is up for sale. Mr. Gagnon said that trails can be shut down in the future if private land owners want to shut them down so it feels best to have the largest portion of trails on town owned land to prevent shutdowns. Ms. Mackay agreed that the largest proportion possible of trails that can be on town land would be the best situation, but understands Mr. Steward's point. Many trails in town are currently privately owned. The fewer trails on private land the easier trail maintenance and usage will be as we will not need to rely on private landowners as much.

Ms Delehanty suggested when we make a motion to recommend this donation we state which plan we prefer unless we like both plans equally. She prefers the option with the trail on the town land to the greatest extent possible, but would also be in favor of the presented option if the Selectmen prefer that option.

Mr. Stanvick asked if we had filled out the Checklist for Open Space Acquisitions (Checklist) for this property. We usually only fill the Checklist out for properties we are planning to purchase. We have not filled out the Checklist for donated property in the past, but Mr. Gagnon thought it may be a good idea. Mr. Stanvick would like to see the Commission fill out the Checklist for Open Space Acquisitions to make sure we are acquiring a quality parcel. Mr. Gagnon agreed to fill out the form and send it to the members. Mr. Hogan feels filling out the Checklist sounds great moving forward, but this donation should not be contingent on anything. Mr. Gendron has been before us 3 times and this has not been brought up. We could do this moving forward, but not on this case. He wants to make the recommendations about the two options to the Selectmen with no contingencies. Mr. Stanvick reiterated he wanted to accept this donation in the proper manner and have the Checklist filled out.

Mr. Stanvick wants to make sure that we take all legal activities into consideration before voting to accept this parcel. He is concerned that because this property is so close to Wolven that the two parcels

will be combined and the rules that apply to Wolven will apply to this land donation. He is sensitive to recreation and snowmobile use, but would like to make sure any legal activities would be allowed and this would not be a wildlife sanctuary like Wolven. He feels the deal for Wolven may have been a type of entrapment of the residents. He thinks residents may have voted not to accept Wolven if they had realized the restrictions on the land.

Ms. Delehanty asked about the rules of use on the new property. She said Wolven does not allow hunting. If the Selectmen decide to allow hunting on the new town owned property, she is concerned residents will start hunting on the Wolven property. She asked how residents will know when they are on the Wolven property as opposed to the new conservation property. Mr. Gagnon said the perimeter of Wolven will need to be posted for no hunting in order to respect the limits placed on the property by Mrs. Wolven when she donated the land to the town. Mr. Stanvick feels that any legal activity should be allowed on the new property, including hunting.

Ms. Delehanty asked if she could go to the Selectmen's meeting and advocate for her opinion about having the rules for Wolven being extended to the new property. Wolven is a small pocket park that is a family park, the Council on Aging has brought groups to hike the park because the trails are easy. She does not think hunting should be allowed on the adjacent property that cannot be distinguished from Wolven. She is welcome to attend the Selectmen's meeting and give her opinion as a private citizen of the town. She may also write a letter to the Selectmen which they can read into the record if she is unable to attend the meeting.

Mr. Gagnon requested the Commission end this conversation because it has no bearing on whether or not we vote to recommend the Selectmen accept this land donation.

Public Input:

None.

Motion: (Mackay/Steward) to recommend the Selectmen accept the open space associated with the Currier Road subdivision contingent on the Commission being satisfied by the Checklist for Open Space Acquisitions. The Commission recommends the option that the lot line is moved such that more of the trail falls on town land with the wells remaining off town land, but if the Selectmen do not like this option, then the Commission fully supports the donation of the 38.3 acres as described in the plan presented tonight.

Vote: 7-0 in favor.

MINUTES:

There was some discussion before voting to approve the minutes of July 8, 2020. Ms. Mackay presented the opinions of Ms. Loosigian and Mr. Gendreau who were not present at this meeting, but whom had given feedback on the minutes by email. Ms. Loosigian questioned whether the buffer of a prime wetland should be used for drainage structures as they are allowed for standard WCDs in town. She wondered if the minutes should include what is allowed in the WCD. Mr. Gendreau did not like the language Ms. Mackay used (page 4 paragraph 2) to describe that Mr. Gendron was "open to that possibility" when talking about rerouting the trails. Mr. Gendreau said the applicant is responsible to reroute the trails as stated in town regulations. Members discussed these issues and came to the conclusion that the minutes should stay as they were written because that was the discussion at the July meeting. Members did feel that Ms. Loosigian and Mr. Gendreau had valid points, but felt that making

small changes to the minutes would not substantially change the meaning of the points captured in the minutes. Members decided to vote on the minutes as written.

Motion: (Stanvick/Hogan) to approve the minutes of July 8, 2020.

Vote: 4-0-3 in favor. Steward, Delehanty and Kubit abstained.

WALK-IN ITEMS:

Mr. Steward announced that the purchase of the 16 acres of property off Spaulding Hill Road (Cronin property) will be finalized soon. The last document has come back from Nova Scotia, where the owner lives. This purchase has been challenging as it is the first purchase we have made for land in town where the owner lived outside the country. The purchase and sale was signed 18 months ago and the closing had to be extended 4 times. Mr. Brian McCarthy has done a lot of work to bring this purchase to completion. The completed originals are expected to be returned to the lawyer and the final deed should be registered by Friday.

Ms. Delehanty has set up a presentation, before the Commission, about stone wall mapping. The original presentation was to be held in the spring, but was postponed due to Covid-19. She rescheduled the presentation to October, but is now working to move it up to September so that members can travel outside in the evening to view some stone walls on the Green.

Ms. Kubit brought forward a newspaper article in the Lowell Sun from August 6, 2020. The article talks about damage to trails on Pelham conservation lands. There were quotes in the article that were attributed to Conservation members. Ms. Kubit was wondering if the damage had been discussed and if anyone on the Commission had commented. Members present had not heard of the article and had not commented, but Ms. Shydo has been maintaining a Facebook page for the Commission with information and articles. Members speculated the Sun got the information from our Facebook page.

Members recounted multiple sightings of wildlife both within and outside of town. Ms. Kubit and Ms. Delehanty saw bobcats recently in the area. Ms. Delehanty caught the bobcat on film sitting on the wall behind her house. Ms. Mackay has seen one adult and two immature bald eagles on Canobie Lake in Salem for the second year in a row. Mr. Stanvick was out tuna fishing and saw a leatherback turtle that was the size of the hood of a Jeep. He commented that they have a range from Florida to New England and that this turtle must have been at the northern edge of its range.

Our next meeting is scheduled for September 9, 2020.

NON-PUBLIC SESSION:

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

Vote: 7-0 in favor.

Adjourned 8:10 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary