

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

**MEETING OF 11/08/23**

Members Present:

Karen Mackay, Al Steward  
Ken Stanvick, Mike Gendreau  
David Abare, Kelvin Webster  
Jesse Vaughan (alt), Paul Gagnon

**APPROVED 12/13/23**

Members Absent:

Scott Bowden (alt),  
Kara Kubit (alt)

Al Steward brought the meeting to order at 7:02. Mr. Steward led the Commission in the Pledge of Allegiance.

**PUBLIC HEARING:**

Map 41 Lot 6-150	Pelham/Dracut town line – Proposed purchase of an approximately 63 acre parcel of land for conservation use – Presentation by Paul Gagnon
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The property is located in the southern part of town along the Pelham/Dracut town/state line close to Pulpit Rock Road. Much of the parcel is within the prime wetland. There are two major uplands on the property. There is a field habitat type which is rare and important in New Hampshire. The property contains considerable area of uplands and wetlands. The parcel abuts town land. The parcel is currently land locked. Access can only be obtained through other properties and with the permission of those land owners. There are snow mobile trails on the property which can be used in the winter as many of the wetland areas freeze over.

The purchase and sale was signed in October. The cost for the property is \$450,000.00 which comes to about \$7,100.00 per acre which is slightly above our target of \$7,000.00 per acre. The land is appraised for considerably less than the agreed upon price. The Commission felt this was a fair price for the property. Mr. Gagnon reminded the members that land locked parcels do not remain land locked and could be developed in the future.

Mr. Gagnon has worked with the Neofotistos sisters for many years. He first walked the property in 2010. The family had not been ready to sell to the town until recently. This public hearing is to bring the property forward for public discussion. Members of the Commission have spoken about this property numerous times in non-public session.

The family has requested several conditions be placed on the sale of the property.

- The parcel is currently land locked, but if/when the town had an access point to the land, the land would be open to trails and with public parking.
- Hunting and agricultural uses can take place on the parcel.

- The parcel should have a forest management plan (if access is gained by the town) and the land should be managed for wood/water/wildlife/recreation.
- The parcel will be named the Neofotistos Farm Conservation Area. Signs will be posted at any entrance/trail head with a brief history of the land as written up by the family.
- The family has harvested Christmas trees from a field on the property for many years. The trees have now grown large, but the family would like to harvest up to 5 trees per year for 5 years after the closing.

Mr. Gagnon felt that most of these requests were consistent with the views and mission of the Conservation Commission. The harvest of Christmas trees seems to him a reasonable request by the family.

Mr. Gagnon reviewed the Selection Criteria and Checklist for Open Space Acquisitions (Checklist)(see attached Checklist). The Checklist was created to make sure we could objectively evaluate potential properties prior to acquisition. The property protects water resources, wildlife habitat, outdoor recreation, reduces housing units, has educational value and land connectivity. The property is in a priority 2 area of the Pelham Open Space Plan.

Mr. Steward and Mr. Gagnon found an issue with the property within the past few days. The property has 3 very large tanks. The tanks are metal and measure approximately 6 feet in diameter and 25 feet in length. These are the type of tanks that would be used to hold petroleum products underground. The land owners had never seen these tanks though, Mr. Gagnon and Mr. Steward discovered other residents in town knew about these tanks. These tanks are a potentially significant issue for the Commission. As best as can be determined at this time, the tanks are mostly empty. Two had covers so the contents could not be observed. The third tank was open and had approximately 1 foot of residue/sludge in the bottom. The exact contents could not be determined at the time. There was no visible evidence any material leaked out of any of the tanks, but no excavation or soil samples were taken. Mr. Gagnon speculated the tanks had been in the location for 50 years because there are pine trees growing around the tanks that measure 8-10 inches in diameter.

Mr. Gagnon is looking for input from the Commission to make sure we want to pursue the purchase of this land. He asked if members would want this property if the tanks were not on the land or if the tanks could be successfully removed from the land without damage or contamination. Members generally agreed they wanted to pursue the purchase of this property if the tank problem could be solved.

Mr. Vaughan has experience with this type of issue. He has agreed to work with other members of the Commission, town officials, Department of Environmental Services (DES) and others to solve this issue. The tanks will likely need to be investigated as to the product inside. The contents will then need to be pumped out, the metal will need to be cut up and hauled out, the ground will need to be tested for contaminants and remediated if necessary.

#### Public Input:

Mr. Paul Leonard owns an abutting piece of property. He wanted to know the plan for the area. He and his relatives may consider selling their land to the town. He said the parcel in question is land locked. Even if he sold his land there is still no access to Pulpit Rock Road. Land would need to be

acquired from Saint Casimir's Cemetery or through Pelham Auto Group land. Mr. Leonard tried to prove a right of way (ROW) through the Garabedian property as there is an indication on the town maps that there was a ROW at some point in the past. He was not able to prove the ROW as he could find no deeded right. Mr. Leonard gave insight to the tanks on the subject property. He first saw them in 1982. He was told they were hauled out there when there was excavation for Somerville Lumber. Mr. Leonard wanted to know how we were going to get the tanks out. He would like to see the land open to snowmobiles and hunting if and when it is acquired.

Mr. Steward said we need to go through a DES process to make sure we are doing everything correctly. We will need to gain some access to the land, over abutting land, in order to remove the tanks. There could be an access through Hildreth Street or out through lands in Pelham to Pulpit Rock Road. Either way will pose significant problems with crossing land not owned by the town, building roads to handle heavy equipment and/or building and repairing culverts/bridges/etc. Mr. Steward said we would have the land open to snowmobiles and hunting. The Border Riders Snowmobile Club has helped maintain many trails in town and is light on the land as snow covers the ground when they are out which protects the trails from damage.

Mr. Gagnon spoke with Saint Casimir's Cemetery a few years ago and they were not interested in making any type of deal for property. Mr. Gagnon said he has patience. We have worked on many properties that have taken years to come to a purchase. He will keep working with the hope that one day access to this property will be possible. He had met the owner of Arrow Container and would like to work with him to see if it is possible to cross that land. Mr. Gagnon said our role as a Commission is to protect natural resources. He wants to pursue the tanks solution even if we cannot or do not purchase this property because removing the tanks will be a good solution for the town.

Mr. Stanvick is concerned there may be other problems on the property especially if this huge issue was not known until a few days ago. He would like a site evaluation to make sure this is the only issue. He wants the soils tested and ground water tested to make sure there were not leaks of petroleum products or other contaminants from these tanks. He believes it is in the best interest of the town if we thoroughly investigate this matter. Mr. Stanvick would support the acquisition if this all worked out. Mr. Abare had similar concerns about the tanks and what else could be on the property.

Ms. Mackay asked about the time frame for this discovery. Commission members learned about the tanks this week. The land owners learned of the tanks at the same time. They did not know they were on their property. The tanks seem large enough that they were part of a gas station installation. Ms. Mackay is concerned about the product within the tanks and if the two that are closed may be full or somewhat full. Mr. Gagnon thought they could not have been moved to the location if they were full. Ms. Mackay thought the whole situation was crazy and nothing could be counted out. Now that the Commission knows about these tanks they must be dealt with. Mr. Vaughan said he deals with this type of issue and the problem can be solved. He supports the purchase of the land after the tank problem has been solved.

Mr. Gendreau asked if there were deed restrictions on the parcel. Mr. Gagnon said there were. The parcel will be deeded under RSA 36-A as conservation land. No structures may be built on the land, including solar panels or windmills. The town will not be able to sell this property to any other entity. Mr. Gendreau asked about access to the parcel. He wanted to know how the current land owners access the property. Mr. Gagnon said they cross other properties to get on their property.

