

PROPERTY OF
DOVER PLANNING DEPT.

LAND ACQUISITION AND PROTECTION STUDY

CITY OF DOVER

NEW HAMPSHIRE

FOR

DOVER PLANNING DEPARTMENT

By:

ASHTON R. HALLETT

LAND USE CONSULTANT

Title: Land Acquisition and Protection Study

Study Area: All coastal areas within the City of Dover; more specifically lands immediately adjacent to the Bellamy, Cochecho, and Piscataqua Rivers.

Objectives: Phase I: To identify and list in order of priority, parcels of land for future protection by the City in order to increase public access, preserve open space, and create recreational opportunities.

Phase II: To determine the best land use for each of the identified parcels.

Phase III: To create a strategic plan for the acquisition/protection of each of the identified parcels.

PHASE I

ASHTON R. HALLETT

3 Rivers Farm Road
DOVER, NEW HAMPSHIRE 03820

April 28, 1989

Land Acquisition and Protection Study
City of Dover, Planning Department
Municipal Building
288 Central Avenue
Dover, NH 03820
Attn: William Collins, Planning Director

Subject: Phase I
Identification and Prioritization List

Dear Bill:

Enclosed you will find the final work product for Phase I of the Land Acquisition and Protection Study. The properties are identified (name and tax map number) and listed in priority under general categories of criteria. I will further identify and analyze each significant criteria in Phase II -- the Land Suitability Study. There is a possibility in Phase II that I may add and/or subtract a property -- or change the priority. I will, of course, include my rationale for such action.

I have also included a USGS topographic map with the properties identified and located. Acreage and river frontage is from tax and topographical map analysis -- I hope to confirm greater accuracy in the land suitability phase. In the case of our first priority, Open Space/River Corridor Protection, the acreage will be determined by future easement negotiation. On a preliminary basis, I see a 200 foot set-back for a minimum easement.

Parcel identification was based on a logical and objective process as outlined in Exhibit A of RFP #9089 (Work Program). Natural resources, public accessibility, recreational values and historic significance were all reviewed. Both tax map and on-site inspection were performed. Identification criteria was reviewed. Ownership patterns were analyzed for preliminary longer-range planning -- private vs. corporate ownership. Identification and selection were based on all of the above factors. Debbie Burrington's participation was vital.

Prioritization was based on urgency and availability. Referring to the list, I felt that Open Space/River Corridor Protection should have the number one priority. Along the Cochecho River, most of the properties are privately owned and of larger acreage and frontage. Public use would be along the river and be visual (low-intensity) -- perfect for an easement program. The same can be said for specific areas of the Piscataqua River plus an additional trail potential on the Bellamy River.

My study indicated a high priority for access to the Bellamy and Cochecho Rivers at or as near as possible to downtown Dover. We identified City and State land that was available (items #2 and #3 on the list) and gave these properties the indicated high priority. Initial suitability analysis indicates that these two properties would warrant more intensive public use.

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The fourth item on the list, approximately 300± acres owned by development-oriented partners, represented large acreage farmland with open space, wildlife habitat and recreational potential on the Bellamy River. This is a uniquely available large acreage parcel and should be given a high priority for fee or less-than-fee (easement) acquisition. The land suitability phase of this study will identify the several potential uses for this property -- a high ranking priority is justified.

Item #5 on the list abuts property #4 and compliments the same. You will notice that its significant criteria fits closely with property #4. Location and suitability will enhance potential uses for both properties. As it is already owned by the City, it provides a reason for potential additional land protection/conservation in the area.

Property L-58D, owned by the City, is a small property (3.5± acres) with interesting potential. My initial thoughts are for sale with restrictions with the use of the proceeds directed towards a general land acquisition and protection program. The land suitability phase will clarify this position.

Finally, item #7 is located at the entrance to the Bellamy River. This parcel with 17± acres and approximately 1,200 feet of frontage is owned by N.H. Fish and Game. It is an excellent open space and wildlife protection area -- the suitability phase of this study will identify additional recreational potential.

One final thought. A review of the list indicates only one potential private fee purchase (property #4). All of the other parcels are either owned by the City or the State -- or involve less-than-fee (easement) acquisition that could be either donative or bargain sale. The pressures of land protection are eased somewhat by significant public ownership. There is still a sense of timing and urgency with the River Corridor Protection Program (especially the Cochecho and Bellamy) and property #4. I will address these subjects in both Phases II and III.

I am available for questions or additional background information.

Best regards,



Ashton R. Hallett
Land Use Consultant

ARH/tlb

Enclosures

(603) 742-1946

- C) Piscataqua River/Easement Program
 *Sanderson (M-92A) Acreage: To be determined
 *Nichols & Dexter (M-104) River frontage: 4,800 feet
 *Great Bay Broadcasting (M-91A) (.9 miles)
 *Moreau (M-76)
 *D'Arcy (M-56)
- 2) PUBLIC ACCESS/BELLAMY RIVER
 Acreage: 26±
 *State of N.H. (K-35A) River frontage: 1,200 feet
- 3) PUBLIC ACCESS/COCHECHO RIVER
 *Public Works Area (22-1, 22-2) Acreage: 56±
 *Maglaras Park (22-42) River frontage: 3,300 feet
- 4) FARMLAND/OPEN SPACE AND WILDLIFE HABITAT
 PROTECTION/RECREATION/BELLAMY RIVER
 *Tamposi, Gottesman & Cabral Acreage: 302±
 (J-8A, J-9, J-9A, J-20) River frontage: 5,400± feet
- 5) RECREATION/FARMLAND, OPEN SPACE AND WILDLIFE
 HABITAT PROTECTION/BELLAMY RIVER
 *City of Dover (J-3) Acreage: 14±
 River frontage: 600 feet
- 6) RECREATION/PUBLIC ACCESS/OPEN SPACE AND WILDLIFE
 PROTECTION/PISCATAQUA RIVER
 *City of Dover (L-58D) Acreage: 3.5±
 River frontage: 160 feet
- 7) OPEN SPACE AND WILDLIFE HABITAT PROTECTION/
 RECREATION/BELLAMY RIVER
 *N.H. Fish and Game (L-51) Acreage: 17±
 River frontage: 1,200± feet

PHASE II

ASHTON R. HALLETT

3 Rivers Farm Road
DOVER, NEW HAMPSHIRE 03820

June 13, 1989

Land Acquisition and Protection Study
City of Dover, Planning Department
Municipal Building
288 Central Avenue
Dover, NH 03820
Attn: William Collins, Planning Director

Subject: Phase II
Land Use Study

Dear Bill:

In Phase I of the subject study I identified and prioritized properties within the coastal areas of the City of Dover and more specifically immediately adjacent to the Cochecho, Piscataqua and Bellamy Rivers. The stated objectives of this study are to identify and list in order of priority, parcels of land for future protection by the City in order to increase public access, preserve open space, and create recreational opportunities. In Phase II I will analyze and determine the best use for each of the identified parcels. Phase III will deal with a strategic plan for acquiring/protecting each of the parcels.

Before analyzing specific land use, some background information is necessary. During the 1980's, Dover has witnessed consistent growth in economic terms as well as population trends. Per the recently completed Master Plan, Dover has played an important role in a "dynamic regional economy." Employment has grown despite a regional loss in manufacturing jobs. Wages have increased on average near 40%. Average household income is approximately \$32,000 -- close to the regional average. Population has grown at approximately 16% to a present figure of 26,100. In terms of housing, in both the slow growth (1980-1982) and high growth (1983-1986) periods, Dover's share of overall regional market activity was 14% and 13.5% respectively. With the introduction of substantial numbers of single-family attached condominiums (from 1980-1986), the city absorbed 16% of the single family growth, 13% of the multi-family growth and 6% of the mobile home growth. Some of the conclusions from the Master Plan as well as my own experience are as follows: 1) Dover has been a significant source of low to moderate income housing within the regional economy; 2) The mix of housing types developed in Dover since 1980 shows a shift away from rental housing to an increase in single-family/condominium type; 3) Within the City, housing development and population growth from 1970 to 1987 has been highly concentrated in the

southwestern portion of the City -- oriented more particularly toward the Spaulding Turnpike.

