

**Sullivan County Convention**  
**Meeting Minutes of the:**  
**Thursday, August 8, 2013, 7:00 PM Public Hearing**  
**Place: Unity, NH – Town Hall, 2<sup>nd</sup> NH Turnpike**

**Delegates present:** John Cloutier – Chair | District 10, Cynthia Sweeny – Vice Chair | District 8, Andy Schmidt – Clerk | District 1, Suzanne Gottling – Executive Finance Committee (EFC) Chair | District 2, Raymond Gagnon – EFC | District 5, Jim Grenier – EFC | District 7, Steve Smith – District 11, Skip Rollins – District 6, Linda Tanner – District 9, Joe Osgood – District 4 and Andrew Scott O’Hearne – District 3.

Delegates absent: Virginia Irwin – District 6 and Benjamin Lefebvre – District 1

**County Elected Officials & Staff:** Commissioner Jeffrey Barrette – Chair, Bennie Nelson – Vice Chair and Ethel Jarvis – Clerk, Lionel Chute – Natural Resource Director, Marc Hathaway – County Attorney and Sharon Callum – Administrative Assistant / Minute Taker.

**Public attendees:** Karen Davis Unity, Russell Davis - Unity, Craig Shute - Unity, Tynne Cox - Unity, Patrick O’Grady – Valley News Reporter, John Callum – Former County Commissioner | Unity, Linda Callum - Unity, James M. Callum - Sunapee, Terry E. Callum - Unity, Todd Callum - Unity, Ed Gregory – Unity Selectman, Jim Baker - Unity, Cheryl Marek - Claremont, Peter Marek - Claremont, Bruce Baker – Unity Fire Department, Willard Hathaway – Unity Selectman, Barbara Hathaway – Unity, and Elizabeth Spooner – Unity, and Kerry Miller – Eagle Times Reporter.

**7:00 PM**      **The Chair, John Cloutier, opened the meeting. He noted, per RSA 24:14, County Convention Appropriations, the purpose of the hearing is to provide testimony and accept public comments in consideration of a supplemental appropriation request of \$298,000, which would be used to purchase a parcel of land located in Unity NH, known as Unity Mountain property.**

The Chair called upon Mr. Lionel Chute to provide the presentation.

**Agenda Item No. 1.    Overview of property information and Purchase and Sales Agreement**

Mr. Chute noted a two page *Property Information* document of the Unity Mountain Forest 596-acre parcel was distributed [Appendix A.1-2]. Chute reviewed a PowerPoint [Appendix B.] with property photos and topography maps. He noted the parcel borders two other County properties, connecting them on the southwestern slopes of Unity Mountain and there are three (3) access points into the property:

1. Spooner Road. Unlimited access. If the property were to be subdivided, 10 lots would have access through that right of way.
2. Salt Shed Lot. A logging road passing the NH State salt shed.
3. Mica Mine Road to Marshall Pond, which continues off property to this parcel.

From a timber sale view point: property has been logged heavily for past 15 years, large clear cuts coming back with seedlings, and pockets of mature stands. It would be seen, currently, as a long term forest management view. The majority of soil is Monadnock stony

fine sandy loam; slopes are 15-25% grade; drained Lyman soil on rock outcrops going up the mountain - both soils are good for growing timber.

Mineral stand point: there are a lot of quartz and other rock minerals.

Water stand point: the parcel has several drainages. Meadow Brook is on the eastern side. Three (3) streams flow through the property and converge, tying into the Little Sugar River. Marshall Pond is head water of Little Sugar River. In north western corner is a small unnamed tributary. All waters from property go to Sugar River and on to the Conn. River.

Wind Resource: Mr. Chute showed a slide image of a map with wind potential, noting, green areas are reasonable for wind and this lot receiving between 14.5 and 15 mph winds.

Reasons why the parcel is important to the County:

1. Proximity to Marshall Pond: Marshall Pond is the County's Unity complex only water source for fire hydrants and sprinkler system that protects the nursing home and jail. There is approximately 150 feet on the west side of Marshall Pond. Mr. Chute showed a diagram of the water line that goes from the Marshall Pond, crossing the 2<sup>nd</sup> NH Turnpike Road, then back onto County property. There is 2,850 feet of the water line on this parcel - a 1/3 of the pipe line, or slightly more than 1/2 of the water pipeline easement, so, if the County purchased it, it would increase the water main land to 75%. It's easier to fix the pipeline if you own the land yourself.
2. Recreational value: there is a lot of potential as it would connect two other County owned parcels. He discussed the footage above sea level, views that can be seen, how it's five minutes to walk from the pond to areas with large panoramic views. Mr. Chute showed pictures of the viewpoints, created as the result of the logging - views captured in photos were from Northern Mass., to the Green Mountains of Vermont, to north of Mount. Ascutney.
3. Long term timber management.

## **Agenda Item No. 2. Public Comment Period**

The Delegation Chair opened the meeting for Delegation questions.

*(Q=Questions, A=Answers, and C=Comments)*

**Q.** Rep. Smith asked if the County had specific plans to develop and why would the County purchase the property when it appears to make more sense to look for private developers.

**A.** Mr. Chute confirmed the land is not under any easement. Nothing is preventing the County from selling off parts of the parcel, or all, at any date in future. The past manager saw it as an investment, not as a cost - another way to invest in the County without any negatives he was aware of. It does not tie any hands or lock up the County.

**C.** Rep. Osgood noted he was initially concerned at the first meeting [upon hearing of the purchase proposal] of [the Town of] Unity losing tax dollars. This land is up for sale, anyone can buy it, if individual buys it, and choose to, they can put 100% in conservation where it's locked up and 10 lots could not happen. If the County buys for benefit of Unity, they do not lose tax dollars. County only pays on non county purposes. The County does not need to take land from Unity if it will cost them money. By the end of the meeting, it does not turn into conservation land and cannot be sold. If County gets it, we can sell 10 building lots that would generate tax money for Unity. I think County, after meeting, had a good feeling that it would be good move for County and the community.

**Q.** Rep. Schmidt asked Mr. Chute to describe the water aspect to the property - does it contribute to the water shed of Claremont and Unity and by what extent?