The property will not have any forestry activities conducted and there will be no forest management plan for as long as we do not have access. If and when we gain access by future land purchases or easements, then a forest management plan will be developed. The land will be protected even if we cannot access the land. Mr. Gendreau would support the land purchase if the tank issue could be solved. He did question if the price would change depending on the cost for the removal and/or potential remediation of the land.

Mr. Steward said we will investigate the costs involved and how to move forward with a solution and how it may affect the price of the property. Mr. Vaughan said there were funds/grants for cleanup of these type of issues. This will be investigated.

Mr. Webster supports the acquisition if the cleanup can be done. He sees value in protecting the land even if it cannot be used or accessed. He would like to know more about the costs for cleanup. He inquired about the number of trees that will need to be cut and the upgrades to land to handle the equipment needed to haul out the tanks. Mr. Gagnon said there is a 6-8 foot wide trail that leads to the tanks. There will need to be upgrades, but a minimal number of trees would need to be cut to haul the tanks. The soils are sandy and the ground could be prepared relatively easily as there is no ledge, large trees, severe slopes involved. There should be no need to stump the trees. Mr. Steward said the causeway will need an upgrade to handle heavy equipment. The causeway is approximately 100 feet long and 20 feet wide. There will need to be stabilization of the ground and new culverts installed.

Mr. Steward said it seems the consensus is the Commission would like to move forward with the purchase, but the purchase must go on hold until we know the magnitude of the problems associated with the tanks.

Motion: (Stanvick/Mackay) to move forward with the investigation of the tanks and the site surrounding the tanks prior to the purchase of the property.

Vote: 7-0-0 in favor.

### **WALK IN ITEMS:**

Mr. Gagnon explained a new ordinance he has worked on. Mr. Steward and Mr. Gendreau both met with the police chief about safety in the forest. The police chief is concerned about fires and camping and the discharge of fire arms, not related to hunting, in the town forests. Mr. Gagnon said this started when there was a forest fire a few years ago on the Gumpas Pond Conservation Area. People were doing target practice on the town land with a high powered rifle when they created a spark that started a forest fire. Over 30 acres burned. The fire department had a hard time getting to the fire, fire equipment was damaged and financial cost to the town was high. After the incident, Mr. Gagnon asked the police what happened to the people who started the fire because the signs at the conservation areas say 'no target shooting.' The police said they could do nothing because there was no town ordinance. Mr. Gagnon spoke with the Selectmen. He spoke with the Commission and Forestry. He began looking into how to write up an ordinance that describes what is allowed and excluded from town land. He found an ordinance from Hollis and worked off that document. He spoke with the police chief and took her suggestions.

Mr. Abare felt there should be a committee to discuss these type of things. They should be out in the open and not be done by one individual behind the scenes. Mr. Gagnon said he presented this to the

Commission last year. He did not work on this under the table or hidden from the other members or the public. He spoke publicly at Conservation and the Selectmen's meeting. He will not approve anything on his own. Everything must be approved by Conservation, Forestry and the Selectmen. Ms. Mackay said we cannot have a committee for everything. Many members work on side projects then present them to the Commission. Every person does not need to know everything at all times. Things get brought to us and we give feedback the same as we have done with the recent Conservation Plan. Mr. Steward has worked on land acquisitions, figured a few things out and brought it to the Commission. No one is keeping information from board members or hiding it from the public. Members working on side projects need to be able to talk to police or fire or others then bring things back to the Commission for comments. It is counter-productive if everyone needs to know every step of a process. Mr. Gagnon said he needs the support of this board, fire, police, Selectmen to move this forward. His process has been on hold for 9-10 months as he has been busy with his job. He will discuss this at our next meeting.

Mr. Stanvick has been thinking about security at our meetings. He said Conservation is usually not too contentious, but Zoning Board meetings can be at times. He wondered if we or other boards should have a police presence at our meetings. Should there be a panic button if meetings get out of control. Ms. Mackay said she had been on this board since 2006 and there has never been an incident where things got out of control. She does not think security is necessary at our meetings. Mr. Steward said we could look into the issue.

#### **MINUTES:**

Motion: (Gendreau/Stanvick) to approve the minutes of October 11, 2023.  
Vote: 7-0-0 in favor.

Motion: (Gendreau/Abare) to approve the non-public minutes of October 11, 2023.  
Vote: 7-0-0 in favor.

#### **NON-PUBLIC SESSION:**

Motion: (Mackay/Gagnon) to go into non-public session to discuss land acquisitions in accordance with RSA 91A:3, to seal the minutes of non-public, to adjourn after non-public.  
Vote: 7-0-0 in favor.  
Adjourned at 8:35 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary

## **Selection Criteria and Checklist for Open Space Acquisitions**

Land Owner(s);      Pheasant Run Trust

Map and Lot numbers; Map 41 Lot 6-150

Acreage;              63 +/-

Adjacent road(s);      Pulpit Rock Road

### **I Purpose Checklist:**

To qualify for selection a property must meet all the following criteria.

- ☒ Protects the town's rural character and natural resources.
- ☒ The property meets one or more goals identified in the Pelham Master Plan and Pelham Open Space Plan and encourages careful stewardship of land and water resources.
- ☒ The property owner is interested in conservation.

### **II Public Benefit Checklist:**

To qualify for selection a property must meet one or more of the following criteria.

- ☒ Protects Water Resources;  
Contains aquifer recharge areas, land over the aquifers, surface waters, i.e. ponds and streams, watersheds, prime wetlands, floodplains, or other lands necessary for the protection of our water resources.
- ☒ Land Connectivity;  
Land that expands, or adds to other conservation values (i.e. wildlife corridors, passive recreational linkages, large forest blocks). Land that expands existing conservation land or town owned property.
- ☒ Outdoor Recreation;  
Is suitable for recreational trails for examples walking trails, cross country skiing and enjoying nature
- ☒ Educational Value;  
The land can be used to teach forestry management, wildlife management or about flora and fauna.
- ☐ Scenic Views;  
Protects scenic views from public roadways or in itself provides a scenic vista.
- ☒ Wildlife Habitat;  
Contains significant wildlife habitat, protects threatened or endangered plants and animals, or exemplary natural plant communities

\_\_\_\_\_ Working Lands;

Is in active agricultural or forest management use or protects large un-fragmented blocks of forest which could be managed.

  X   Reduces housing units;

By purchasing the land we can minimize development and thereby stabilize taxes.

### **III Other Criteria:**

In addition to meeting a public benefit there are additional criteria that may affect the town's interest in a given property and its priority for acquisition.

\_\_\_\_\_ Donation Opportunities;

A landowner is interested in a donation, bargain sale or other scenario that leverages town funds

\_\_\_\_\_ Threat of Conversion;

The property is under immediate threat of development.

\_\_\_\_\_ Funding Leverage;

The ability of the town or partnering organization to leverage additional funds to protect the property.

  2   Priority Area;

Which priority area (1, 2, or 3) does the parcel fall into, as defined in the Pelham Open Space plan.

### **IV Checklist for Disqualification:**

The property will not be acquired if any of the following are true.

\_\_\_\_\_ The property is not large enough to be significant for its purpose.

  ?   The property is found to be irreparably contaminated.

\_\_\_\_\_ There is reason to believe that the land/easement would be unusually difficult to manage or to have proper stewardship of the land.

\_\_\_\_\_ The landowner insists on provisions that the Conservation Commission believes would seriously diminish the property's primary conservation or public values or the town's ability to enforce an easement and or manage the land.

\_\_\_\_\_ Ethical or image problems exist in association with the acceptance of the project.

Completed by;   Paul Gagnon  

Date;   November 05, 2023