

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

MEETING OF 04/13/16

APPROVED 08/10/16

Members Present:

Karen Mackay, Louise Delehanty
Kaela Law, Paul Gagnon
Lisa Loosigian, Mike Gendreau (late)

Members Absent:

Paul Dadak

Chairman Paul Gagnon brought the meeting to order at 7:02 p.m.

PUBLIC HEARING:

Map 23 Lot 8-18	Main Street – Proposed purchase of 71 acres in accordance with RSA 36-A. Land to be acquired for the purpose of open space. This property is currently known as Pine Valley Golf Links – Presentation by Paul Gagnon of the Pelham Conservation Commission.
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Presentation by Paul Gagnon of the Pelham Conservation Commission

Mr. Gagnon gave a brief history of the Commission’s work with land acquisitions. Over a decade ago the Commission began to be active in trying to protect open space. At that time, the only source of funds was the current use fund. Current use is a way to tax land owners of large tracts a low tax in order to keep the land open and undeveloped. Current use tax rates are much lower than other property tax rates. If the land owner sells the parcel, 10 percent of the sale price is owed to the town for the payment of the taxes the owner was given a break on for the preceding years. This was a good source of money for conservation and the method still exists today, but it was not sufficient enough to acquire the large tracts of open space the Commission wanted to acquire.

In 2003, town voters passed a warrant article for a \$3,000,000 bond to be used to protect open space. The article passed by over 70 percent of the voters. The Commission was restricted to spending not more than \$1,000,000 per year. At the time, the town had protected 1,000 acres. The Commission made a commitment to double the acres of conservation land or protect 1,000 additional acres. No further approvals are needed to spend the money from the bond. The Selectmen have the discretion to spend the money as they wish in the pursuit of acquiring open space. Public hearings are required prior to the purchase of the property to give residents a voice in the process. One hearing is required to be held by the Conservation Commission and two are required by the Selectmen.

To date the Commission has protected 843 acres. One-hundred-fourteen acres were donated at no cost to the town and 730 acres have been purchased since the bond passed. The average price per acre over all the acquisitions is \$6,700. The per acre cost ranges from \$2,400 to \$14,300 depending on the circumstances of the acquisition.

There is a logic to our process. The Commission has been acquiring land for a long period of time. The largest area of conservation land is the corridor from the Merriam/Cutter Conservation Area to the Gumpas Pond Conservation Area in the western part of town. This area is about 600 acres in size. Raymond Park is another large tract at 250 acres. There are many scattered parcels on the east side of town that form a corridor.

The golf course property is located in the central part of town adjacent to Peabody Town Forest. The Girl Scout camp is to the north as well as Eric's Farm. North of Eric's Farm is the Fish and Game Club. This is the largest area of open space left in town. The Commission has hopes that these lands will not be developed. The golf course could easily be developed. There is a lot of upland accessible from Main Street and Heather Lee Lane. As a result the Commission thought the golf course would be a good parcel to acquire. The acquisition will expand Peabody Town Forest and protect the land from development. There is no access to Little Island Pond from this property.

The current proposal is to provide \$750,000 to the owner at closing for the 71.2 acres golf course. This price is about \$10,500 per acre. In addition, the town would lease the golf course back to the current owner for 10 years. The current taxes on the parcel are just over 25,000 per year. The town would reduce the taxes by \$25,000 per year for the 10 years. This would give the owner an additional \$250,000 over the 10 year lease period. The total cost to the town for the parcel would be \$1,000,000. The parcel is currently appraised at \$1,100,000 so the town would be getting the parcel for a 10 percent discount and the final payment would not be until the tenth year of the lease.

The cost breaks down in a more complex way than most of our acquisitions. The appraised value of the property is \$1,100,000. The value on the land is \$760,000. Improvements on the land such as irrigation systems, pumps, granite markers, etc. are valued at \$340,000. The improvements cannot be removed from the land. The current taxes are \$25,500 per year. When town residents, through the bond, authorized the Commission to buy open space they did not authorize us to buy improvements such as irrigation systems. The price of \$750,000 is for the value of the land. The deal in the lease of \$250,000 over 10 years covers the cost of the improvements. The Commission will buy the land and the town will buy the improvements.

The golf course consists of two parcels of land. The 71.2 acres of the course itself and a 2.3 acre parcel on the opposite side of Main Street which contains the club house and parking lot. The golf course is zoned residential and the 2.3 acres is zoned business. The owner is only selling the golf course the 2.3 acres would remain with the owner and would have no change in status.

The 71.2 acres is made up of about 42 acres for the golf course and about 30 acres of wooded forest. The wooded area abuts Peabody Town Forest. The 30 acres would become town land and be accessible to town residents. Trails could be expanded from Peabody Forest. The golf course area would be leased to the current owner, be a privately owned business and would have no free public access.