**A.** Chute noted he was unsure how to answer that. He referred all back to the water shed topo. map - there are benched wetlands, brooks running through that, that have spread out. With exception to tributary on northwest corner, all other streams do not originate on the property. As far as water shed, the head water is important, as far as drinking water, you'd have to look at aquifers - he noted he'd be happy to look into that.

**Q.** Rep. Rollins questioned how many years until the County would see an investment on timber from the property?

**A.** Mr. Chute confirmed approximately 20 years. Currently, what is left is under-stocked - it's a long term proposition. He estimated the County could do improvement timbering in 20 years, and, in 30 years can get into commercial activity. He noted access is good, parcel is well stocked with little stuff, which, in time, will become valuable.

**C.** Rep. Grenier expressed concern that if the County put it into Current Use, that decision could be changed with a future board who might want to recommend it go into an Easement - which he feels is a different story. He noted, he had hoped there'd be more from Unity that would benefit from taxes. He can't be whole hearted with certainty.

**C.** Comm. Barrette pointed out the Commissioners met with the Town of Unity Select Board, presented their proposal, and the Unity Select Board expressed that they were pleasantly surprised and thought it was a good fit. There was concern on development on low side. Investors bought property and logged it several times - if those investors thought the housing lots were viable, they would have sold them. Other than deeded right away, you need county lands to access property, therefore, it's not an attractive lot for someone that wants to get into it to develop.

**Q.** Rep. Grenier noted this is a key part, and questioned if there was a way, so that two years from now, it's not locked up in a conservation easement.

**C.** Chute confirmed there may be an anti-conservation action; and, wondered if the Commissioners could take some sort of vote that would guide this.

**C.** Commissioner Nelson pointed out the Commission can '*guide*'. A brief debate ensued on various deed and zoning ideas.

**C.** Marc Hathaway noted, the ability to put a conservation easement on a parcel is created by statute. If this body were to limit use of property, it would be limited only to extent another body can vote; so the goal they want to achieve is unlikely in this process. He noted, he feels the self-interest and wisdom in these boards can certainly be trusted.

**C.** Commissioner Barrette noted this delegation and commission can bind with a conservation easement, but we can not do it the other way.

**A.** Attorney Hathaway noted he was correct, without statute authority you cannot do your anti-easement.

**Q.** Rep. Cloutier questioned if they could do this through a bill in Concord?

**A.** Attorney Hathaway, confirmed they could go to those extraordinary measures and be at the mercy of another body.

**C.** Rep. Gagnon noted their purpose this evening was to hear from the community.

**The Chair opened the hearing for general public participation.**

James Callum noted he was from Sunapee, had been a builder there for 46 plus years. As it pertains to development, we know what we have to go through with planning boards and EPA, that would be impossible, if you pay \$300,000 it will cost ... to put power on it, not to mention cost for roads, if you broke even to sell lots I'd be surprised - I would suggest crossing that off as far as development. I don't think people should be paying taxes for government to buy it and then pay taxes on it. There are 25 windmills already approved for that section over to Pike Hill, two are in Claremont, two in Newport, and the rest in Unity - approved by the FAA. He illustrated where the proposed windmills would be placed.

John Callum, noted he was speaking against the purchase proposal. I don't believe it's the business of County to buy and hold land. They own 1600 acres, own none in any other town other than Newport buildings and parking lot. If you can talk the other towns into buying it (he motioned as if to try). He proposed they sell off 600 acres to use money to buy this, if owners will wait, or pass it up. As far as easement pipeline - you have the easement, its all you'll need, you don't need to own the property - owning it won't get you anything. If for development in future it would have to go before the planning board and they would suggest they donate land around Marshall Pond as buffer. Gagnon requested Callum explain the 'buffer' around Marshall Pond. Callum illustrated the 'buffer' he was speaking of, "If this piece is purchased and developed, it can certainly be moved and give you 1,000 feet by saying to planning board - give us more land, and it would go to sub division and you'd get it for free."

Mr. Craig Shute feels the Delegation should buy the lot to protect the water resources for the town.

Tynne Cox noted she was in favor of the county owning and not developing the lot. She feels, more development means more problems; more police; and more problems for the town. She is in favor of County owning it. There is no access to a lot of land for development the County owns. They have Mill Brook that goes through their property. "I think the County should own " the lot.

Ethel Jarvis noted, the right away easement that was placed on the Spooner property, all construction and maintenance have to be paid by the people that buy and develop the land, and it does not cost the town one cent. James Callum noted he countered Mrs. Jarvis. We all know it's up to developers, which is why it makes it unfeasible for the County to think they can buy it and turn around and make money off it.

It was asked if the Town of Unity was in favor of the County purchasing the property.

A. Mr. Willard Hathaway noted the Select Board had not taken a vote, but all indications noted the members are all in favor of the County buying it.

It was asked if there are any liens or title defects in the proposal?

A. Attorney Marc. Hathaway confirmed there is an un-discharged mortgage that must be addressed before the title passes to the buyer; at time of County taking possession of property, if voted to do so, it would be free of liens except for pipe and services for the road way.

It was asked how the un-discharged mortgage is done legally.

- A. Attorney Hathaway noted there were a number of ways, 1) if simply a failure to file paper, that paper is signed and filed, 2) if another reason - could be no money in escrow, which can be taken care of easily. This should not be a significant worry unless the pediment is not taken care of - it is the responsibility of the seller to deliver a clear title to the buyer. He notified the seller of the situation and has every reason to believe they are working on.

Terry Callum asked if Unity Town taxes have been paid all three years.

- A. Attorney Hathaway noted a title search would be completed. The process was in place to get title insurance - one reservation on that is the un-discharged lien. He does not know if there are unpaid taxes, but they would be taken care of at time of closure.
- C. Terry Callum noted, if they have not been paid, the town can seize the property.
- C. Ed Gregory noted the property was sold two years ago. He stated who the previous owner was prior to the sale; as far as he knew, there are no outstanding tax liens.

Q. Rep. Schmidt asked what the property was sold for a couple years ago.

A. Ed Gregory stated undeveloped land, in large lots, which this property is, typically sells for \$500 an acre. If you sell in smaller lots, the value goes up.

A. Comm. Barrette noted they may not be able to find the value for sure, might not be easy to assimilate as it was bought by investors and logged, transferred, and logged again. The gentleman owning it now, is the 'last man standing'.

A. Ed Gregory concurred the land changed hands at least three times in the last three to six years. He suggested they check the ERA value, which would show how much it was sold for - Town Office would have the information.

C. Rep. Cloutier pointed out Registry of Deeds would have it also.

Q. Karen Davis noted they own property that borders the County's. In the past, they've not known the County to be in the real estate selling business. She agrees with John [Callum] to some point and does not understand why the County wants the lot. She pointed out the County has the water pipeline right-away and is not paying the landowners for it. Why do you want to own the property?

A. Comm. Nelson pointed out the parcel abuts two properties the County owns. He noted, the County has the water line easement and has had issues with owners breaking pipes while doing digging. Easements are not perfect - there is a benefit to owning vs. easement. He noted the County would like to get into more passive hiking recreation. The County will get the timber value. The more water protection you have, the better it is. He noted the windmill idea does not surprise him - the County did not have plans for that. He pointed, out, if I personally owned a piece of land and the adjoining land came up for sell, it would consider it. If there are funds in Fund Balance, it would make it a lot easier for timber harvest on land owned by the County and good for recreation. It makes sense. We are here to hear from the public to see if it makes sense to the public.

A. Comm. Barrette noted, if we were to look at all the County holdings as a whole and draw on the map the most crucial lot, it would be this lot connecting the two properties. The money is in the bank to purchase the property, I don't know the County to sell land, but it doesn't mean it won't happen. He noted this is an opportunity the County won't see again - what has been done on the property has decreased the value.

C. Nelson added that the County has always been a 'good neighbor' and has not done anything without the Town of Unity's okay and that this would continue.

**Q. Ed Gregory** asked, with your current budget, how much does \$298,000 increase if spent to buy land, per \$1,000.

**A. Comm. Barrette**, per \$1,000 of assessed value, if we were to collect that next year what would it mean to average tax payer? It depends on each town - different per town. He asked Mr. Gregory what their County tax rate was per \$1,000.

**C. Gregory** noted it was \$2.79.

**A. Barrette** noted it would be a 1% of \$2.79 increase in taxes for Unity.

**C. Rep. Osgood** pointed out the County will be going on line with a biomass chip plant. He stated, chips are now economical. However, if we get a lot of biomass plants in the area, the cost of wood could climb and the County, by purchasing the property, could be sitting on it's own heating source for the nursing home, which could support heat 20 yrs down the road.

*The Chair pointed out Elizabeth Spooner just arrived and would like to speak.*

**C. Ms. Spooner** noted her property abuts the parcel and she has concerns. They have seen a lot of traffic that does not ask permission to use the road into the property. What they accepted and commented on, previously, and what was constructed at the end of the corner, is illegal - they are supposed to have a stop sign. Those who have traveled the road have almost hit them. The culvert is one lane. They'd like to see that come as a circle on the corner so they would have to slow down, or, put up a bar so they can't get up through there. It's a dead end road and they own both sides of property.

**C. Rep. Cloutier** asked if the problems were fixed, would she be in favor of the County purchasing the property? Mrs. Spooner made no comment.

**C. Comm. Barrette** pointed out that the County gates other parcels they owns. The County welcomes recreation but not 4-wheel drive jeep type vehicles. They do not anticipate logging the property for 20 years. If they purchased the property, the traffic they'd see would be recreational or personal.

The Chair asked for any other public comments. There was none.

The Chair closed the public comment period.

**Agenda Item No. 3. Set date to vote on supplemental appropriation and authorization for Commissioners to purchase said property per RSA 24:13.I and 28:7**

**8:12: Motion: to set the date of their next meeting for Tue., Aug. 13<sup>th</sup>, 8:30 a.m. in Newport to vote on the appropriation. Made by: Sweeney. Seconded by: Rollins.**

Discussion: Grenier noted he appreciated the chance to mull this over, however, he is concerned they may not have a quorum, and questioned if they would be procuring further input from public? Sweeney noted they would be voting not taking further testimony. Grenier suggested they vote now for transparency sake. Osgood can vote now, but unavailable Tuesday. Gagnon feels waiting to vote on Tuesday makes sense as they have unanswered questions: *How much was the property sold for? Can we come up with reverse conservation statement?* And a few other loose ends. Comm. Barrette noted the County would need a vote to authorize, or not authorize, prior to Aug. 26<sup>th</sup>. Rollins suggested they poll to see how many would be available for an 8:30 a.m. Tuesday meeting.

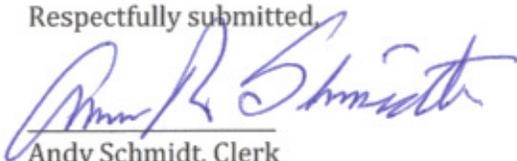
- 8:18 A poll was conducted to see how many members could make the Tues., Aug. 13<sup>th</sup> 8:30 a.m. meeting in Newport. Eight Delegates raised their hands. Osgood and O'Hearne are unable to attend.
- 8:19 Sweeney called to move the question. Schmidt seconded the call. A voice vote was taken, with all in favor.
- 8:20 A voice vote was taken on the motion to have the next meeting Tues., Aug. 13<sup>th</sup>, 8:30 a.m. in Newport. All voted in favor. The motion carried unanimously.
- 8:21 The Chair closed the public hearing.

**Non Agenda Item July 16, 2013 Meeting Minutes Review**

Rep. Tanner noted "*District 9*" should be added after her name, Page 1 of draft minutes.

- 8:22 **Motion: to accept the July 16, 2013 meeting minutes with amendment [from Tanner]. Made by: Sweeney. Seconded by: Tanner. Voice vote: All in favor. The vote carried unanimously.**
- 8:23 **Motion: to adjourn. Made by: Sweeney. Seconded by: Rollins. Voice vote made with all in favor. The motion carried unanimously.**

Respectfully submitted,



Andy Schmidt, Clerk  
State-County Delegation

AS/sjc

Date minutes approved: Aug. 13, 2013



## **SULLIVAN COUNTY DELEGATION PUBLIC HEARING: UNITY MTN FOREST**

August 8, 2013  
Unity Town Hall

### Property Information

Unity Mountain Forest is a 596-acre parcel comprising the southwestern shoulder of Unity Mountain. The property abuts 2 county properties: the Marshall Pond tract to the east, and the County Farm tract to the west. The negotiated price for the property is \$298,000.

