

Conservation Commission Minutes 11/2/10

Contributed by Lisa Fellows-Weaver
Thursday, 23 December 2010

Conservaiton Commission

Minutes

November 2, 2010

Official as of December 7, 2010

Chairman Steve Roy calls the meeting to order at 7:00 p.m.

Present: Chairman Steve Roy, Jim Ryan, Paul Lussier, Wini Young, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver. Vice Chairman Steve Hampl arrives at 7:17 p.m.; Loren O'Neil arrives at 7:19 p.m.

Absent: Mike Matson

MINUTES

October 5, 2010

Mr. Ryan makes a motion, second by Mr. Lussier, to approve the minutes of October 5, 2010, as written. Motion passes; 4/0.

Mr. Hampl arrives at 7:17 p.m.

PUBLIC INPUT

Tom Chase came in to meet with the commission regarding ways to reconnect with the community. He expresses an interest in joining the commission as a full-time member. Mr. Chase provides some background and history of his town involvement over the past 20 years. Mr. Chase explains that he is interested in conserving as much of the town as possible. He states that he is particularly interested in the fields of Rte 107 and the outlets of Jenness Pond.

Mr. Roy provides a general overview of the procedures and the primary jobs of the commission. He suggests that Mr. Chase send a letter of interest to the selectmen.

Loren O'Neil provides a letter stating that she would like to be re-designated from a full-time member to an alternate member, effective immediately. Her current term is through 2012.

Mr. Roy makes a motion, second by Mr. Ryan, for staff to send a memo to the selectmen recommending Tom Chase to the commission with a three year term, to expire in 2013, and for the membership of Loren O'Neil to be re-designated as an alternate member, with a term to expire in 2012.

Motion passes unanimously; 5/0.

APPOINTMENTS

Bob Bailey - Guptill, First NH Turnpike. Map 222; Lot 30

Mr. Bailey is present representing the Guptills. Mr. Roy states that there has not been any recent contact from the Guptills or the realtor. There was a counter offer for the purchase of the land and also an LCHiP grant had been mentioned. Mr. Roy states that a list of appraisers was provided for the grant process and nothing has come from it. Mr. Roy states that a letter was recently sent as a reminder mentioning that the commission is still interested in the parcel and would still be offering \$124,000. Also, the commission would still support a grant application; however, the grant program is no longer offered through the state due to budget cuts.

Mr. Bailey states that the Guptills are interested in completing this project. He states that they would reduce the cost to \$200,000 and may consider reducing more.

Mr. Bailey states that although this parcel is not a prime piece of land for development, it is a prime piece of land for the continuation of the Northwood Meadows. In addition, he explains that a portion of CBNA's property is a neighboring lot of the Guptill parcel, which is currently in a conservation easement. He adds that the CBNA parcel contains a portion of Demon Pond, which is the headwaters of the Lamprey River.

Mr. Bailey states that some of the members have been on a site walk of this property. Mr. Roy states that he has walked this lot and it is very attractive. Mr. Bailey suggests another site walk for all members.

Mr. Bailey notes that the Guptill lot abuts the back portion of the town land where the recreation/athletic fields are currently being established. He states that it would be an ideal time to suggest creating walking trails from the recreation fields into the Guptill property and down to Demon Pond.

Mr. Roy agrees with Mr. Bailey and adds that the true value of the Guptill parcel is that it is a good companion property to the Mead lot, CBNA's conservation land, as well as the Northwood State Meadow, as well as the fact that this lot abuts the recreation field property. He states that this would allow the option of adding an integrated trail network from the recreation fields into the state park.

Mr. Roy states that the Guptill estimate is based on the appraisal from the Low property of \$1,000 per acre for the back acreage. He adds that an additional \$200 was added per acre for the general conservation value of the property so the offer was \$1,200 per acre. Mr. Bailey states that the type of land on this lot cannot be compared to the Low property due to the locations and layouts being very different. Mr. Roy states that the Low property does abut a conservation property as well as the water district lots. Mr. Roy states that perhaps it is unfair as the Guptill parcel does indeed abut more contiguous conservation land than the Low parcel.