The 42 acres of the golf course is leased. The lease specifically states the wooded area is not part of the lease. The wooded area will be open to the public. The land was not formally surveyed and subdivided. The lot will be kept as one lot. There is clear definition between the golf course and the wooded area.

The Commission has a Selection Criteria Check List which is a document that has a list of questions we need to ask about a potential property before we pursue acquisitions. We want to make sure the purchase is logical and reasonable. Questions are about protecting town resources, meeting goals in the open space plan and master plan, land connectivity, habitat, owner's interest in conservation and priority of protecting the land, etc. This parcel was in the first priority area in the open space plan. This means that the land has the highest priority for protection. Mr. Gagnon walked the parcel in the golf course area as well as the wooded area. He saw moose tracks and deer sign and a vernal pool on the back edge of the golf course. His opinion is that this parcel has significant wildlife habitat.

The lease would end in 10 years with no commitment afterward. The town could continue to lease the property, but no tax breaks are built in. Full taxes would need to be paid after ten years. There was some discussion of the taxes being split between Conservation, because we paid the money up front, and Parks and Recreation. There is no agreement in writing for the time period after the ten years.

An alternative for the parcel if it were not purchased by the town, would be the parcel could be developed. There have been offers to purchase the property for development and the offers have been declined thus far. There was one possible development possibility in the past. A 55+ housing development was discussed off Heather Lee Lane. The more houses in a town, the more expensive it is to live. Residential development pays for about 90 percent of its cost so it is a tax drain. If you can minimize houses you minimize children in the schools and require less fire, police, road maintenance and services. There is no accurate estimate of how many houses could be built on this property.

Public Input:

Bill Scanzani spoke in favor of the acquisition. Any time a town acquires for open space there is a loss of tax revenue from the purchase. Mr. Scanzani spoke of the many people in town over the years who had the vision to protect open space. He commented that he could not possibly name every person who had contributed to the effort. He did name a few people he felt were influential such as Spike Hayes with his work for the Boy Scout Camp land and Bob Lamoureux with his work on the trail system and maintaining connectivity of all-purpose trails. There are more miles of trails in town than there are of roads and the town has 106 miles of roads. He spoke of Mr. Gagnon and the members of the Commission and their work to protect open space and create corridors for wildlife.

These plans for open space take decades to come to fruition. There was work on the 20 acre subdivision on Webster Road which was a development of Girl Scout land. The town made a deal and will now have the right of first refusal if any more land is to be developed on the 300 acres of the Girl Scout land. Mr. Scanzani commented about the large block of land in the center of town that is part of this purchase. For many years this area has been thought about as a great open space that if it could be protected would be the largest area of protected land in town.

The town is only buying the land. The golf course use will be by the land owner. The opposite side of the street will be managed the same as it has been. Normal taxes will be paid on that property. In addition, there is a house lot associated with the golf course. The lot is separate from the golf course and will pay normal taxes as an individual house lot.

Mr. Scanzani described the past proposed development on the back portion of the lot. The back land had 40 house lots as a minimum to be built. This did not include the golf course itself. When testing was done for wells on the wooded part of the lot, it was determined that the water draw was plentiful enough to supply the route 38 corridor with water. If needed in the future, the town could utilize this water

supply. There is some high ground also which may be possible cell tower locations. This is one of the first parcels that the town owns that has open space and may possibly produce revenue for the town. Presently, developers try to get the most from a piece of property. This lot has some wetlands and flood lands in the center. Roads may be minimized in these areas. If there were to be work force housing or an over 55 development on this lot many houses would be built.

This proposal would protect open space and could never be developed into house lots. The parcel abuts Peabody Town Forest and is close to the pond.

Mike Sherman asked if there were provisions in the lease to make sure the property remains in the same condition over the 10 year period. Mr. Gagnon stated that the property must be maintained in good condition. The lease is lengthy and details these types of agreements. The golf course must be maintained using best management practices as are used on other area golf courses. The lease has already been signed.

Joseph Rodrigues asked about the town's liability on the property. Mr. Gagnon explained the town (lessor) is not responsible for incidents on the property. The lesser must carry insurance and the town is named on the policy. The golf course carries the insurance for itself and the town against liability.

Motion: (Delehanty/Gendreau) to recommend the purchase of the golf course property with a lease with a cost of \$750,000.

Vote: 6-0-0 in favor

The next step will be to meet with Planning to have a minor lot line adjustment done because the neighboring house lot has some land on the first tee.

The Selectmen will have two public hearings similar to this hearing. The first hearing there will be no vote. Voting will take place at the second hearing.