Unity Mountain Forest has no buildings and is entirely in Current Use. The assessed value is \$26,420 and property tax for 2012 was \$579. If purchased by the county, property taxes will continue to be paid and the land will continue to generate future timber taxes from forest management.

The property has a deeded Right of Way via Spooner Road that permits unlimited travel and shared use for up to 10 subdivided lots. There are no known easements or encumbrances on the property other than a right of way held by Sullivan County to access and maintain its Fire Suppression Water Main.

The soils of the parcel are predominantly deep and well-drained Monadnock stony fine sandy loam with lesser amounts of shallow

and somewhat excessively drained Lyman soil on rock outcrops. The timber growing capacity of these soils is considered good and commercial tree species include white pine, northern hardwoods, hemlock, red spruce and balsam fir. The property has been logged fairly extensively: its current condition is a combination of pole and small saw timber stands interspersed with large cleared areas beginning to grow in with tree seedlings and saplings.

The Sullivan County Commissioners recommend this purchase for the following reasons:

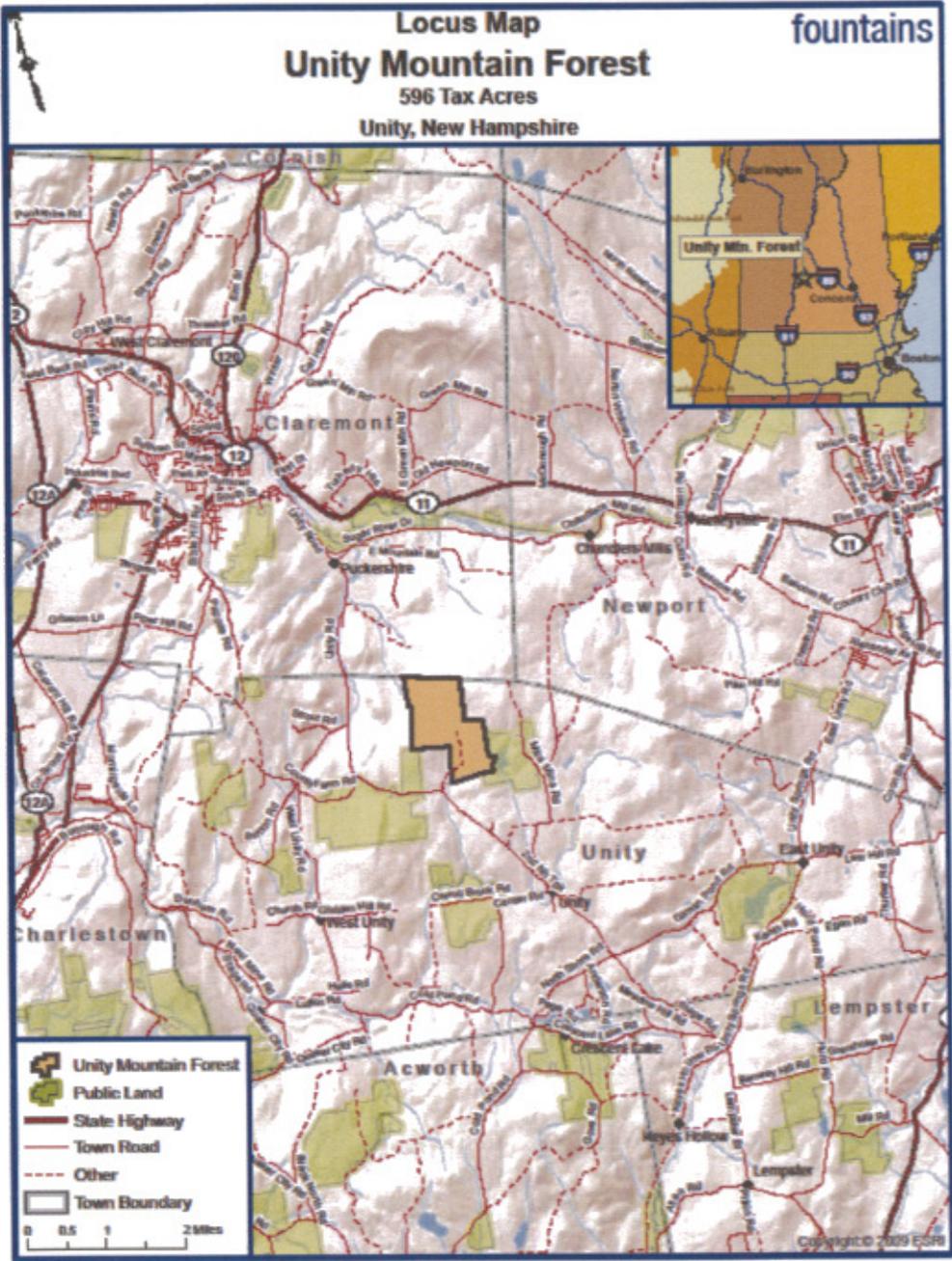
- 1) The parcel includes about 2850' of the 8500' Fire Suppression Water Main, which runs underground from Marshall Pond to the Fire Pond on the County Farm tract. The water main is the county's only water source for fire hydrant and sprinkler systems protecting the Health Care and Corrections facilities. Purchasing this property would increase the county's fee ownership of water main land to 75%.
- 2) The parcel's eastern boundary runs parallel to the western shore of Marshall Pond for more than 1000'. This entire eastern boundary is within 150' of the pond's shore. Potential development of the eastern boundary by different owner(s) would compromise the ecological and recreational values of Marshall Pond, undermining the conservation easement held by the town of Unity to protect these values in perpetuity.
- 3) The parcel connects the County Farm tract with the Marshall Pond tract, which improves access for timber management and creates new opportunities for recreation.

