

## **Fracestown Conservation Commission**

### **Fracestown, NH**

#### **Special Meeting Approved Minutes**

May 11, 2015

Members present: Don Crooker, Scot Heath, Kris Holmes, Betsy Hardwick, B J Carbee, Polly Freese

Public attendees: Betty Behrsing, Karen Fitzgerald

Meeting came to order 7:30 PM

Hardwick opened stating that the board was meeting to discuss the merits of whether the Town of Fracestown should accept proposals by the owners of former Timothy Taylor land on the turnpike south regarding 2 lots. The first would be to purchase lot M6L7.3 (9.06 acres) at the assessed value (approximately \$83,000). The second would be acquisition of lot M3L26 (7.96 acres) in exchange for waiving a land use change tax bill in the amount of approximately \$8100. Lot M3L26 has conditions that the lot remain under Town ownership and that it be used as open space or as a cemetery.

The Board of Selectmen pursuant to RSA 41.14A has asked the Conservation Commission to review the properties and make recommendations. A site walk was performed by board members Kelly Marshall, Don Crooker, Scot Heath, Betsy Hardwick and Kris Holmes on 5-8-15. B J Carbee has walked both properties in the past. Polly Freese has walked M3L26, but only viewed M6L7.3 from the road.

A quick review of NRI maps indicate that: Lot M6L7.3 is in an aquifer area and part of M3L26 appears to be in an aquifer area. Both properties have farmland of local importance. Both contain supporting habitat on the wildlife action plan and are identified as hemlock/hardwood/pine forests. There are no potential contamination sites on the lots. The sand and gravel recharge area soil type appears to be sand.

At this point it was decided to discuss each property separately.

M6L7.3 was discussed first.

Carbee stated that the fire department had been asked if they wanted the land and they felt it would be of no use to them. Carbee noted that the floor drains in the highway garage adjacent

to the property could be a concern as far as leaching contaminates into the wetland areas and asked if they had been pumped out.

Hardwick said she did not know what they had for containment system or if it was pumped/cleaned out- that typically a garage like that had some sort of system for cleaning.

Heath feels the land is central to the town garage and fire station and could possibly be of use to the town in the future for expansion of the town garage, fire department or a town park. He also had concerns that if the land was built upon and wells on the property were contaminated because of leaching materials from the town garage, the town would be responsible for the clean-up and that could be a large sum of money. He felt the purchase of the land by the town could protect from future liability issues by serving as a buffer area.

It was noted that the seasonal high water level of this property is a shallow depth.

Heath also suggested that the land could serve multiple other purposes such as a solar array site. And there is conservation land bordering the back of this property and conservation land across the road also.

Crooker clarified that we are just looking at the property for the purpose of what might be relevant for town purposes, not for conservation land.

Freese wanted it stated for the record that she is against the purchase of any more land by the town.

Carbee wanted it stated for the record that she is also against the purchase of any more land by the town.

Crooker stated that as board members, it is our responsibility to evaluate the merits of the land and this would be difficult to do if opinions were made prior to discussions. We need to be open to all the facts before making a decision.

Heath stated that there is a good amount of usable land to work with on this lot.

Crooker stated that it is not what it appears to be from the road. It is fairly dry in the center of the lot.

Hardwick suggested that we could send a notice and recommendation that there are no obvious environmental issues and this lot might be worth considering as a buffer for future liability issues. It is not anything we would be interested in for conservation purposes.

Heath made a motion to recommend the town purchase lot M6L7.3, but that it would not be adequate for conservation purposes.

Holmes seconded

Carbee would like it noted that the vote would not be unanimous.

Heath noted that the timing for purchasing this property might be perfect as solar initiatives are being made available now.

Freese asked if motion could include that Heath feels the assessment is too high.

Heath said he could not do that.

Hardwick stated motion was made and we must vote on motion made and seconded.

Motion voted – results 4-2 passed by majority

### **LOT M3L26**

This lot is being offered as an acquisition in exchange for waiver of \$8100 current use tax change penalty and comes with restrictions to be used for open space or as a cemetery.

Carbee stated that she is uncomfortable that we have not received anything in writing stating the owners' proposal regarding the lots.

Hardwick stated that past projects have been proposed verbally, often over the phone, and we moved forward discussing them without requiring anything in writing.

Crooker asked to clarify the background of waiving the \$8100 Current use change of use penalty.

Carbee explained the history of the property, the heirs to a larger piece received different lots and because of the change of ownership from one owner of contiguous lots to separate owners because of dispersal of the lots, the current use change of use tax penalty applies.

Freese stated that her understanding was the original conditions of the lot were for cemetery use only and at a planning board meeting one of the planning board members stated they had added the use of open space along with the use as a cemetery. Freese does not feel this lot would be good for use as a cemetery. It would have to be logged off and there are a lot of trees, then the top 6 feet of soil has to be removed and replaced with clean fill and topped off with top soil. She feels this lot would be very expensive to convert into a cemetery.

Holmes asked how much room we have left in cemetery #3

Freese stated that there are 163 full lots available and 189 cremation lots. Each cremation lot can take 4 sets of ashes.

Freese stated that 44 lots have sold in the last 11 years. She also does not like to see cemetery opposing cemetery on an entrance to a town.

Hardwick stated that she would hate to see agricultural lands taken for use as a cemetery in the future. She questioned whether preparation of the land was different for 'green cemeteries'.

Freese stated that green or not, if a body is being buried, you still have to prepare the top 6 feet the same.

Crooker asked if the current cemetery is expanded to its boundaries.

Freese stated that the northern side is at the boundary and the southern side is almost to the wetland.

Crooker asked if the lot could possibly be sectioned off to use small areas for cemetery use.

Holmes asked what the land prep was for cremation burial.

Freese stated that for cremation the prep was to a depth of about a foot.

Heath stated that looking at the land from an 'open space' criteria (as it appears it would not be used as a cemetery in our lifetime) it is worth the \$8100.

Hardwick suggested evaluating the lot by looking at the land protection guideline criteria. It does support wildlife habitat, it contains wetlands, there is potentially valuable timber, but there is not enough acreage to provide sustained production of timber. There are no threatened or endangered species known on the land. There are no exemplary natural communities noted. The land does have potential to provide some public recreational opportunities. The land contains historic features such as stone walls. The property could potentially provide an opportunity to promote educational and environmental awareness programs. The property could help preserve watersheds/aquifer. There would be no important viewscapes preserved. The property does contribute to the rural quality of town. The acquisition of this property is feasible from a financial standpoint. It was noted that the land meets the criteria only marginally at best and not something we would consider a priority for conservation.

Heath made a motion to accept the donation of lot M3L26 as proposed.

Crooker seconded

Crooker feels the town should explore more about the limitations connected with this lot.

Freese stated there should be no limitations on the lot.

Vote was taken 4-2 Passed by majority

Freese made a motion that if the land is accepted there be no restrictions on it.

Carbee seconded

Vote was taken 3-3 Motion failed to pass

Holmes made a motion if the Selectmen agree to accept the donation that they more thoroughly explore the uses for the property before executing the deal.

Crooker Seconded

Vote Motion Passed

Meeting adjourned 9:00PM

Respectfully submitted,

Kris Holmes- clerk