Recommendations in the Master Plan are of significant interest to this study. Supplementing the overall theme of balanced growth for Dover, there is added emphasis for a continued active role in the region's higher priced (high end) housing market. The City's Dover Point area is emphasized as having a "rural feeling, regional accessibility, and water frontage necessary to support a reasonable inventory of expensive, single-family homes." This area can provide a diversity of housing types as well as "the preservation of community open space" -- and thus provide a balance in the city's social and economic structure. Important points for maintaining a quality environment along the three tidal rivers.

Additional Master Plan recommendations should also be mentioned. The restoration of the Cochecho Waterfront (Objective #4) fits in nicely with the objectives of this report. The recommendations for City-owned land, the dangers of development of wetland soils, flood plans, as well as steep slopes will find further emphasis in this study. Finally, Master Plan recommendations for forestry, fish and wildlife, agriculture, open space protection and recreation will be sited throughout this phase and the final phase (III) of this study. It is not the purpose of this consultant to be repetitive, but as the Master Plan has addressed in depth the past, present and future of the City, it is appropriate that the recommendations of this study confirm, amplify or disagree with Master Plan recommendations. Additionally, the general spirit and content of the Master Plan is that of a city on-the-move -- growth in terms of population, housing and economic development. It is imperative that practical solutions to increase public access, preserve open space and create recreational opportunities in regard to Dover's three major tidal rivers be introduced at this time.

Top priority on our Phase I list is Open Space/River Corridor Protection. Dover's three major tidal rivers are one of the City's most significant open spaces. (The Master Plan also gave them top priority). These excellent multi-use open spaces encompass all of the land use criteria. As I have recommended the easement approach for a major portion of the protection/acquisition, I have identified each property that could be affected. I am proposing a minimum 200 foot set-back for easement depth. I will analyze the specifics of the easement program in Phase III.

Starting with the Cochecho River Corridor, soils are primarily Suffield, Charlton, Hollis-Charlton, Windsor and Tidal Marsh. Slopes range from 8 to 60% with most in the 8-35% range. These slopes and soils are generally severe in septic and development. The corridor is a unique green belt (see Photo A) combining in criteria priority order scenic open space (including significant timber and farmland), public accessibility and recreation, prime wetland, fish and wildlife habitat, and historic significance.

For details and species concerning prime wetland designation, fish and wildlife habitat, and historic significance, see Dover Master Plan -- Section One -- Forests, Fish and Wildlife, and Agriculture (pages 7-36). This area is not only an exceptional scenic and natural corridor, but possesses a rich history in agriculture and industry (farming and brickyards) as well as transportation (gundalows and schooners). Access and view-point would come from the river itself as foot trail potential is limited by lack of practical exit points. Significant timber along the banks of the river provide and protect scenic nature and minimize erosion. You will note that I have added a depth of easement coverage greater than 200 feet on lands of the Cochecho Country Club. I believe that the Cochecho Country Club land has similar potential to the Exeter Country Club. The Exeter Country Club has donated a conservation easement on approximately 70% of its land while simultaneously working out an agreement allowing public access and recreational use that does not conflict with its member activities. This public access and use encompasses cross-country skiing and nature trails, and as the easement is donated to the Exeter Conservation Commission, it allows the town of Exeter certain in-kind credits toward potential future conservation land acquisition. I will go into greater detail concerning this matter in Phase III.

The Bellamy River Corridor incorporates all of the same criteria as the Cochecho -- in the same priority order of scenic open space (again with significant timber and farmland), public accessibility and recreation, prime wetland, fish and wildlife habitat, and historic significance. The soils (Suffield, Windsor and Tidal Marsh) and slope (8-35%) are also similar to the Cochecho in the upper portions of the river (see Photo B). In the area of property #4 and on down to Clements Point (reference Phase I map), the land becomes gentler (slopes 0-8%) with the introduction of Scantic and Buxton soils (moderate to severe limitations for septic and development due to high water table, slow permeability and high frost potential). Again I am recommending easement protection/acquisition for the upper corridor as well as selective application on and around Clements Point. Access and view-point would come from the river itself plus a trail potential along the southwest bank of the river. The upper reaches of the river are narrow and picturesque with the trees on the southwest bank providing green belt protection for the condominium projects immediately to the west (see Photo B). A trail could start at the Mill and proceed along the southwest bank to exit at city-owned property #5. Depending on the disposition of property #4, the trail could continue on around Clements Point and the N.H. Audubon property and exit through the Huggins Farm (already covered by easement). The northeast shore of the Bellamy, after N.H. Fish and Game property (#7) is compromised by waterfront development and the Spaulding Turnpike. The impact at this time is minimal -- protection of the southwest shore will further establish an open space environment with public access (both by boat and foot) and recreational opportunities.

The properties identified for easement protection on the Piscataqua River (map designation 1C) involve several key land use criteria. From the confluence of the Cochecho and Salmon Falls Rivers on down to Hilton State Park there is considerable waterfront development. The indicated properties (see Photos C, D & E and Phase I map) are scenic open spaces between developed or improved areas. Their protection by easement would not only insure scenic open space in a rapidly developing area, but would also provide protection for prime wetland and selective timberland, as well as fish and wildlife habitat (see page 17 of Conservation/Recreation section of Master Plan; Location of Shellfish Concentrations in Great Bay Estuary 1980-1981). Soils in the indicated areas are Suffield and Windsor (slopes 8-60%) with selective limitations on improvements (see soil maps and text in Addenda). Two further thoughts here: The use of easements on the indicated areas would protect the scenic nature of the key remaining open spaces on the Piscataqua River -- a heavily used recreational river. This is especially apparent opposite Sturgeon Creek as well as the narrow section under the transmission wires just south of the Cochecho/Salmon Falls confluence (see Photos C, E & F). Secondly, Dover Point has been identified in the Master Plan as an area with the right environment (rural feeling, regional accessibility and waterfrontage) for higher priced housing (previous Master Plan quote). The protection of the remaining significant waterfrontage will help insure the continued quality and value of this environment.

Property #2 on the Phase I priority list is located at the northern end of Spur Road. It is owned by the State of New Hampshire, being land cut off by the construction of the Spaulding Turnpike (see Photo G). Soils are Tidal Marsh and Windsor with slopes from 3-60%. There are severe limitations for improvements in the areas of severe slope. Land uses in priority order are public access to the Bellamy River (recreation/canoeing/boating), walking trail, and picnic area. The property is unique with a high bluff for a walking trail with view as well as ample room for a picnic area. There is also an old footpath with a slope of less than 10% which could easily be improved -- adequate for canoe or small boat hand carry to the river. There is plenty of room for adequate parking. I envision this as the canoe/small boat public access to the Bellamy River. Visual and topographic map inspection identifies minimal tidal flat launch problems. Larger boats with in-place engines could be launched at Hilton State Park.

The City Public Works Area and Maglaras Park are designated property #3. 56± acres (by tax map) with 3,300 feet of river frontage -- this property is presently subject to many uses. With the relocation of the City Sewerage Plant plus possible relocation of the Public Works Department plus Master Plan recommendations for incorporation into the improvement of the Cochecho Waterfront, there are many additional possibilities for this property. Land use recommended by this report would be public access to the Cochecho River. Situated at the head of the (tidal) Cochecho River Corridor (see Photos H & A), this area would be ideal for a

public boat launching area which could handle all sizes and types. There are several possible locations. Soils and slope are not a problem. Width and depth of river could present minor difficulties at certain tides. I have given properties #2 and #3 high priority because of the need for public access to the Cochecho and Bellamy Rivers.

The largest property identified and given a priority is property #4 -- 302± acres located on the southwestern shore of the Bellamy River off Garrison Road (see Photo I). Soils are numerous -- Buxton, Scantic, Swanton, Suffield, Hollis-Gloucester-Charlton, etc. with slopes 0-8%. There are moderate to severe limitations for improvements due to high water table or bedrock. Land use criteria in priority order are as follows: Open space/scenic, significant farmland, selective forest land, wildlife habitat, prime wetland, and public access/recreation. High ranking for the property was due to its size, open space/river frontage environment as well as the size and significance of its farmland. Wildlife habitat and prime wetland (size and location) are also important factors. An added possibility of public access through a trail connection with property #5 to the north adds recreational importance. In summary, a strategic property in relation to the Bellamy River -- and owned by an investor/developer group. An acquisition strategy will be discussed in Phase III.