# Public Hearing: Unity Mountain Forest



8/8/2013

Lionel Chute, Natural Resources

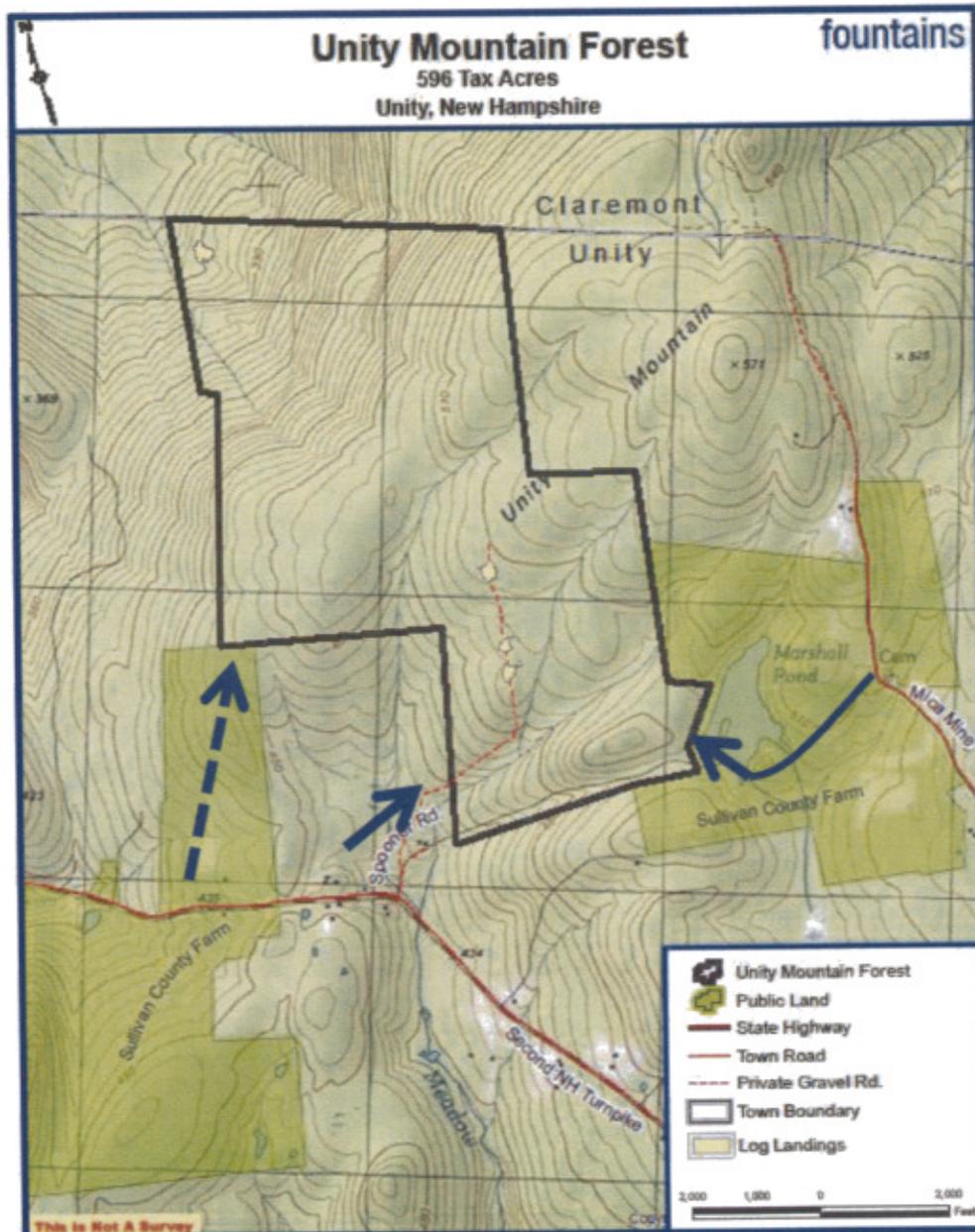




Map produced from the best available information including town tax maps, hand held GPS data, aerial photography and reference information obtained from NHIGC. Boundary lines portrayed on this map are approximate and could be different than the actual location of boundaries found in the field.

# Access





Map produced from the best available information including town tax maps, hand held GPS data, aerial photography and reference information obtained from NHGC. Boundary lines portrayed on this map are approximate and could be different than the actual location of boundaries found in the field.

# Timber Resources









## Soils -

Majority is Monadnock stony fine sandy loam (Mf) – deep, well-drained, slopes from 3-50% (mostly 15-25%)

Also areas of Monadnock-Lyman rock outcrop complex (Mw) - deep and well-drained Monadnock soil with shallow and somewhat excessively drained Lyman soil

Timber growth is average: wp60, ro55, sm50, rs40, bf60

Includes pockets of

Monadnock-Lyman stony fine sandy loam (Mv)

Peru stony loam (Pe) (ro70)

Lyme-Moosilauke stony loam (Ly) (wp70, rm70-78)

Pillsbury stony loam (Pl) (ro60, wp65)



