

**Town of Grantham**  
**Planning Board Meeting Minutes**  
May 2, 2019

**FINAL**

**I. CALL TO ORDER**

Chair Carl Hanson called the meeting to order at 7:00 p.m. The meeting was held in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

**Present:** Chair Hanson, Vice-Chair Peter Guillette, C. Peter James, Mary Hutchins, Selectmen's Representative Warren Kimball and clerk Stuart Kaufman

**Applicants and Members of the Public:** Sheridan Brown, Richard Hocker and David Wood

**II. APPROVAL OF MINUTES**

Chair Hanson asked the Board if there were any corrections or changes to the February 7, 2019 meeting minutes. C. Peter James made a motion to accept the minutes. Peter Guillette seconded. The motion was **Unanimously Approved and Accepted.**

Chair Hanson asked the Board if there were any corrections or changes to the March 7, 2019 meeting minutes. Amendments: Page 2, Line 40 (Conceptual) replace "to change the saw at the facility" to "to change the saw building and saws at the facility." Peter Guillette made a motion to accept the minutes as amended. Mary Hutchins seconded. The motion was **Unanimously Approved and Accepted.**

**III. NEW BUSINESS**

1. #05-2019-01: Grantham Conservation Commission - Purchase of 24-acre parcel abutting Leavitt Hill Road; M/L 208/001

Chair Hanson noted the recommending procedure as it relates to the Town statute. The Selectmen will decide whether to purchase the parcel and the Planning Board is to make a recommendation to the Selectmen.

Noting the formal procedure to purchase the property, Chair of the Conservation Commission David Wood said the objective is to purchase the 24-acre parcel. Referring to the map in the Justification of Purchase packet, Mr. Wood pointed out the location of the parcel, the conserved areas in the vicinity and the private ownership of abutting properties. He explained that the purchase would add another 24-acres to the 428-acres already owned by the town.

David Wood said the property first came on the market for \$48k, and through negotiations, the owner of the 24-acre parcel would be willing to sell the property to the Town of Grantham for the price of \$24k. In addition to benefiting hikers and wildlife, he said the purchase would give the Town another piece of property that's not part of the Town forest that could be used for wetland mitigation. He also pointed out that the property borders include discontinued Leavitt Hill Road. On the positive side, if the Road is ever closed to pedestrian traffic, the Town, as an abutter, would have the right to access its property.

On the negative side, Mr. Wood said it's also possible, but highly unlikely, that the road could be classified as overburdened and the Town would have an extra obligation to fix it up. He felt that Grantham isn't taken on any financial burden and the Town is buying itself a property with a couple of nice options. For that reason the Conservation Commission thinks the expenditure of \$24K, is a reasonably good deal and something the Town should do.

Chair Hanson opened up the meeting for questions from the board.

Mary Hutchins asked if Karen Hastings (the owner of the 24-acre property) or any members of her family approached the abutters to add the land to their property. Mr. Wood said not to his knowledge, but didn't know.

C. Peter James asked if the road was passable and about parking while Ms. Hutchins mentioned the tough terrain for hiking. Mr. Wood said that Fay Road is easily accessible by foot and an arrangement was made with the current owner so people can park at the Fisher Lot. Other accessible options include the parking area on Miller Pond Road or Leavitt Pond Road.

Mary Hutchins asked Warren Kimball about the Selectmen's thoughts. Mr. Kimball said the Selectmen's concerns are related to access. Since access is available, Mr. Kimball asked if the Town had any right to commandeer Leavitt Hill Road for additional access.

Chair Hanson added that the public right of way over Leavitt Hill Road has been a complicated issue. Ms. Hutchins asked if the Conservation Commission could buy the lot. Mr. Wood said yes, but the money doesn't get released until the Selectmen gives their approval.

Mr. James said it was a good deal for wetland right offs, but buying the land based on the fact that it will maintain the right of way up Leavitt Hill Road isn't a valid reason to make the purchase. Mr. Kimball said the Selectmen believe it's a reasonable lot, but there could be legal issues regarding the right of access which would escalate the price of the property.