Mr. Bailey states that the Guptills would be willing to an agreement that the parcel could be paid for over a period of time. Mr. Roy states that conservation commission land fund would be able to support the purchase of this land and pay for it out right.

Mr. Roy states that there is one issue relative to the parcel that Linda Smith noted and that is with the deeds. He explains that there is a potential deed problem that will need to be cleared up prior to the purchase. He adds that in the deed it appears that the lot was not subdivided off; however, the tax maps have the lots as two separate lots. Mr. Roy notes that the letter references this issue and the purchase offer is conditional upon the deed being able to be cleared.

Discussion ensues regarding the price of \$200,000 and Mr. Roy states that this would be \$1,800 per acre. Mr. Bailey states that he is not sure if the parcel is still listed with the realtor.

Mr. Bailey states that the commission really needs to walk the parcel in order to make a proper purchase decision. Members express an interest in having a site walk of the property. Mr. Roy states that the commission could walk the parcel and then discuss any modifications to the purchase offer. Ms. O'Neil asks if modifying the offer would be setting precedence for any and all other offers. She explains that a lot that is not developable will be sitting on the market for a long time. Mr. Roy agrees and adds that the parcel could be purchased and joined with a neighboring lot, which would create more options for the parcel. Mr. Bailey notes that the Guptills also own a 10 ft. strip to Rte. 4.

Further discussion ensues regarding an appraisal. Mr. Roy states that an appraisal could come in much lower than what the property owners would like and what the commission is offering, or come in higher than the commission's offer. Mr. Roy notes that the offer was based on two appraisals completed on back land in Northwood. Discussion ensues regarding the marketable value of property and the economy. Ms. O'Neil states that the real estate market has changed since prior appraisals were done.

Mr. Ryan states that it is easy to assign other uses to the land; however, the uses of the land fund are very specific. Mr. Bailey states that the intent would not be to add the land to the ball fields, just to have the land abutting the fields to prevent housing developments. Mr. Ryan states that with the Low purchase there was a tremendous focus on the water resource of the land and the future of the water district should it ever be taken over by the town. Mr. Roy states that passive recreation and trail systems are allowable uses on land purchased with the conservation fund. An athletic field, clearing, and/or developments, are not allowed.

Mr. Roy states that the Low property was appraised at \$1,000 per acre and the final purchase price ended up at \$1,500 per acre. He explains that back in the 80's the Lows sold the water district 12 acres for \$1,500 per acre and the Lows requested \$1,500 because of the value and water resource potential.

Mr. Roy states that in the Guptill case, the commission is offering an additional \$200 per acre; however, there is not an appraised value to compare to. In this case, the commission is setting the base price based on experience of the other two land purchases.

Mr. Ryan states that he feels to make a good judgment, it would be better to have an assessed value in hand. Mr. Roy states that the commission can use land funds to pay for appraisals, title searches and transfer costs. He states that if the Guptills are interested in having an appraisal done, the commission could discuss this option. Mr. Bailey states that he feels that at this time the property owners may consider accepting \$150,000.

Ms. O'Neil states that she feels that the commission has made a fair offer and would prefer to hold at that offer.

She states that she prefers to not set a precedent by offering a higher amount and having to deal with the precedent in future acquisitions.

Mr. Bailey states that the assessment of the parcel is pretty accurate. The assessment card and property file is reviewed. Ms. Smith raises the issue regarding the clear title. Mr. Roy states that this was addressed and noted to Mr. Bailey. He adds that there will be additional costs due to this issue.

Mr. Ryan makes a motion, second by Mr. Roy, for an appraisal to be done for this property. Mr. Roy asks if the commission feels that an appraisal is necessary. Mr. Ryan states that an appraisal is a good place to begin and he feels that it is an important item in order for the commission to do their job. Mr. Hampl states that he feels that this is a nice piece of land and the location is nice; however, it would be helpful to know the parcel value. Ms. Young asks how much the appraisal would cost and notes that there are different levels of appraisals available. Mr. Roy replies that the Anthony appraisal was \$2,400. Mr. Lussier states that he would like to see an appraisal completed and adds that if an appraisal is to be done he would like to see some type of an assurance from the property owners.

Mr. Roy asks Mr. Bailey if he believes that the Guptills would be receptive to the commission obtaining an appraisal. Mr. Bailey replies that he does not know.

Mr. Roy states that he feels that the commission will be bound to the appraisal and it would be difficult for the commission to offer less than the appraised amount. Ms. O'Neil states that she feels that an appraisal should be done and adds that the commission can make any offer.

Ms. Smith states that the commission can request an appraisal to obtain an unbiased opinion. She adds that the commission can opt to keep the appraisal confidential. She asks if the commission would want to obtain bids or cap the amounts if there were an approved appraisal. Ms. Smith states that the deeds show two tracts of land and are not consistent with the town's tax maps. She feels that there could be additional legal costs involved.

Ms. Smith states that she has noted that there is documentation from the family in the property file relative to the current use. The family was asked to provide information based on the title issue, which was not completed. Mr. Roy states that he feels that this item really needs to be cleared up before there is an appraisal done. Ms. O'Neil asks if it is the responsibility of the commission to clear up this title issue. Mr. Roy replies no and adds that it will become an issue if an offer is made and agreed to. Ms. Young asks how an appraisal can be done if there are questions relative to the property. Mr. Ryan states that the commission will be in control of when the appraisal will be done. He states that it would be ridiculous for the commission to proceed until the title is cleared, then the appraisal should be done, then the commission can then put together an offer. Mr. Lussier amends the motion, second by Mr. Ryan, to not proceed with the appraisal until the deed issue is resolved. Amendment passes unanimously; 6/0.

Original motion: To support an appraisal provided that no funds are expended on the appraisal until the title is clearly understood. Motion passes; 5/1. Ms. Young is opposed.

Steve Hampl states that the commission is regulated as to what can be offered. Mr. Roy states that the commission has a fiduciary responsibility to the town in how the land fund is used. Mr. Hampl states that the commission could evaluate this to the Low property and the purchase can be validated. Mr. Roy states that the commission has to be able to justify their purchases to the town. Ms. Young states that the conservation fund is the responsibility and jurisdiction of the commission; however, the selectmen have always been included in the process.

Ms. Young states that there are a set of maps from BearPaw Regional Greenways that evaluate land based on wildlife values. She states that a portion of the Guptill parcel did show very high values for wildlife. In addition, she states that the park will continue to draw more use and that it would be very nice to have a larger trail system. She adds that the parcel is used by CBNA for cross country. Ms. Young states that the Guptill property has potential for education; the property has great proximity from it to the recreation land to the park and to the elementary school. She feels that there is a lot of value with this parcel and feels \$150,000 is a reasonable amount.

Mr. Roy agrees with Ms. Young that the park is aggressively used and a larger trail system would be used even more aggressively.

Mr. Ryan states that there are many thoughts as to the value of this property. Mr. Ryan makes a motion, second by Mr. Roy, for the commission to task Ms. Young to establish a balance or evaluation of what the specific attributes are of this land and the back up to support it. Mr. Roy states that this is not a viable request. Mr. Ryan withdraws his motion and Mr. Roy withdraws his second. Mr. Ryan states that there must be an ability to evaluate the value of the parcel. Mr. Roy states that this will be done through the appraisal.

Ms. Smith states that trying to compile some rational that this property may be of greater or lesser values is a good idea. She adds that when building and development was very rapid, this parcel was being viewed by many. She states an offer can be made based on the fact that there is a potential for development on the parcel. Mr. Roy states that there are

certain costs of opportunities and opportunities lost.

Mr. Roy states that a title company needs to do a deed review and provide a summary to make sure that the deed is not threatened. He states that the commission will do what it can to hasten the process for this project. He states that he feels that the commission should ask for a letter of intent from the property owners if the appraisal is done. Mr. Roy makes a motion, second by Mr. Ryan, to contact a title search company and have a write up completed on the Guptill property, to be paid for from the CC land fund, not to exceed \$1,500. Motion passes unanimously; 6/0.

Mr. Roy makes a motion, second by Mr. Ryan, in the event that the title review comes back cleared, then staff will use the appraisal letter used for the Low property, send a request out to three appraisal companies on the list, obtain quotes for an appraisal, and have available at the next meeting. Motion passes unanimously; 6/0.

Mr. Roy makes a motion, second by Mr. Ryan, for Mr. Roy to choose 3-5 appraisers on the list to send the quote letter to. Motion passes unanimously; 6/0.

A discussion is held regarding the prior purchases and appraisals due to the type of land, business and back land.

Mr. Roy makes a motion, second by Mr. Ryan, to authorize Mr. Roy to make decisions and have interactions with Ms. Smith, as necessary. Motion passes unanimously; 6/0.

Ms. Smith notes that the file has documentation requesting clarification prior to 2001 and they did not have anything at that time. Mr. Roy states that he mentioned this item in the last letter. She notes that there was another letter from 1985 that appeared to call out the lot issue. She states that the deeds were conveyed with one parcel on the south side of the road and the other on the west side and there is now a parcel being considered as part of the north side.

Mr. Roy states that he will draft a letter to the Guptills regarding the need to have the title issue addressed prior to an appraisal or any offers.

Mr. Bailey states that the purchase of this lot is an asset to the town. He states that access to the lot will be from the recreation fields, it fits into the programs and walking trails. This is an ideal parcel for the town to own. He adds that CBNA could only use their abutting land for lumber and now there is an easement on it with Bear Paw having control of it. He states that Northwood is very lucky to have Northwood Meadows and these parcels could be all combined together and create a huge asset for the town.

This item is continued to the next meeting, December 7.

Tom Demeritt, Upper Deerfield Rd. Map 235; Lot 2.

Mr. Roy states that an estimate for the survey for the Demeritt lot has been received. He states that the commission had discussed supporting up to \$5,000 towards a survey. The estimate is \$4,700. Mr. Roy states that a statement is still needed from Mr. Demeritt in order to move forward. Mr. Roy makes a motion, second by Mr. Ryan, to authorize Mr. Roy, to contact Mr. Demeritt and request a letter noting the conveyance of the property to the town provided the town's offer to pay for the survey. Motion passes unanimously; 6/0.

Mr. Roy motions that if the letter comes in, Ms. Smith can contact Mr. Demeritt to let him know that it is okay to authorize the survey and that the commission will cover the costs of survey through the land fund, and to have the surveyor forward the invoice to the town. Mr. Ryan seconds. The motion passes unanimously; 6/0.

A discussion is held regarding how the commission looks into properties for values. A checklist is mentioned. Mr. Roy makes a motion, second by Mr. Ryan, to use the minutes of tonight and provide a list of items pros and cons for the Guptill property, for the next meeting. Discussion is held regarding if an appraiser would use information like a list relative to the appraisal. Motion passes unanimously; 6/0.

Correspondence

Complaint NHDES: Land Resource Complaint: Welsh Living Trust, Henson Ln. Map 105; Lot 49. Ms. Smith will forward to the building department and see if they will be entering on to the site again, as they have been involved with other activities on this property. In addition, Mr. Ryan and Mr. Hampl offer to visit the site and bring a report back to next months meeting.

ADJOURNMENT

Ms. O'Neil motions to adjourn, seconded by Mr. Roy. Motion passes unanimously at 9:06 p.m.

Respectfully submitted,
Lisa Fellows-Weaver,
Board Secretary