# Water



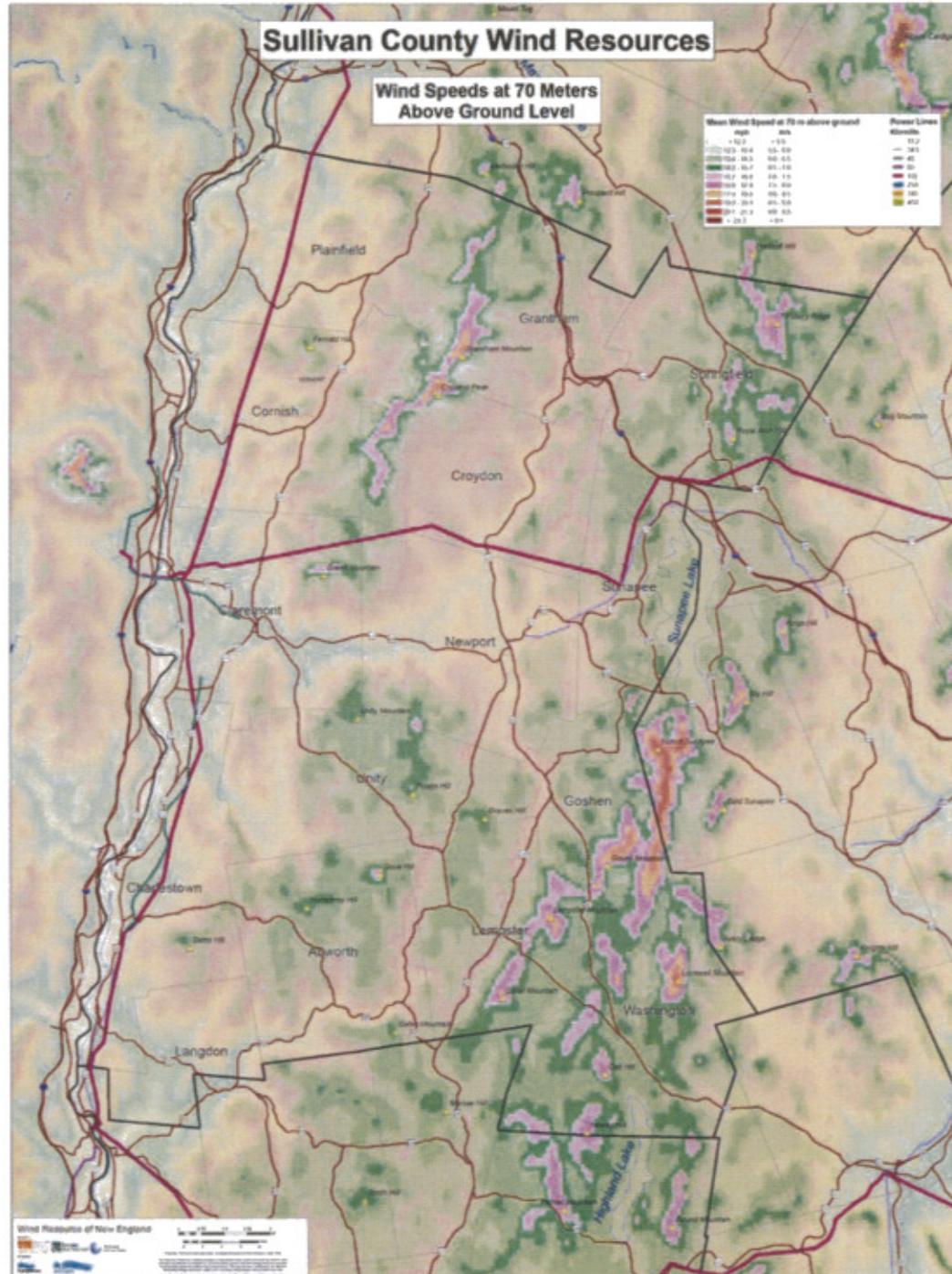
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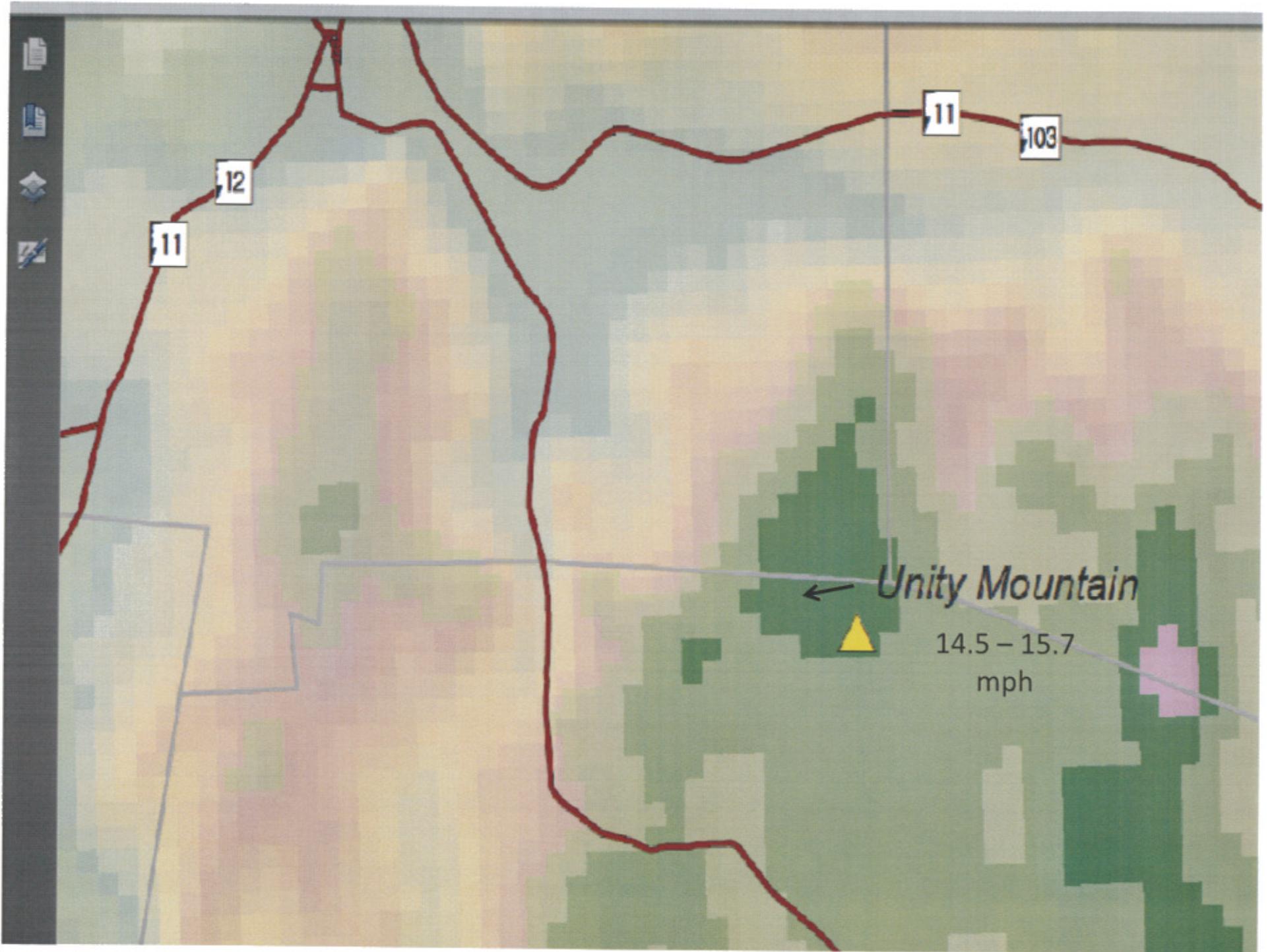