Questions pertaining to the right of way and public access to the property from Smith-Hastings Road and Leavitt Hill Road were addressed as well as overburdening and easement issues and applicable Town statutes.

After reviewing the process of recommendations that will be sent to the Selectmen, Chair Hanson opened up the meeting to questions and comments from the public.

Mr. Sheridan Brown said there are two problems with the road issue and providing additional access to Sherwood Forest. (1) The Town, under the terms of easement for Sherwood Forest, is granted access via Fay Road. When land owners threw up road blocks related to access off of Miller Town Road, we argued that it's the Town's only access. If we would buy this parcel, we now lose that argument if it creates a road that goes all the way to Croydon Turnpike. We now lose that argument that the Town only has access through Miller Pond Road. It might create a situation where people instead of being able to drive up Miller Pond Road, park their car and enjoy the parcel from an easy location and are forced to hike all the way up Leavitt Hill Road. (2) I don't see any wetlands on the Town's GIS. When you have a project that impacts wetlands - they want to see you replace wetlands. They have the person doing the project either find comparable wetlands or comparable resource or have them pay into the Aquatic Resource Mitigation Fund which funds the purchase of wetlands in other parts of the State (as close to the project as possible). I don't know if this would be a swap for the Bridge Project if it doesn't have any wetlands on it. When we're asking people to put up \$300k for something that is a high valued parcel, I worry that it undercuts the effort to fund raise for the rest of that. We can't go around and buy every lot of land in the Town. Why are we going to take any level of risk regarding a legal fight over whether the road has been continued or not.

Richard Hocker, who along with other Conservation Commission members, walked from Smith-Hastings Road to the lot, provided the Committee with a description of the 24-acre property. He said you're going to have a water problem getting from Smith-Hastings Road to the property due to small streams that cross that access. It's not even a minimal problem if someone tried to put a road in there. The Town doesn't have a comparable size piece of property you can use for mitigation.

Mr. Wood asked does the State request that the mitigation property be wetlands. Mr. Hocker said he hadn't seen anything that would mandate that.

Mr. James asked about the timing of the purchase. He said by spending a huge amount of money on the Sawyer Brook Headlands and this 24-acre property we'll be giving the impression to the Towns' people that we're going to buy up everything that's open. Mr. Hocker said what we're paying for this property is less

than half of what we got available as a Resource – over and above that. He stated the money is coming from the State Conservation Trust Fund.

Chair Hanson asked that the Planning Board to vote on a recommendation that the Selectmen go forward with the purchase of the 24-acre property. **The vote was 2-2 with Chair Hanson and Ms. Hutchins voting in favor and Vice-Chair Guillette and Mr. James voting against making a recommendation.**

#### IV. OLD BUSINESS

1. Site Plan Review #11-2018-02; Gray Ledges Condo Association - Proposed Old Brick Building Demo; M/L 232/001

Chair Hanson stated in the December Meeting the Planning Board asked the Gray Ledges Condo Association to present some more information about the plan for the parcel after the building was taken down. What was going to replace it? I understand that we're going to have to continue to wait because there's no plan in place yet.

Mr. Guillette said a new committee at Gray Ledges has been formed and they haven't decided what they want to do – if they want to go forth and have the Board rescind the condition or try to fix up the building. He said, it's still in the process and we'll take weeks for that to happen.

Chair Hanson said he's a little uncomfortable procedurally having this application sitting with us for months -rather than have the risk of somebody saying you didn't deny it. He requested a notice in the June Planning Board Agenda that the Planning Board will be voting that the Gray Ledges Condo Association application is incomplete.

Chair Hanson also wanted to put on the June Agenda the election of officers.

Chair Hanson announced he would entertain a motion to adjourn the meeting. A motion to adjourn was made by Mr. James and seconded by Mr. Guillette. The motion to adjourn the meeting at 7:50 pm was **Unanimously Approved.**

The next Planning Board meeting will take place at 7:00 pm on Thursday, June 6, 2019 in the Jerry Whitney Memorial Conference Room at the Grantham Town Hall Building.

Respectfully Submitted,

Stuart Kaufman  
Planning Board Clerk