The City of Dover owns property #5 -- 14± acres on the Bellamy River with estimated 600 feet of river frontage (see Photo J). Soils are Tidal Marsh, Windsor, Buxton, Suffield, Scantic, Biddeford and Elwood -- all with various limitations for improvements, but few if any problems for conservation purposes. Land uses proposed under the objectives of this study would be public access/recreation, agriculture (farmland), open space/scenic, wildlife habitat, and prime wetland. In combination with the proposed walking trail along the river from the north, the property provides an exit or entrance point. Depending on the disposition of property #4 to the south, the walking trail would proceed southward to Clements Point. There is a natural connection with properties abutting to the north and south thereby providing continual scenic open space protections for the Bellamy River. The location of the City sewer main under this property should not pose any problems for open space and/or recreational opportunities.

The smallest property recommended and analyzed in this study is #6 off Cote Drive on lower Dover Point (Photo K). The property is owned by the City and too small to offer significant scenic open space, wildlife habitat, or prime wetland. The immediate location of Hilton State Park to the south plus the existence of significant tidal flats offshore to the east reduce its value significantly for public access/recreation. The reason that I have listed it under these categories in Phase I is that if the property was sold (with restrictions) for house lot development, the funds could be used to support these same efforts/criterias in regard to other

properties mentioned in this report. I will go into greater detail in Phase III.

Finally, property #7 is owned by N.H. Fish and Game and located at the entrance (east shore) to the Bellamy River from Little Bay (Photo L). Soils are Saugatuck and Windsor with slopes of 0-3%. Severe limitations for improvements are present due to high water table and slow permeability. Recommended land use in priority order would be open space/scenic, wildlife habitat, and public access/recreation. I have had conversations with Fish and Game and their interests are similar. They would be interested in working with the City concerning the use and maintenance of a small parking lot in combination with a walking/nature trail. Hunting would be allowed seasonally and not be difficult to coordinate. A potential non-game species program (osprey platforms, wildlife forestry, etc.) might be of particular interest to elementary school students. This is a unique property under public ownership offering collaborative opportunities with N.H. Fish and Game. This collaboration could be expanded to include other properties mentioned in this study -- an important aspect in regard to cost control as well as land use stewardship and land conservation program effectiveness.

In conclusion, Dover Master Plan population and economic trends indicate continued growth in low to middle-income housing as well as potential growth for higher priced housing. Dover's three tidal rivers will continue to provide strategic scenic open space as well as recreational opportunities for an increasing population -- from Dover itself as well as surrounding communities. Through the use of the conservation easement, a significant portion of two of the three river corridors can be protected while incorporating the various land use criteria important to this report. In the case of the third river (Piscataqua), certain key areas could still be protected by easement and thus insure a limited scenic quality for the future. The same use of the conservation easement would protect and encourage forestry and agriculture. The easement program will involve a coordinated effort with many landowners.

Of the six individual properties listed and analyzed, five are already in public ownership. Acquisition costs should be minimal, while changes in present land use could provide significant public benefits. In the case of the one property in private ownership (#4), a creative acquisition plan could insure the mentioned land use objectives while accommodating population and economic trends mentioned in the Master Plan. Finally, the selections and prioritization of the subject properties as well as the analysis of the various stated land use criteria seem to fit with the stated objectives of this study -- public access, preservation of open space, recreational opportunity. Along with soils maps and analysis I have included aerial photographs. These photographs tell a story by themselves -- a story of increased development and diminished scenic open space, public access, and recreational opportunity. The time is right for practical, effective solutions.

In Phase III I will list these solutions in a long range plan for the acquisition/protection of the identified properties.

Best regards,



Ashton R. Hallett
Land Use Consultant

ARH/dld

Attachments

ADDENDA

ASHTON R. HALLETT

3 Rivers Farm Road
DOVER, NEW HAMPSHIRE 03820

SOILS AND SLOPE ANALYSIS

1A. COCHECHO PROPERTIES: From Dover down river - Southwest Bank.

- Ma - Made land
- SfC - Suffield silt loam, 8-15% slope: Moderate limitations for building, severe limitations for septic and streets due to slope, and slow permeability.
- CfC - Charlton fine sandy loam, 8-15% slope: limitations; moderate for septic facilities and foundations due to slope.
- CsD - Charlton very stony fine sandy loam, 15-25% slope: Limitations; moderate for building and vegetative cover, severe on all other applicable points due to slope.
- Hcd - Hollis-Charlton fine sandy loams, 15-25% slope: Limitations; severe for all applications excluding building and vegetative cover.
- HeD - Hollis-Charlton extremely rocky fine sandy loam, 8-25% slope: Limitations; severe in all applications.
- SfC - Suffield silt loam, 8-15% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; severe due to tidal flooding.
- WdE - Windsor loamy sand, 15-60% slope: Limitation; severe for all applications (possible increase to moderate limitation for buildings with slope less than 25%).
- Ta - Tidal Marsh: Limitations; see above.

Cochecho River from Dover down-stream - Northeast Bank.

- SfE - Suffield silt loam, 15-35% slope: Limitations; severe for all applications due to slope (building and vegetative cover limitations reduced to moderate with decrease in slope).
- ScA - Scantic silt loam, 0-3% slope: Limitations; severe for all applications due to high water table which results in slow permeability and high frost potential.
- HeE - Hollis-Charlton extremely rocky fine sandy loam, 25-60% slope: Limitations; moderate for buildings and vegetative cover, however the limitations of the Hollis soil type are severe due to slope and prominence of surface bedrock.
- SfE - Suffield silt loam, 15-35% slope: Limitations; see above.

Fresh Creek

- SfE - Suffield silt loam, 15-35% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- WdC - Windsor loamy sand, 8-15% slope: Limitations; moderate for building, moderate for sanitary facilities (with possible contamination to nearby lakes, streams, springs, or wells).
- WdE - Windsor loamy sand, 15-60% slope: Limitations; severe for all applications.

Fresh Creek

- Ta - Tidal Marsh: Limitations; see above.
- HbE - Hinckly gravelly loamy sand, 15-60% slope: Limitations; severe for all applications due to slope, possible hazard to water storage, improving to moderate with easing in grade.

Cochecho river - northeast bank continued

- HbE - Hinckly gravelly loamy sand, 15-60% slope: Limitations; see above.
- HaA - Hinckly gravelly loamy sand, 0-3% slope: Limitations; slight for buildings, sanitary and road facilities, moderate for campsites and athletic fields, severe for vegetative cover.
- Ta - Tidal Marsh: Limitations; see above.
- WdE - Windsor loamy sand, 15-60% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.

Salmon Falls River

 easement property extending up-river from confluence
of the Salmon Falls and Cochecho rivers to the Bridge on route 101

- Ta - Tidal Marsh: Limitations; see above.
- WdE - Windsor loamy sand, 15-60% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- WdE - Windsor loamy sand, 15-60% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- WdE - Windsor loamy sand, 15-60% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- WdE - Windsor loamy sand, 15-60% slope: Limitations; see above.

1B. BELLAMY PROPERTIES: From Dover down river - Southwest Bank.

- SfC - Suffield silt loam, 8-15% slope: Limitations; moderate buildings, moderate for tent sites, parks and roadways (high frost potential) due to slope, severe for sanitary facilities, trailer sites and athletic fields due to slow permeability and slope respectively.
- Ta - Tidal Marsh: Limitations; severe due to tidal flooding.
- SfC - Suffield silt loam, 8-15% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- SfE - Suffield silt loam, 15-35% slope: Limitations; severe for all applications due to slope (building and vegetative cover limitations reduced to moderate with decrease in slope).
- Ta - Tidal Marsh: Limitations; see above.
- SfC - Suffield silt loam: Limitations; see above.
- WfC - Windsor fine sand, clay subsoil variant, 8-15% slope: Limitations; slight for buildings and vegetative cover, moderate for tent sites, parks and roadways (medium frost

potential), severe for trailer sites and sanitary facilities due to moderately slow permeability.

- Ta - Tidal Marsh: Limitations; see above.
- WdE - Windsor loamy sand, 15-60% slope: Limitation; severe for all applications (possible increase to moderate limitation for buildings with slope less than 25%).

Clement's Point

- ScA - Scantic loamy sand, 0-3% slope: Limitations; severe for all applications due to high water table which results in slow permeability and high frost potential.
- Ta - Tidal Marsh: Limitations; see above.
- ScA - Scantic loamy sand, 0-3% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- ScA - Scantic loamy sand, 0-3% slope: Limitations; see above.
- Ta - Tidal Marsh: Limitations; see above.
- BzA - Buxton silt loam, 0-3% slope: Limitations; slight for buildings, parks and vegetative cover, moderate for campsites, athletic fields and road-ways due to high seasonal water table.
- BzB - Buxton silt loam, 3-8% slope: Limitations; see BzA with the addition of increased slope.
- BzA - Buxton silt loam, 0-3% slope: Limitations; see above.
- ScA - Scantic loamy sand, 0-3% slope: Limitations; see above.
- BzB - Buxton silt loam, 3-8% slope: Limitations; see above.
- ScA - Scantic loamy sand, 0-3% slope: Limitations; see above.
- ScB - Scantic silt loam, 3-8% slope: Limitations; see ScA with the addition of increases slope.
- BzB - Buxton silt loam, 3-8% slope: Limitations; see above.

1C. PISCATAQUA PROPERTIES: Parcels listed consecutively in order of position moving down river.

Parcel 1:

- SfC - Suffield silt loam, 8-15% slope: Limitations; slight for buildings, moderate for tent sites, parks and road-ways (high frost potential) due to slope, severe for sanitary facilities, trailer sites and athletic fields due to slow permeability and slope respectively.
- WdB - Windsor loamy sand, 3-8% slope: Limitations; slight for buildings, sanitary facilities (possible pollution hazard) and road-ways, moderate for campsites, athletic fields and parks, severe for vegetative cover.
- WdE - Windsor loamy sand, 15-60% slope: Limitations, severe for all applications (possible increase to moderate limitation for buildings with slope less than 25%).

Parcel 2:

WfC - Windsor loamy, clay subsoil variant, 8-15% slope:
Limitations; slight for buildings and vegetative cover,
moderate for tent sites, parks and roadways (medium frost
potential), severe for trailer sites and sanitary facilities
due to moderately slow permeability.

Parcel 3:

SfC - Suffield silt loam, 8-15% slope: Limitations; see above.

INDIVIDUAL PROPERTIES: Parcels owned either municipally or
privately and listed in the numerical
order as they are found on the reference
map.

2) Bellamy River - Northeast Bank, moving down river:

- Ta - Tidal Marsh: Limitations; severe due to tidal flooding.
- WdE - Windsor loamy sand, 15-60% slope: Limitation; severe for
all applications (possible increase to moderate limitation
for buildings with slope less than 25%).
- WdA - Windsor loamy sand, 0-3% slope: Limitations; slight for
buildings, road-ways and sanitary facilities, moderate for
parks, athletic fields and campsites, severe for vegetative
cover. (Possible pollution hazard)
- WdB - Windsor loamy sand, 3-8% slope: Limitations; slight for
buildings, sanitary facilities (possible pollution hazard)
and road-ways, moderate for campsites, athletic fields and
parks, severe for vegetative cover.
- Ta - Tidal Marsh: Limitations; severe due to tidal flooding.

3) Cochecho River - Dover Municipal property, southwest bank
moving down river:

- BzB - Buxton silt loam, 3-8% slope: Limitations; moderate for
buildings, parks, and vegetative cover, moderate for campsites,
athletic fields and road-ways due to high seasonal water
table. Severe limitations for septic.
- Ma - Made land.
- SfC - Suffield silt loam, 8-15% slope: Limitations; slight for
buildings, moderate for tent sites, parks and road-ways
(high frost potential) due to slope, severe for sanitary
facilities, trailer sites and athletic fields due to slow
permeability and slope respectively.
- Ma - Made land.
- SfC - Suffield silt loam, 8-15% slope: Limitations; see above.

Interior soils profile

- WfC - Windsor loamy, clay subsoil variant, 8-15% slope: Limitations; slight for buildings and vegetative cover, moderate for tent sites, parks and roadways (medium frost potential), severe for trailer sites and sanitary facilities due to moderately slow permeability.
- SfC - Suffield silt loam, 8-15% slope: Limitations; see above.
- Ma - Made land.
- BzB - Buxton silt loam, 3-8% slope: Limitations; see above.

4) Bellamy River - Southwest bank moving down river:

- WdE - Windsor loamy sand; 15-60% slope: Limitation; severe for all applications.
- BzB - Buxton silt loam; 3-8% slope: Limitations; moderate for homesite/foundations; severe for septic and streets.
- Ta - Tidal Marsh; severe for all development applications.
- SwB - Swanton; severe for all development applications due to high water table and slow permeability.
- Ta - See above.

Interior soils profile:

- Be - Biddeford; severe for all applications due to high water table and slow permeability.
- ScA - Scantic; severe for all applications due to high water table and slow permeability.
- ScB - Scantic; See above (ScA).
- SfC - Suffield; Moderate for homesites/foundations; severe for septic and streets due to slow permeability and high frost action.
- HgC - Hollis-Gloucester-Charlton; severe for all development applications due to bedrock depth of 20 inches or less.
- GsC - Gloucester; moderate for homesites and septic; severe for streets due to slope.
- BzB - See above.
- BzA - See above.
- HfB - Hollis; Severe for all development applications due to bedrock at depth of 20 inches or less.

5) Bellamy River - Southwest bank moving down river:

- WdE - Windsor loamy sand, 15-60% slope: Limitation; severe for all applications (possible increase to moderate limitation for buildings with slope less than 25%).
- Ta - Tidal Marsh: Limitations; severe due to tidal flooding.

Interior soils profile:

- WfB - Windsor loamy fine sand, clay subsoil variant, 0-8% slope: Limitations; slight for buildings, tent sites, parks and vegetative cover, moderate for trailer sites, athletic fields and roadways due to slope and medium frost potential respectively, severe for sanitary facilities due to moderately slow permeability.
- BzB - Buxton silt loam, 3-8% slope: Limitations; slight for buildings, parks and vegetative cover, moderate for campsites athletic fields and road-ways due to high seasonal water table.
- SfC - Suffield silt loam, 8-15% slope: Limitations; slight for buildings, moderate for tent sites, parks and road-ways (high frost potential) due to slope, severe for sanitary facilities, trailer sites and athletic fields due to slow permeability and slope respectively.
- ScA - Scantic loamy sand, 0-3% slope: Limitations; severe for all applications due to high water table which results in slow permeability and high frost potential.
- SfE - Suffield silt loam, 15-35% slope: Limitations; severe for all applications due to slope (building and vegetative cover limitations reduced to moderate with decrease in slope).
- Be - Biddeford silty clay loam: Limitations; severe for all applications due to high water table leading to slow permeability and high frost potential.
- BzA - Buxton silt loam, 0-3% slope: Limitations; see BzB.
- EaA - Elwood fine sandy loam, 0-3% slope: Limitations; slight for buildings, parks and vegetative cover, moderate for campsites, athletic fields and road-ways due to high seasonal water table and slope, severe for sanitary facilities due to moderately slow permeability.

6) Cochecho River - Dover Point (reviewed for community development)

- Sb - Saugatuck loamy sand: limitations; severe due to high water leading to slow permeability.
- WdB - Windsor loamy sand, 3-8% slope: Limitations; slight for buildings, sanitary facilities (possible pollution hazard) and road-ways, moderate for campsites, athletic fields and parks, severe for vegetative cover.

7) Dover Point - State owned Interchange:

- Sb - Saugatuck loamy sand: Limitations; severe due to high water leading to slow permeability.
- WdA - Windsor loamy sand, 0-3% slope: Limitations; slight for buildings, road-ways and sanitary facilities, moderate for parks, athletic fields and campsites, severe for vegetative cover. (Possible pollution hazard)

Phase III

ASHTON R. HALLETT
3 Rivers Farm Road
DOVER, NEW HAMPSHIRE 03820

June 22, 1989

Land Acquisition and Protection Study
City of Dover, Planning Department
Municipal Building
288 Central Avenue
Dover, NH 03820
Attn: William Collins, Planning Director

Subject: Phase III
Acquisition/Protection Plan

Dear Bill:

The final phase of the Land Acquisition and Protection Study is a strategic plan for the acquisition/protection of the land parcels identified and prioritized in Phase I, and analyzed for general land use in Phase II. This final phase will make reference to the priority list and mapping in Phase I as well as the land use analysis, photographs, and soil data contained in Phase II.

A land acquisition/protection plan contains three essential steps -- analysis, planning, and management. The analysis phase involves similar steps completed in Phase I of this study. The specific property is identified and given some sort of priority. The property can be of singular importance or it can be one of a group of properties that are in need of protection. Specific land use traits are also identified in the analysis phase and can be positive (location, access, developability) or negative (poorly drained soils, steep slopes, lack of access and developability) thus affecting market value. After the analysis phase, a plan is created for acquisition/protection. Full fee purchase or partial fee (easement) is considered depending on which will insure adequate land protection at the lowest cost. Possible estate, tax, or financial requirements of the owner will permit the donation or bargain sale of the entire property or certain rights in the property. Again, land use features can be determinate. Finally, the management of the acquisition plan must be considered. Who will approach the landowner and what is the best source and procedure for contact? Is a friend or a certain person most appropriate? Is there need for professional consultation (estate planning, tax, financial, legal)? What is the cost -- in time and/or money? If the property or certain rights in the property are available, who will pay for the purchase process (appraisal, legal, etc.) and who will pay for the rights or property itself? Also, who will manage the property after purchase? All of these considerations must be recognized, planned, and managed in order to insure an efficient, effective, long-term land acquisition program.

My first priority from Phase I is open space/river corridor protection for the Bellamy, Cochecho, and Piscataqua Rivers. I think that this is best accomplished by an easement program for each of the rivers. To accomplish open space/river corridor protection, an easement depth of 200 feet minimum would be very effective. This would double the present 100 foot set-back requirement and would reduce significantly development intrusion. One of the positive features of an easement is that it can be designed for the specifics of the land. In areas where the river banks are steep, the set back could be minimal in depth. Areas with a more gradual topography might require an additional depth. Certain areas outlined on my Phase I map contain steep, poorly drained soils that would prohibit building. Perhaps in these areas an easement might be donated. In other areas with easier slopes and soils, the easement might have to be purchased -- of course dependent on land owner financial requirements. Donations would not only immediately reduce the cost of the program, but could be used as a credit for eventual Trust for N.H. Lands purchase. The present \$250,000 limit for local city/town projects has been increased to \$500,000 for cities/towns with populations in excess of 20,000.

A specific example here is the Exeter Country Club located just north of the City center. An easement covering approximately 70% of the property was donated to the City. Fifty-two acres and approximately 2,200 feet of frontage on the Squamscott River are protected and the City has a credit for conservation land acquisition under the Trust for N.H. Lands in excess of \$900,000. This credit can be used to purchase land or easements in other parts of the City. This same approach should be considered for the Cochecho Country Club in Dover.

Each parcel of land listed under Open Space/River Corridor Protection should be reviewed for best land use in light of soils and slope (review of Phase II). A meeting should be scheduled with the land owner for a review of his/her conservation, estate, tax, and financial plans/requirements. Dependent on these conversations an easement should be designed that covers land owner needs as well as land protection requirements. The grantee (receiver) of the easement has to be designated (possibilities for the three Dover tidal rivers are the Dover Conservation Commission, the Strafford Rivers Conservancy, the Strafford County Conservation District, or combinations of any two with one organization in an executory capacity). Situations requiring funding should be processed for Trust for N.H. Lands application.

An easement program for the three Dover rivers could be coordinated between the Dover Conservation Commission and the Strafford Rivers Conservancy. Initial contacts and follow-up meetings and correspondence could involve both organizations. Easement format and design assistance can be provided by the Conservancy as well as the Society for the Protection of N.H. Forests. The Trust for N.H. Lands through its Land Conservation Investment Program can handle applications for funding. This acquisition/protection easement program should start immediately to take full advantage of the remaining four year life of the Trust for N.H. Land/LCIP program.

One further thought -- why do I select the conservation easement as the best land protection device for broad coverage on the Bellamy, Cochecho, and Piscataqua Rivers? Why not attempt to acquire the land in full fee? First, full fee acquisition is the most costly and is not necessary in light of our intended land use -- scenic open space. Public access and recreation will be primarily on the rivers -- a potential trail on the west bank of the Bellamy can be easily incorporated into the easement. Significant timber and farmland, prime wetland, fish and wildlife habitat, and locations of historic significance can also be protected by the easement. In summary, an easement will provide the greatest amount of land protection for the least dollars. Second, management/maintenance costs are less under an easement due to the fact that the property is still owned by the landowner. He pays taxes (at a lower rate because he has donated or sold the development rights) and retains the proprietary interest. Taxes and property maintenance remain his responsibility -- not the city, or the county, or the Strafford Rivers Conservancy. For these three river corridors, the protection of the scenic open space is most important. By accomplishing this, other important conservation land uses will also be included. The conservation easement can do the job at the least cost -- with the property remaining in the hands of the owner for management, maintenance, and tax revenues.

Property #2 on the Phase I priority list is owned by the State of N.H. and administered through the Department of Transportation. It is zoned R-20 and assessed for \$26,000. I met with Neil MacPherson, Administrator, Bureau of Right-of-Way, Department of Transportation, (Room 204, John O. Morton Building, P.O. Box 483, Hazen Drive, Concord, NH 03302-0483; Telephone - 603-271-3222). In regard to possible acquisition, MacPherson stated that the City would have preference and should address their interests to Commissioner Wallace E. Stickney at the same address. The Department of Transportation is directed to sell properties such as K-35A at market value adjusted for conservation or restricted uses. MacPherson stated that a letter from the City should include intended conservation/recreation uses and that the price of the property to the City would be adjusted accordingly. I would recommend the sending of this letter at the earliest possible date in order to initiate appraisal/valuation procedures.

Property #3 is City-owned and immediately available for analysis and planning for a public boat launch area. There are several possible areas dependent on slope and river contour. The timing concerning the future move of the City Sewerage Plant is also a factor. I would recommend analysis and planning at the earliest possible date.

Property #4 is privately owned by an investor group. Soils analysis indicate moderate to severe limitations due to poor drainage and bedrock. Land use suitability in priority order is open space/scenic, agriculture (farm and forestry), wildlife habitat, prime wetland, and public access/recreation. An acquisition strategy must keep these factors in mind. The poorly drained areas furthest from city sewer (located at Garrison Road and Spruce Lane) should be designed for large lot subdivision (40-50 acre parcels) incorporating fields, woods, and river frontage. The parcels should be restricted to prohibit future subdivision and encourage agriculture (farm and forestry). The restrictions

would allow the building of a house (perhaps two) with appropriate barns, garages, etc. dependent on a road frontage. All buildings would be located away from the fields and river frontage and near as possible to the road frontage (Garrison Road). Analysis and planning would indicate the number and pricing of the parcels as well as preparation costs (survey, legal, driveway construction, management, marketing, (etc.) and a possible net purchase price. The City, working through the Strafford Rivers Conservancy, should purchase this portion of the property (approximately 200 acres) for resale to select buyers. Maximum effort should be made to identify bargain sale possibilities. The remaining land (approximately 100 acres) would be located on the higher elevation in the northwest corner of the property.

There is an alternative strategy for the acquisition of this portion of the property. An application could be made to the Trust for N.H. Lands for the purchase of the entire fee or an easement. Because of the poorly drained soils, there would be a value loss in appraisal plus the Trust would be looking for the maximum bargain sale/donation. As a State-level project, the funding would be minimal plus the land would be administered by the Department of Fish and Game with the necessary hunting rights required. At the City/Town project level, the necessary matching funds (dollar for dollar match up to \$500,000) would be lacking unless an agreement could be reached with the Cochecho Country Club or other substantial landowners along the three tidal rivers. Lacking donations, the City would have to provide the funding for the match. After reviewing all of the above, I think the best course of action is to purchase the specific portion of the property (perhaps on a lot-release basis) and resell the property under a large parcel subdivision plan with specific restrictions.

The northwest portion of the property is gentle with a combination of fields and woods bisected by a small stream or drainage. The land fronts on Garrison Road, David Tuttle Road, and Spruce Lane Extension. Topography, road frontage, and proximity to City water and sewer makes the land workable for various cluster/density design concepts. Good planning could provide a nice transition into the larger acreage parcels located to the south/southeast. There would be distant views across open fields and on to the Bellamy River. This land would be retained by the present owners (with carrying costs reduced by the sale of the large lot/subdivision area) for future appropriate development.

An important consideration for property #4 is the continuation of a walking/nature trail from the north along the easement area between Sawyers Mill and property #5 (reference Phase I topographical map and photos B, G, I, and J in Phase II) and on along the river to the N.H. Audubon property (Clements Point) exiting either there or on/across the Huggins Farm. This would be a very diverse and interesting trail with strategic entry/exit points at property #5. It would encompass the upper Bellamy (a gorge with rapids and faster running water; seasonal smelt fishing and migratory birds), the open fields and farming/forestry on properties #5 and #4 as well as the wildlife habitat and prime wetland on property #4 and on into the area of Clements Point, the N.H. Audubon property, and the Huggins Farm. The topography from

property #5 south is more gentle and would allow cross country skiing in the Winter. Trail design and layout would be completed after the planned purchase of this portion of property #4 (per large-parcel subdivision plan). Trail location would have to meet the approval of potential buyers of the restricted large acreage parcels contemplated for this same southeast portion of property #4. This additional marketing effort should be reflected in the sales/marketing schedule for the specific parcels (higher marketing costs).

Property #5 is City-owned and therefore does not need an acquisition strategy. Additional analysis and planning should include a review of land use recommendations in Phase II as well as cost estimates for the initiation of these same recommendations. Costs should be minimal and involve parking improvements, clean-up and/or redesign of the fenced area, and trail design and layout.

Property #6 is also City-owned and does not need an acquisition plan. Per Phase II, the property is too small for significant public access, open space preservation, or recreational opportunity. The location of Hilton State Park immediately to the south also reduces public access or recreational pressure. I recommend that the property be subdivided into three lots with all house construction restricted to Cote Drive (the property is zoned R-20 and assessed at \$13,800). Each lot would have water access and one lot would have a water view. Total sales value is estimated at \$250,000 to \$275,000. (The water view lot is valued at \$100,000 to \$125,000; non-water view lots at \$75,000). The resulting funds should be used to finance various aspects of this land acquisition and protection program.

Finally, property #7 is owned by the State of N.H. and administered by the Department of Fish and Game. No acquisition plan is necessary. Per Phase II, Fish and Game is interested in working with the City concerning the use and maintenance of a small parking lot in combination with a walking/nature trail plus potential non-game species programs (osprey platforms, wildlife forestry, etc.) that might be of interest to elementary school students. Collaboration on this property could be expanded to include other properties in this study with benefits to both the residents of the City as well as the properties involved. Technical aspects of Fish and Game management techniques could improve land stewardship on other properties identified in this report -- more specifically the wild life habitat areas on properties #4 and #5.

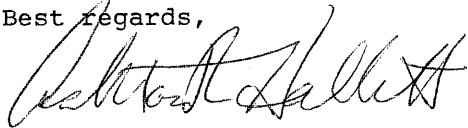
In summary, the strategic plan for the acquisition/protection of each of the identified parcels combines three different approaches. The first approach would involve a three to five year easement program on each of the subject tidal rivers. As I have mentioned, this would be a joint effort with the Dover Conservation Commission and the Strafford Rivers Conservancy. Hopefully 75-80% of the indicated areas would be successfully covered by easement after five years with the remaining areas either lost or undecided at the time and thus identified for future action. The cost of the program is hard to estimate at this time as there is no strong indication as to possible donation vs. need for compensation. The easement program(s) should

be started as soon as possible to take advantage of the remaining operating years for the Trust for N.H. Lands.

The second approach is full fee acquisition for properties #2 and #4. Discussions with the present owners should start immediately in regard to valuation and potential bargain sales. Property #6 should be prepared for sale (survey, title search, marketing) to provide additional funding for both the easement and full-fee acquisition programs. Again, the Strafford Rivers Conservancy is available for consultation and/or implementation.

Finally, the third approach involves land use changes on City-owned properties #3 and #5 as well as Fish and Game property #7. Analysis and planning can start immediately with implementation coordinated with other City departments. All of these combined efforts will establish superior standards for open space, public access, and recreation for the three tidal rivers and be in accord with recommendations from the recent City Master Plan.

Best regards,



Ashton R. Hallett
Land Use Consultant

ARH/tlb

ASHTON R. HALLETT

3 Rivers Farm Road
DOVER, NEW HAMPSHIRE 03820

June 29, 1989

Land Acquisition and Protection Study
City of Dover, Planning Department
Municipal Building
288 Central Avenue
Dover, NH 03820
Attn: William Collins, Planning Director

Subject: Additional Comments
Phase III

Dear Bill:

The first step in an easement program is usually an introductory mailing to landowners describing the benefits of the program as well as goals and objectives. There is included a general information sheet (see attached) on easements as well as the suggestion of a follow-up telephone call and future meeting. The follow-up telephone call reviews in a general way the easement program and its benefits. It is important to avoid too much detail at this time; to stress the importance of a meeting for more detail review.

The scheduled meeting should take place initially at the property -- preferably with a walk and review of the topography and general environment. The easement program representative should be familiar with the land having reviewed the soils and topography in advance. Land use considerations should be addressed at the start with emphasis on family use (past, present and future). It is at this point that one can determine the basic reason for purchase (residential, agriculture, recreation, open space protection, investment, development, etc.) and gain insight into financial/estate planning requirements. If the property has been the family residence with emphasis on land stewardship and natural resource protection, and there is a distinct interest in perpetuating these values, then family requirements will fit more easily into normal easement format (see attached - draft Conservation Easement Deed). If the property was purchased for investment and future development, then analysis and planning for open space/natural resource protection becomes a little more complicated with land protection a trade-off versus financial/investment return.

For the investor landowner, land protection will be reviewed by area(s), with emphasis on soils and slopes that are less

attractive for future development. The program spokesperson will have to keep in mind the basic conservation purposes for which easements may be donated (the preservation of land areas for outdoor recreation or education; the protection of natural habitat; the preservation of open space (including farm and forest land) for scenic enjoyment of the general public or pursuant to a clearly delineated federal, state or local governmental conservation policy; and the preservation of a historically important land area or historic structure) as well as the financial objectives of the investor/landowner. These objectives can be combined with property and income tax benefits. Property taxes on the easement areas will be stabilized or reduced. Income tax benefits will accrue from the write-off of the value of the easement over a six-year period of time at 30% of the landowners adjusted gross income.

For the non-investor owner, there are certain significant estate benefits as well as the property and income tax benefits listed above. If children are grown and future land use established, then an easement will reduce significantly the inheritance tax liability for the property. This is especially important if the property is a significant asset in the estate. Acreage can be left out of the easement to accommodate future family development or more significant acreage can be excluded to allow for limited development and a required financial return. A landowner can also design an easement as part of his will to be executed automatically on his death thus leaving the property unrestricted during his lifetime for sale in event of a debilitating illness. Finally, it is important to identify significant items in the landowner's estate. The appreciated portion of the value of the easement (difference between cost and market value) becomes a "tax preference item" in the landowner's federal income tax filing and thus subject to the alternate minimum tax calculation. This is no problem if the land is the only significant asset other than normal retirement plans. If the landowner has a sophisticated investment plan with several tax preference items, then timing of the easement is critical and specific planning has to be initiated. It is vital that the easement program representative is familiar with these estate/tax considerations, not as an expert, but as a knowledgeable proponent able to communicate with the landowner and his/her financial advisors.

The design of the easement can be accomplished through use of a standard format (again -- reference attached -Conservation Easement Deed). Structure and specifics are designed by the landowner him/herself -- again with emphasis on practical land stewardship features. The landowner, in most situations, is most knowledgeable concerning his/her land. The design of the easement is in his/her hands with guidance and direction from the grantee

organization. Final review is usually done by the landowner lawyer as well as grantee lawyer. The value of the easement is appraised. A final check is made on estimated versus actual tax and estate benefits. The easement is executed and recorded and becomes a part of the property deed. The grantee organization has the responsibility of policing the easement and insuring that its requirements are fulfilled.

Valuation. As far as the easement program is concerned, land along the Cochecho has recently sold in the \$150,000-\$175,000 range for five-acre parcels (Cullen Bay Project). A review of 1986-87 Fairway Meadow sales (adjacent to the Cochecho Country Club) indicate waterfront lot (1.3 and 2.2 acres) sales at \$105,000 and \$115,000 respectively. I would estimate the market value of a buildable waterfront acre on the Cochecho, Bellamy and Piscataqua Rivers at \$100,000-\$150,000. What does this mean in regard to an easement program? Land use analysis of the proposed easement areas indicate on a preliminary basis soils and slopes that would be unbuildable. An easement in these areas could be donated or bargain sold -- appraised value determined by the value (buildability) of the development rights. Example -- an acre proposed for easement that was buildable would have a value of \$100,000-\$150,000 before the easement. After the easement, the value would be Current Use (or Natural Resource) value -- \$50-\$600/acre depending on land type. (Exception -- if there has been a local recent sale of comparable restricted/easement land, then that sales value would be used). Value of the easement -- \$100,000-\$150,000 less \$50-\$600 or \$100,000-\$149,000. (Note -- significant timber or crop value is added to after value and thus reduces the value of the easement). The value of the easement can be either donated (for income tax benefits) or sold (for compensation through Trust for N.H. Lands or City funding). If for reasons of slope or soil the particular acre is unbuildable, then the value of easement is reduced to Current Use/Natural Resource value.

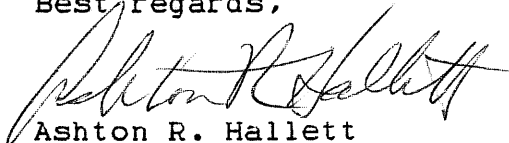
For property #2 (K-35A), I would estimate current market value on a preliminary basis at \$200,000. As there are no recent comparable sales for this size and type of land, my rationale is based on the development potential of a five-lot subdivision with the lots (2 +/- acres) selling for \$100,00-\$150,000 per lot. With a gross of \$625,000-\$750,000, there would be development costs (engineering, roads, water, septic etc.) of \$312,000-\$375,000. A profit factor at 30% would allow a land acquisition cost at around \$200,000. For a City purchase restricted to public access and recreation, I would estimate a purchase price (from the N.H. Dept. of Transportation) at 20% of market value or \$40,000. It is important to note here that of the 26 stated acres only about 11-13 acres are usable from a development point of view due to slope.

Finally, concerning property #4 and my recommended large lot subdivision plan (with deed restrictions), I would estimate the following gross revenues:

4 parcels x \$250,000/parcel	\$1,000,000
1 parcel w/house and barn	350,000
1 parcel x \$175,000	175,000
1 parcel x \$100,000	<u>100,000</u>
Total	\$1,625,000

The above parcels would range in acreage from 15 to 60 acres with all but one having river frontage as well as a mixture of fields and woods. Development costs (engineering, legal, roads/driveways, contingencies, etc.) are estimated at \$106,350. Marketing would add another \$162,500. Net revenues from the sale of 200-250 acres would be approximately \$1,356,000. This is a preliminary estimate based on an update of previous consulting work. A meeting should be planned with the owners to determine their present interests as well as future plans for the property.

Best regards,



Ashton R. Hallett
Land Use Consultant

ARH/tlb

Attachments

Conservation Easements

Questions & Answers

A *conservation easement* (sometimes called a *conservation restriction*) is a practical way for private landowners to protect environmentally significant land while retaining their ownership. Easements provide permanent protection from uses of land that could damage or destroy its scenic, recreational, ecological, and natural resource values. Generally, easements are donated to a non-profit conservation organization or public agency, which enforces the restrictions *in perpetuity*. Each easement is tailored to fit the natural characteristics of the land, the personal needs of the owners, and the objectives of the organization or agency.

Land ownership and conservation easements

As a landowner, you have certain rights to use and modify the land and natural resources of your property. In the past, some of these rights—such as mining and timber cutting—have been used, taxed, or transferred separately from the land itself. A conservation easement is based on this principle of separating land ownership rights.

A conservation easement is a legal agreement between a landowner (the *grantor*) and a conservation organization or agency (the *grantee*). The agreement separates the rights to exercise more intensive uses—such as construction, subdivision, and mining—from other rights of ownership. These “development rights” are then transferred to the grantee through the conservation easement deed. The grantee agrees to hold but not use the development rights and to ensure that they are not used by anyone else. Conservation easements are granted in perpetuity and apply to the land regardless of who may own it in the future.

Land under easement is still privately owned and managed. Typically, it is used for agriculture, forestry, wildlife habitat, scenic views, watershed protection, recreation, and education. Working together, the landowner and the grantee determine the appropriate land uses, which are then detailed in the easement deed.

What uses are prohibited on easement land?

Most easements prohibit commercial, industrial, and mining uses of the land. These include: changing the topography, such as dredging and filling in wetlands or along shorelines; disturbing the habitat of rare or endangered species of plants or animals; erecting outdoor advertising structures such as billboards; removing topsoil and other surface or sub-surface materials; and constructing residential,

commercial, or industrial buildings. (Some limited development of new homes can be negotiated in certain cases.)

What uses are permitted?

Agricultural and forestry activities are permitted and encouraged on most easement-protected land. These include: managing the land to improve wildlife habitat; changing the topography for farming or forestry; and building structures such as culverts, bridges, signs, barns, sheds, fences and dams, when necessary for farming and forestry.

Who accepts and enforces conservation easements?

According to New Hampshire state law (RSA 477:45–47), easements can be accepted and enforced by certain conservation organizations and government agencies. Most often, easements are donated, but they can occasionally be sold for full or partial value. This value is determined through a qualified appraisal.

Private, non-profit groups such as the Society for the Protection of New Hampshire Forests, the Audubon Society, local lands trusts, and many watershed associations, are equipped to receive and enforce conservation easements. Public agencies such as town conservation commissions, county conservation districts, the Department of Fish and Game, and the Division of Parks and Recreation also hold easements.

Does granting a conservation easement give the general public the right to enter my property?

Not unless you allow it. Most easements let the landowner decide whether or not to allow public

OVER

DRAFT

CONSERVATION EASEMENT DEED

I/We, _____, single/husband and wife, of _____, Town of _____, County of _____, State of New Hampshire, (hereinafter sometimes referred to as the "Grantor" which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs and/or assigns), for consideration paid, grant to the Society for the Protection of New Hampshire Forests, a corporation duly organized and existing under the laws of the State of New Hampshire, with a principal place of business at 54 Portsmouth Street, City of Concord, County of Merrimack, State of New Hampshire, having been determined by the Internal Revenue Service to be an income tax exempt, publicly supported corporation contributions to which are deductible for federal income tax purposes pursuant to the United States Internal Revenue Code, [Town or City of _____, situated in the County of _____, State of New Hampshire, acting through its Conservation Commission _____ pursuant to RSA 36-A:4 (supp.)] (hereinafter sometimes referred to as the "Grantee" which word shall, unless the context clearly indicates otherwise, include the Grantee's successors and/or assigns), with WARRANTY covenants, in perpetuity the following described Conservation Easement, pursuant to New Hampshire RSA 477:45-47, exclusively for conservation purposes, namely:

(Choose appropriate section(s) among the following:)

1. The preservation of the land (and the water area to which it provides access and on which it fronts) subject to the easement granted hereby for outdoor recreation by and/or the education of the general public, through the auspices of the Grantee, its permitted successors or assigns; and/or
2. The protection of the unusual natural habitat of _____; and/or
3. The preservation of open spaces, particularly the productive farm and/or forest land, of which the land area (and the water area to which it provides access and on which it fronts) subject to the easement granted hereby consists, for the scenic enjoyment of the general public, consistent with the clearly delineated _____ government's conservation policy _____, and with New Hampshire RSA Chapter 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space in the state by providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, by maintaining the character of the state's landscape, and by conserving the land, water, forest, and wildlife resources", to yield a significant public benefit in connection therewith; and/or
4. The preservation of that historically important land area which is _____ and/or the historic structure which is _____,

all consistent and in accordance with the U.S. Internal Revenue Code, with respect to that certain parcel of land (herein referred to as the "Property") with any and all buildings, structures and improvements thereon/being unimproved land situated in the Town/City of _____, County of _____, the State of New Hampshire, more particularly bounded and described as set forth in Appendix "A" attached hereto and made a part hereof.

(Describe in paragraphs 1, 2, 3 and 4 unique and significant qualities of Property which substantiate public benefit of easement.)

The Conservation Easement hereby granted with respect to the Property is as follows:

1. USE LIMITATIONS

A. The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities, except agriculture and forestry as described below, and provided that the productive capacity of the Property to produce forest and/or agricultural crops shall not be degraded by on-site activities.

i. For the purposes hereof "agriculture" and "forestry" shall include agriculture, animal husbandry, floriculture and horticulture activities; the production of plant and animal products for domestic or commercial purposes, for example the growing and stocking of Christmas trees or forest trees of any size capable of producing timber and other wood products; and the cutting and sale of timber and other wood products.

ii. Agriculture and forestry on the Property shall be performed to the extent possible in accordance with a coordinated management plan for the sites and soils of the Property. Forestry and agricultural management activities shall be in accordance with the current scientifically based practices recommended by the U.S. Cooperative Extension Service, U.S. Soil Conservation Service, or other government or private natural resource conservation and management agencies then active. [Management activities shall not materially impair the scenic quality of the Property as viewed from public waterways, great ponds, public roads, or public trails.]

B. The Property shall not be subdivided.

C. No structure or improvement such as a dwelling, road, dam, fence, bridge, airplane landing strip, culvert, or shed shall be constructed, placed or introduced onto the Property except as necessary in the accomplishment of the agricultural, forestry, conservation, or recreational uses of the Property [and not detrimental to the purposes of this easement]. Fences for the purpose of securing the Property are allowed. Barns and maple sugar houses to support on-site land based forestry and agricultural activities are allowed.

D. No changes in topography, surface or sub-surface water systems, wetlands, or natural habitat shall be allowed that would harm state or federally recognized rare or endangered species. Otherwise, none of the aforementioned shall be allowed except as necessary in the accomplishment of the agricultural, forestry, habitat management, conservation or recreational uses of the Property [and not detrimental to the purposes of this easement].

E. No outdoor advertising structures such as signs and billboards shall be displayed on the Property except as necessary in the accomplishment of the agricultural, forestry, conservation or recreational uses of the property [and not detrimental to the purposes of this easement].

F. There shall be no mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, top soil or other similar materials on the Property, except in connection with any improvements made pursuant to the provisions of paragraphs C, D, or E above. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Property.

G. There shall be no dumping or burial of materials then known to be environmentally hazardous.

Protection of New Hampshire Forests shall have the right to terminate the interest of the Grantee in the Property by recording a notice to that effect referring hereto in the Registry of Deeds and shall then assume all interests and responsibilities granted to the Grantee in this Deed.)

7. CONDEMNATION

A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate in whole or in part the Easement conveyed hereby, the Grantor and the Grantee shall thereupon act jointly to recover the full damages resulting from such taking with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.

B. The balance of the damages recovered (including, for purposes of this subparagraph, proceeds from any lawful sale of the property unencumbered by the restrictions hereunder) shall be divided between them in proportion to the fair market value of their respective interests in that part of the Property condemned on the date of execution of this Conservation Easement Deed. For this purpose, the Grantee's interest shall be the amount by which the fair market value of the Property immediately prior to the execution of this Conservation Easement Deed is reduced by the use limitations imposed hereby. The Grantee shall use its share of the proceeds in a manner consistent with and in furtherance of the conservation purposes set forth herein.

8. ADDITIONAL EASEMENT

A. Should the Grantor determine that the expressed purposes of this Easement Deed could better be effectuated by the conveyance of an additional easement, the Grantor may execute an additional instrument to that effect, provided that the conservation purposes of this Conservation Easement Deed are not diminished thereby and that a public agency or qualified organization described in Section 4.A., above, accepts and records the additional easement.

9. ARBITRATION OF DISPUTES

A. Any dispute arising under this Conservation Easement Deed shall be submitted to arbitration in accordance with New Hampshire RSA 542.

B. The Grantor and the Grantee shall each choose an arbitrator and the arbitrators so chosen shall choose a third arbitrator.

C. A decision with respect to any such dispute by two of the three arbitrators shall be binding upon the parties and shall be enforceable as part of this Conservation Easement Deed.

LAND CONSERVATION INVESTMENT PROGRAM

State of New Hampshire
2 1/2 Beacon Street
Concord, New Hampshire 03301
603 271 2326

LCIP PROGRAM OUTLINE

The Land Conservation Investment Program (LCIP) was created by The State of New Hampshire to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in the Granite State by acquiring lands and interests in lands of statewide, regional and local conservation or recreation importance.

The New Hampshire Legislature passed the legislation creating the LCIP in 1987, with Governor John Sununu signing the bill into law on May 25, 1987. The law provides \$20 million for the acquisition of privately owned land and for the acquisition of conservation easements on privately owned land. It creates a 15 member public Board (The Land Conservation Investment Program Board) to review applications from private landowners to decide when and where to spend the LCIP funds.

A unique part of the law creating the LCIP is the partnership it establishes with a private, non-profit organization called the Trust for New Hampshire Lands. The Trust has raised \$3 million from non-govern-

ment sources to fund most of the administrative costs required to properly acquire land or easements. This unique partnership between the Trust and the State of New Hampshire will permit the State funds to go directly into acquisition.

The LCIP Board has divided its appropriation into two different programs — 65% for purchase of lands of statewide significance and 35% for purchase of lands of local significance. Land management responsibilities (including conservation easement monitoring) for statewide lands will remain with an agency of State government. For local lands, management responsibility remains with the municipality in which the land is located.

APPLICATION PROCESS

The Application process for each program is two tiered. An applicant must first submit to the LCIP an Eligibility Determination Request. The LCIP must grant or deny that request within 30 days.

A set of eligibility criteria for applicants to each program is outlined in the LCIP's Administrative Rules, a copy of which is available on re-

quest from the LCIP office (at the address above). A summary of those eligibility requirements appear in two separate boxes on the back side of this page).

The second tier of the application process is for the applicant granted an Eligibility Determination. A more complete Application must be submitted to the LCIP Board for consideration. Separate application forms for the Statewide and Local Programs are provided to applicants who obtain an Eligibility Determination. The forms are also available on request from the LCIP office.

ELIGIBILITY DETERMINATION DEADLINES

The LCIP Board has set the following deadlines for submission of Eligibility Determination requests:

STATEWIDE PROGRAM

May 20, 1988
August 19, 1988
November 18, 1988
February 17, 1989

May 19, 1989

LOCAL PROGRAM

June 17, 1988
October 15, 1988
May 1, 1989

LCIP APPLICATION PROCESS