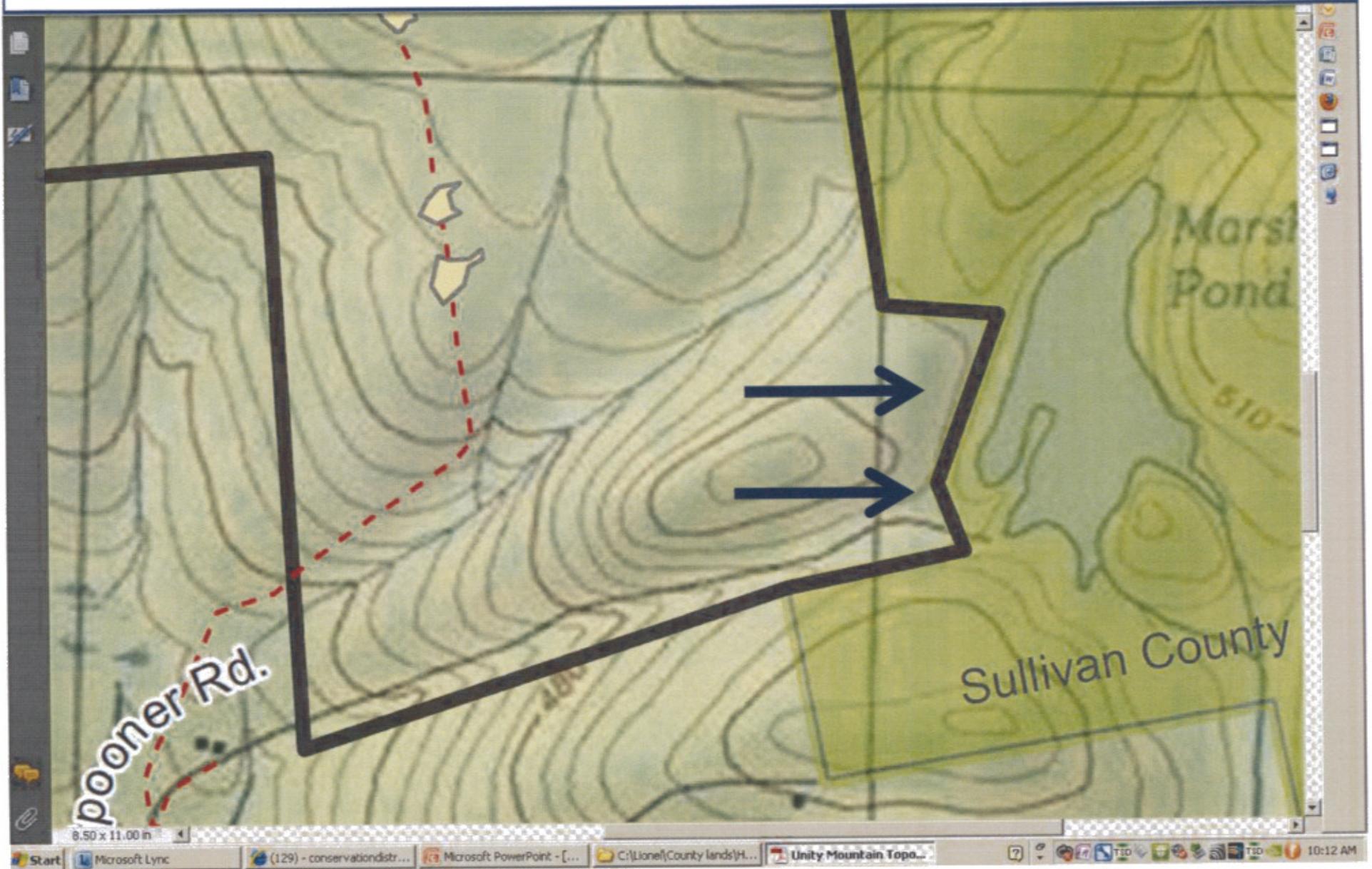


# Wind





# Protection









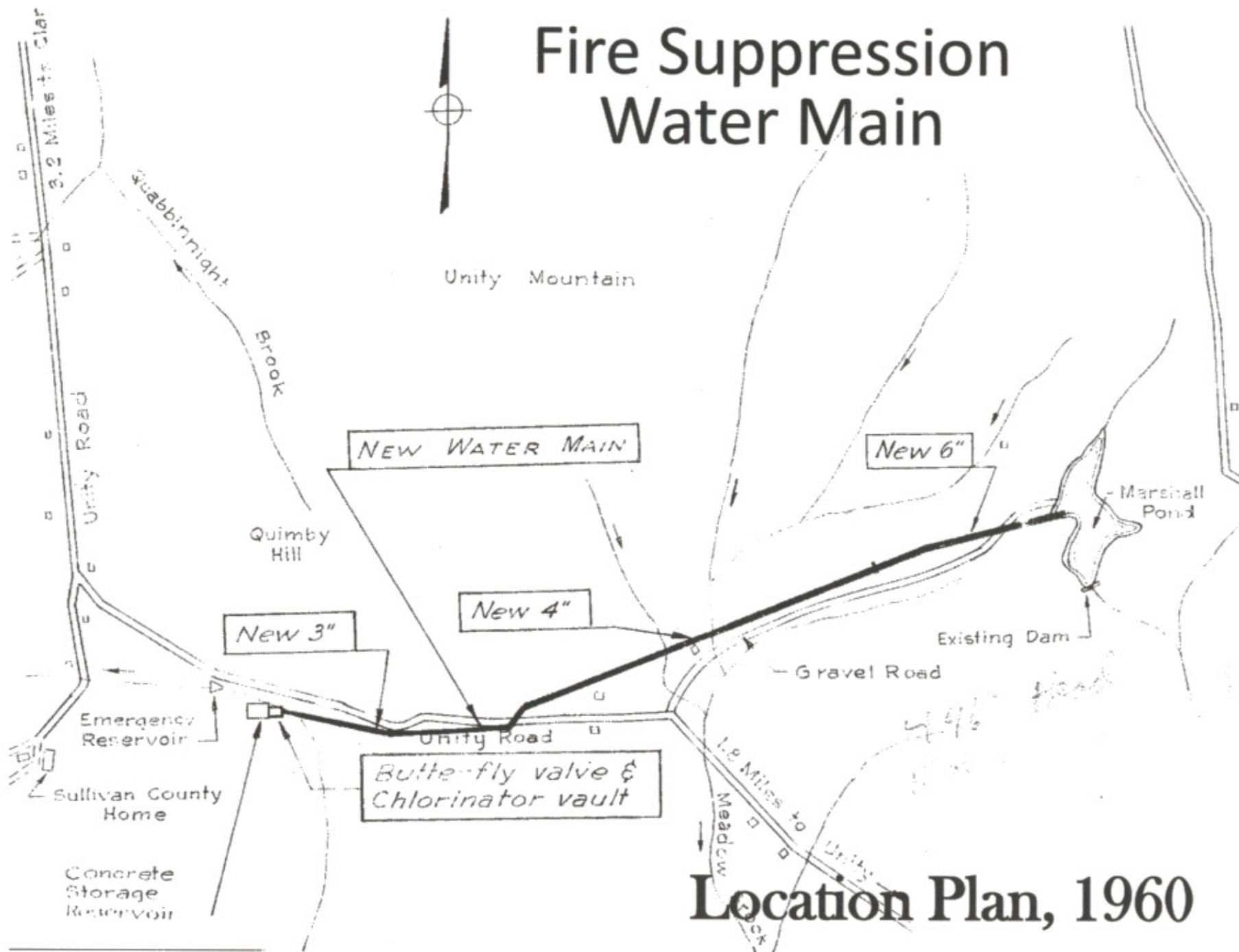








# Fire Suppression Water Main



Location Plan, 1960

## ~2850' of Water Main is on property

- = 1/3 of entire pipeline
- Represents 54% of pipeline currently under easement
- Increases fee ownership of water main land to 75%