Letters can be sent to the town about the proposal. Residents have already reached out to Mr. Gagnon, through email, with questions which he has answered.

OLD BUSINESS:

Map 35 Lot 10-343	7 Loretta Avenue – Proposed redevelopment of a single house lot. Proposed wetland and WCD impacts with mitigation for the wetland impacts and improvements made to the WCD – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
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Presentation by Joseph Maynard of Benchmark Engineering, Inc.

This case came before the Commission a few months ago. After that meeting, we set up a site walk and walked the property. Mr. Maynard has incorporated changes into the plan based on Commission members' suggestions and comments from the meeting and the site walk.

The original dredge and fill area was just under 3,000 square feet (sf) of wetland impact. Mr. Maynard tried to balance the dredge and fill with the creation of mitigation flood plain storage in the new plan.

The new proposal has a fill area of just over 1,500 sf. which will be 80 cubic yards. Mitigation for the flood plain loss will be equal. Fill will be in the central portion of the lot and will form a portion of the back yard for the home. The mitigation area will be in the back section of the lot near the proposed well location. Top soils will be removed from the mitigation area and stock piled. The area (1,520 sf or 80 cubic yards) will be excavated out to a level just below the level of the wetland. The top soils will then be spread back into the area. The top soils will already have seeds within the soils, but additional seed mix will be added to insure vegetative stabilization of the mitigation area. The seed mix will be a combination of mostly low shrubs with deep root systems. Erosion control methods will be used to prevent sediments from washing into the stream.

Ms. Loosigian and Ms. Mackay were not sure the mitigation area was necessary. Mr. Maynard said he would rather see the area as a buffer than being dug out for flood mitigation given the area of fill is so small. He stated that he was trying to accommodate the Commission based on comments at the site walk. Mr. Gagnon pushed for the mitigation at the site walk. He feels the mitigation is important to prevent flooding. He agreed the area is small, but many incremental impacts on different lots can lead to flooding problems as the impacts start to add up. He would rather see mitigation on each project. Mr. Gagnon stated the new plan had significant improvements from the previous plan. The footprint of the house was reduced, the house was removed from the WCD and flood plain storage was added.

The house has been down sized from the original plan and the garage will be under the house. The house will be outside the adjusted WCD buffer, but a portion of the driveway will remain in the buffer. The driveway will need a special permit from Planning. Mr. Maynard is looking for a compromise for his client on the layout. The owners have not been to an architect to design the final layout of the home. The size of the home is necessary because there will be an accessory apartment for the owners son.

The home owners have been looking in this area of town for a house so they could have walking access to the down town. This property is one of the first they have seen in the past several years. The neighborhood was developed in the 1960's and was not subject to the WCD ordinance. The homes in the area have a lot of disturbed area.

The current conditions total WCD area on the site is 11,205 sf. Of that area, 8,565 sf is disturbed which is 76 percent of the WCD. The current impacts are 7,685 sf for lawn, 600 sf for the septic system and 280 sf for the house and driveway. The post development impacts will be less; however, the WCD line will move toward the wetland because of the fill area. Post development the total WCD area will be 11,383 sf. Of that area, 4,500 sf will be lawn and 1,600 sf will be driveway for a total post development WCD impact of 6,100 sf which is 54 percent of the WCD.

The original proposal had a 10 foot wide planting strip of shrubs along the wetland as a buffer. Mr. Maynard has worked on the width of the buffer. Some places the planting strip will remain 10 feet wide, but in other places the width will increase. The area along the driveway will have a thick planting strip of 24-25 feet in width. The well area will also have a wide planting strip. At the present time, there is no real buffer between the yard and the wetland. The buffer is important to create a filter barrier to the wetland. Conditions on the site will be improved with the planting strip. The planting strip will consist of low and high shrubs. The plants will be adapted for wetland areas and be salt tolerant. The plants will be self-sustaining and provide long term sustainability for the area.

Nancy Rendall of Blue Moon Environmental, Inc is the wetland scientist on the project. She will choose the proper plants and oversee their installation.

The first plan had a portion of the house and the driveway in the WCD. The new plan has moved the house out of the WCD, but more of the driveway is in the WCD. This situation has occurred because the garage has been moved under the house so the driveway must come in from the side and has made more of an impact.

Public Input:
None.

Motion: (Mackay/Loosigian) to recommend this plan to ZBA and Planning. The density of the plants in the planting strip should be defined and the homeowners should submit photos of the planting strip to the Commission one year after the certificate of occupancy for the purpose of ensuring the survival of the plants.

Vote: 5-1-0

Ms. Law opposed the plan because she felt there was still too much impact to the WCD and that the house was too large for the buildable area of the lot.