# Recreation



Map produced from the best available information including town tax maps, hand held GPS data, aerial photography and reference information obtained from NHGC. Boundary lines portrayed on this map are approximate and could be different than the actual location of boundaries found in the field.



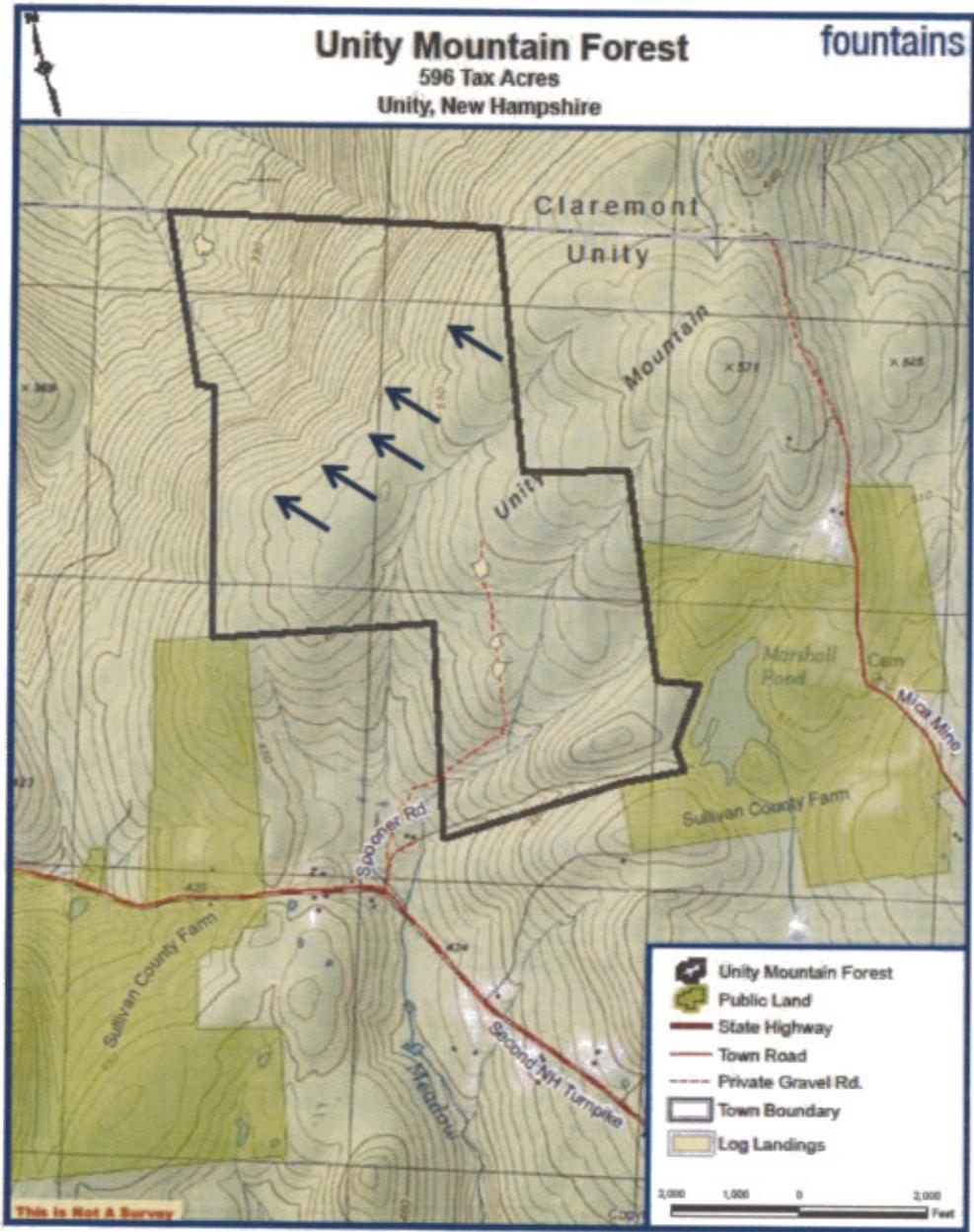












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