NEW BUSINESS:

Map 3 Lot 5-174	Off Shelly Drive – Proposed development of a single family home with wetland and WCD impacts for a driveway crossing – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
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Presentation by Joseph Maynard of Benchmark Engineering, Inc.

This proposal is to develop a 7.5 acre land locked parcel on the Windham town line. The lot is accessed from a right-of-way (ROW) off a ROW. There is an easement with a long driveway at the end of Shelly Drive that currently serves two house lots. The first house lot is on the left side of the driveway. The driveway continues up the hill and crosses into Windham. This house lot in Windham is accessed through Pelham. There is no Windham access to this lot. A variance from both towns was required to develop this lot with these conditions. Just before the town line, there is another ROW easement that goes down into the woods. This 50 foot wide ROW provides access to lot 5-174. This easement was granted in the late 1980's or early 1990's when Shelly Drive was developed. The land locked Pelham lot cannot be accessed through Windham. The ROW is the only access.

This lot came before ZBA about 1 ½ years ago for a variance to build on a lot with no frontage. The variance was granted. The type of house for the lot has not been decided yet. The large size of the lot could support a single family home or a duplex at the maximum. Mr. Maynard is requesting input from Conservation about a wetland crossing for a driveway and the associated WCD impacts. Planning must grant a special permit to cross the WCD on this property. Mr. Maynard will be applying to the state for the wetland crossing as the next step in the process. He anticipates going before Planning in about 60 days, after he has state approvals.

The crossing is proposed at almost the narrowest point in the wetland. This location was chosen because of the geometry of the ROW and the easement that comes down into the parcel. There is no space to move the driveway because of the location and width of the easement and the area needed for grading.

The dredge and fill will be 1,200 sf of wetland impact. The WCD impact will be 5,000 sf. Mr. Maynard is proposing an oversized culvert of 48 inches. One-third of the culvert will be buried in the ground. This will create natural bottom characteristics inside the culvert. All WCD impacts are in the area of the driveway. The area is rather steep and the stream flows quickly and exits the site to the south.

The driveway length is about 600 feet, with another 600 feet on the existing driveway. The elevation change from the cul-de-sac to the second ROW is about 40 feet up. The elevation change from the beginning of the second ROW to the proposed house location is about 40 feet down. The location of the house is at roughly the same elevation of the Shelly Drive cul-de-sac. The driveway width will be 14 feet. This width is required by emergency services because of the long length of the driveway. There will be hammer heads near the house location so large emergency vehicles will be able to turn around if they need to serve the residents in the home. Side slopes will be 2:1.

The property is near the power line easement, but no power lines are on this property. Stone walls run along the property perimeter. No stone walls are within the site. The stone wall will be broken through in the location of the driveway. Signs identifying the WCD will be set by the developer and will be spaced every 50 feet.

Mr. Gagnon requested the house be moved on the plan in a way such that there is 50 feet between the house and the edge of the WCD. Mr. Maynard said this would not be a problem because the plan of the lot was not finalized at this point and there was plenty of space on the lot.

Public Input:
None.

Motion: (Mackay/Delehanty) to recommend this project to Planning with an adjustment for the house to be 50 feet from the WCD.
Vote: 6-0-0 in favor.

WALK IN ITEMS:

Ms. Delehanty spoke of Earth Day on April 22 and Arbor Day on April 29. She suggested some outdoor activities to celebrate the day such as planting a tree, cleaning trash on your neighborhood and working in a garden.

The bobcat hunting and trapping season has been cancelled due to public opposition. The vote for the season was 5-4 at Fish and Game when it was first proposed. The department received 5,000 public comments prior to April 1, 2016. The season was officially cancelled today.

Discover Wild NH Day will be held in Concord at the Fish and Game Headquarters this Saturday from 10-3 p.m. There will be demonstrations, wild animals to view, food and activities for families. More information can be obtained at the NH Fish and Game website.

MINUTES:

Motion: (Loosigian/Delehanty) to approve the minutes of March 9, 2016.

Vote: 4-0-2 Gagnon and Gendreau abstained.

ELECTION OF OFFICERS:

Motion: (Delehanty/Gendreau) Nominate Secretary/Recording Secretary – Karen Mackay

Vote: 5-0-1 in favor. Mackay abstained

Motion: (Mackay/Loosigian) Nominate Co-Chair – Paul Dadak

Vote: 6-0-0 in favor.

Motion: (Loosigian/Mackay) Nominate Chair – Paul Gagnon

Vote: 5-0-1 in favor. Gagnon abstained.

ADJOURNMENT:

Motion: (Mackay/Delehanty) to adjourn

Vote: 6-0-0 in favor.

Adjourned 9:18 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary