

A Plan for the Protection of Open Space

Town of Temple, New Hampshire

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A Plan for the Protection of Open Space Town of Temple, New Hampshire

INTRODUCTION

This Open Space Plan provides the information and policy basis for setting priorities and action plans for land protection in concert with other community goals. By Open Space we mean the permanent conservation of forests, farms, fields, riparian areas, historic resources, water supply protection lands, and other natural areas. Open space protection can be an effective tool for preserving community character, protecting the environment, and enhancing quality of life. Open space protection in community planning is critical to our way of life in Temple.

BACKGROUND AND CONTEXT

In 2007, New Hampshire remained the fastest-growing state in the Northeastern United States. Along with the many positive aspects of this growth come challenges and stresses on the environment. Statewide, it is estimated that 15,000 acres of open land are developed every year.

Many communities have found that conversion of these lands for development results in lost opportunities for recreation, degraded water supplies, undermining of traditional economic uses such as forestry and agriculture, disruption of plant and animal habitat, and diminishment of quality of life. In some regions, especially the Merrimack Valley and Southeastern New Hampshire, towns are going to great lengths to save the remaining undeveloped land, in some cases spending large sums of public money.

Temple is feeling the pressures of this growth. In response, the 2003 Master Plan emphasized the need to preserve the “rural character” of the community. As listed below, the Master Plan called for action to identify and protect high priority open spaces in town.

PURPOSE

This Open Space Plan supports the Future Land Use recommendations of the “Temple Master Plan 2003,” including the conservation and preservation of open spaces which was viewed as being vital to maintaining not only the environmental health of Temple but also the natural identity, rural character, and recreational opportunities that are so closely connected to the Town.

This Plan recommends specific actions that Town officers undertake to support the criteria, goals and recommendations set forth herein in order to improve its public policy toward land conservation. This policy acknowledges that regulating development of certain properties will protect or enhance a set of “resource values” described here under “Findings,” and that it is fitting for Town government to facilitate the conservation of certain lands that exhibit these values. At a minimum, this Plan directs the Town of Temple to promote land conservation and to be vigilant about opportunities for land conservation. To that end, the Town may, 1) change its regulations to take into consideration the goals of this Plan. For example, in March 2008, the Town of Temple

passed a new Mountain District Conservation Development ordinance, 2) provide stringent reviews for certain property types mentioned in this plan, and 3) work to ensure development requests meet the goals of this Plan. The role of Town government in this area is also to educate landowners about the topic, to network among landowners and lands trusts, and to acquire land or conservation easements.

APPROACH AND PROCESS

The Temple Conservation Commission developed this Open Space Plan with assistance from the Open Space Committee. Members of this Committee are listed in [Appendix 5](#).

As directed by the Temple Master Plan, the Open Space Committee undertook a study to identify how and where land conservation could best serve the public interest. During bi-weekly meetings in the summer and fall of 2007, the Committee reviewed information and maps regarding land use patterns, distribution of natural resources (e.g. aquifers and wetlands), and threats to Temple's natural resources. To solicit public input, the Committee held a public forum on December 10, 2007 to solicit residents' input on the Committee's findings and recommendations.

The Committee reached consensus on a set of *Resource Values* that can be protected by conserving open space and *Land Conservation Priority Areas* and *Specific Places* in Temple where those resources are most prevalent and therefore worthy of consideration for protection. In all cases, the values and places were determined to be essential to community well-being in some basic way, or are part of how residents define Temple's community character. Ultimately, all are basic to environmental quality and quality of life.

FINDINGS

The Committee determined that the following Resource Values should be protected or restored by Open Space:

- Passive recreation and public access to open space
- Active agriculture/forestry and prime soils
- Rural and community character/natural beauty
- Large unfragmented tracts for habitat diversity to support native species of wild plant and animal life
- Historic and archeological areas and sites
- Water sources and water quality
- Air quality including carbon sequestration

Land Conservation Areas That Are a Priority for Protection. Specific examples cited include but are not limited to:

1. Forested hills throughout Town: Especially visible land along ridgelines, hilltops, and summits.
 - Willard Hill
 - The Temple Mountain range, including Holt Peak, Whitcomb Peak, Pack Monadnock, North Pack

- Fiske Hill
 - Howard Hill
2. Stream Corridors and Wetlands: Riparian lands and buffers along the shoreline of all of Temple's streams, ponds and wetlands.
 - Temple Brook
 - Greenville Reservoir
 - Gambol Brook
 - Blood Brook
 - Chris Weston Conservation Area wetlands
 - Fish Road wetlands
 - Whiting ("Pack Walk") Brook
 3. Open Fields and Farmland throughout Town.
 - Willard field off Hadley Highway.
 - Fields on the east side of Rt 45 just north of Memorial Drive
 - Holt Lane fields
 - Middleton fields on Old Peterborough Road
 - Whitcomb fields on Colburn Road
 - New Field Farm
 - Salisbury Farm
 - Connolly Brothers Farm
 - Pony Farm
 - Herban Living Farm
 - Autumn Hill Farm
 - Kantner Derbyshire Farm
 - Barry Farm
 - Sartell Farm
 - Scott fields
 - Cromwell fields
 - Flynn Hill
 4. Bedrock and Gravel Aquifers
 5. Recreational Trails
 - Town Forest
 - Kendall Ledge
 - Chris Weston Conservation Area
 - Wapack Trail
 - Beaudoin easement trail
 - Weston Farm trail to caverns
 6. Large Unfragmented Tracts
 - Bradler/Viocal LLC land (on West Road)

- Fisk Hill/Cromwell/Sartell/Hadley (on Fisk Hill Road, East Road and General Miller Highway)
- Lee/Heald/Bradler land (on East Road)
- Atter/McAdoo/Winship/Re/S. Quinn (on Hadley Highway and Cutter Road)
- Blood/Kieley/Dorothea Guy (on West and Old Peterborough Roads)
- Barry/Jones/Kantner/Walker/Willette /Devereaux/Mann/North Pack Lodge (on North and Converse Roads)
- Weston/P. Quinn/Willard/Foley/Davis/Whitcomb/Houck/McMillan (between Colburn Road and Route 45)

7. Managed Forestry and Silviculture

- Foley Tree Farm
- Connolly Brothers Tree Farm
- Dorothea Guy
- Kieley Tree Farm

8. Historic and Archeological Sites

- Glass Works
- Fisk Hill Monument
- North Road Cemetery
- Old Revolutionary Road Canal
- Old cellar holes including Maynard Inn
- Old wells including town well along Route 45
- Village backdrop and view shed
- Village Green
- Route 45 triangle
- Stone walls
- Stone Arch Bridges

See [Appendix 1](#) for list of areas in Temple that are protected as of June 2008.

The chart below exhibits how the Resource Values can be sustained by protecting the kinds of places identified by the process.

Resource Values	Kinds of Places							
	Forested Hills	Streams, Corridors and Wetlands	Open Fields and Farmland	Aquifers	Recreational Trails	Large Unfragmented Tracts	Managed Forestry	Historical and Architectural
Recreation and Public Access	●	●	○	✕	●	●	○	●
Active Agriculture and Forestry, Prime Soils	●	○	●	✕	✕	●	●	✕
Rural and Community Character and Natural Beauty	●	●	●	✕	●	●	○	●
Large Unfragmented Tracts	●	●	●	●	○	●	●	○
Historic and Architectural	○	○	●	✕	●	○	✕	●
Water Sources and Water Quality	●	●	●	●	✕	●	●	✕
Air Quality and Carbon Sequestration	●	○	○	✕	✕	●	●	✕

Key:

- Indicates the resource is prevalent
- Indicates the resource is present but not prevalent
- ✕ Indicates that the resource is not present.

OVERVIEW OF LAND CONSERVATION

There are two primary ways to protect land for conservation purposes: *Regulation* and *Conservation Land Transactions*. An example of regulation is the Mountain District Conservation Development ordinance authored by the Temple Planning Board and approved by the town March 2008. This plan will focus primarily on the latter, *Conservation Land Transactions*, which involves working directly with interested landowners. The two most common Conservation Land Transactions are acquisition of land and acquisition of development rights through conservation easements.

Conservation Land Transactions occur in two fundamental ways:

Proactive and strategic:

This involves identifying high priority parcels and actively seeking to purchase or encourage donation of land or conservation easements. When successful, these projects

have the greatest potential to achieve agreed upon goals. However, these projects may require significant investments of money if the owners are not in a position to make donations or sell at a significant discount.

Vigilance and responsiveness to opportunity:

Most land protection accomplishments come as the result of being ready to respond to opportunities for land conservation. These opportunities can be, but are not limited to land for sale, land being considered for development, and people interested in protecting the land they own. Having the Open Space Plan in place will help guide decisions when these opportunities arise. It will also help create opportunities through education and outreach.

RECOMMENDATIONS

1. That the Planning Board adopt the Open Space Plan as a chapter in the Town Master Plan.
2. That the Town inventory existing properties that are currently owned by the Town, other public entities, and private institutions to determine the level of protection against development of each parcel. Some Town, State and Federal owned properties presently are designated as permanent conservation land on some maps, despite having no deed restrictions or other legal prohibitions regarding development. Each of these parcels should be identified with one or more of the following designations:
 - a. State and Federal-owned with conservation restrictions
 - b. State and Federal-owned without conservation restrictions
 - c. Town-owned with conservation restrictions
 - d. Town-owned without conservation restrictions
 - e. Owned and protected by a conservation organization such as The Nature Conservancy.
 - f. Protected by a conservation easement by a conservation organization such as the Monadnock Conservancy or the Society for the Protection of NH Forests (SPNHF)
 - g. Owned by a private institution for the stated purpose of conservation, but not legally protected for those purposes
 - h. Owned by other public or private entities for public purposes

That from this inventory and the Findings section of this plan, the Town will determine which parcels deserve formal protection. To begin, the Town may choose to convey permanent conservation easements on land it owns to a qualified land trust such as the Monadnock Conservancy. The Town should open a dialogue with other institutions to determine their willingness to consider permanent conservation agreements on their holdings.

3. That the Conservation Commission establish a list of Temple soil types and locations and water resource types and locations. The resulting data will give

insight and guidance to natural resources in Temple. The Commission may use geologists to identify and categorize these resources.

4. That the Selectmen's Office maintains a detailed list of all protected open space in Temple. This list should detail existing Planned Residential Development (PRD) developments, open space protection as well as any other types of protected land. The list shall include details such as allowable public activities.
5. That the Conservation Commission establish a plan for contacting and educating individual owners of land conservation priority areas listed in the Findings section of this report. This could include newsletters, other mailings, field trips to existing protected lands, educational forums with land protection experts, etc.
6. That in carrying out their responsibilities, the Board of Selectmen, Planning Board, Conservation Commission, Zoning Board of Adjustment and Historic District Commission should look for ways to actively integrate the Open Space Plan into their deliberations and plans. These might include Master Plan updates, zoning changes, subdivision regulations, subdivision reviews, site plan regulations and reviews, placement and extension of infrastructure, economic development, emergency management, scenic roads and facility siting. In addition, the Boards should explore the use of innovative development concepts that incorporate open space conservation. For example, Temple's Planned Residential Developments and Mountain District Conservation Development ordinances could require easements on their open space areas. The Open Space maps should be posted in Temple's Municipal Building so they are available to consult during Board meetings.
7. That the Town continue to invest in its Conservation Fund through Current Use change tax payments and, as appropriate projects come forth, through special appropriations. This Fund should be used for:
 - a. Acquisition of land or conservation easements
 - b. Reimbursement to private landowners for the direct costs of donating land or conservation easements
 - c. Other purposes related to this Open Space Plan and allowed by State law
8. That the Conservation Commission and the Recreation Commission work together to develop potential corridors for a network of passive recreation trails.
9. That the Conservation Commission meet with the Planning Board and Select Board bi-annually to review and update the Open Space Plan.

ACTION STEPS

After adoption of this plan the Conservation Commission will:

1. Adopt an Open Space Plan Project Conservation Land rating system to evaluate opportunities (see draft attachment).
2. Identify all owners of parcels within the Land Conservation Priority Areas. The list should include total acres by parcel. This list should indicate allowable public access and activities, if the land is protected land.
3. Publicize the Open Space Plan to the public, landowners in Priority Areas, and interested groups such as the Lions Club, sportsmen's groups and the Temple Economical Energy Committee.
4. Meet with other Temple Town Boards to review the Open Space Plan and Action steps.
5. Sponsor a landowner education workshop with an established conservation group.
6. Conduct an evaluation of Temple's gravel and bedrock aquifers to assist both in the identification of lands most appropriate for protection and siting of wells and septic systems as lands in Temple are developed.

Annually:

1. Clearly define the actions that need to be taken throughout the year to implement the Open Space Plan. These could include expanding the Conservation Fund in order to secure easements or acquire specific parcels.
2. Hold a landowner education workshop on conservation options.
3. Meet with the Planning Board and Select Board to review progress toward implementation.

Biennially:

1. Review the Open Space Plan (including appendices) and revise, if necessary.
2. Acquire updated maps from Southwest Region Planning Commission showing conservation lands, natural resources, and other related features.

CONCLUSION

The Temple Master Plan of 2003 clearly calls for action to identify and protect important open space throughout Temple. This Open Space Plan provides guidance for such action. It should be the responsibility of the Conservation Commission to ensure that the Open Space Plan is understood by the public and all municipal officials, and regularly updated.

APPENDIX 1

Temple's Protected Lands

Town owned:

Properties with deed restrictions:

"White Ledges"
Tennis courts
Memorial ball field

Currently managed by the Conservation Commission:

Chris Weston Conservation
North Road Town Forest

Planned Residential Development (PRD) Open Space:

Stonegate Farm I
Stonegate Farm II
Ross (Brown/Fish Road)
Lukas Foundation
Brooke Estates
Five Gates Farm/Tamposi (pending)
Laurel Pastures

State owned:

Miller State Park
Temple Mountain State Reservation

Sites controlled by DES Water Resources:

Tobey Reservoir
General Miller Highway flood control dam area
Route 101 flood control dam area

Federal owned:

Wapack National Wildlife Refuge

Institution owned:

Bass Bross Preserve (The Nature Conservancy)
Cabot Memorial Forest (New England Forestry Foundation)
King Brook Reservoir (Society for the Protection of NH Forests)

Individually owned:

Weston easement	Sullivan easement	Wolbers easement (pending)
Beaudoin easement	Sargent easement	
Banks easement	Scott easement	
Karl easement	Lockwood easement	
Stone easement	Kieley easement	
Doyle easement	Banker/Clayton easement	

APPENDIX 2
Temple Open Space Plan Project Rating Sheet

Project or Parcel Name: _____ Acres: _____

Location in town: _____ Current Owner: _____

Type of Place: ☐ Forested Hillside ☐ Stream Corridor/Wetland ☐ Field / Farmland
☐ Bedrock/Gravel Aquifer ☐ Recreational Trail
☐ Plant and animal habitat ☐ Historic and Archeological

Brief summary of project or parcel:

RESOURCE VALUES

Rank all values present or prevalent on property from 1 – 5, with 5 being highest

RECREATION / ACCESS

Comments

<input type="checkbox"/> Existing Trails	_____
<input type="checkbox"/> Potential for Trails	_____
<input type="checkbox"/> Water Access	_____
<input type="checkbox"/> Appropriate for hunting and fishing	_____
<input type="checkbox"/> Remoteness / Sense of isolation	_____
<input type="checkbox"/> <i>Total Points</i>	_____

ACTIVE AGRICULTURE/FORESTRY

<input type="checkbox"/> Prime soils (state, local or federal significance)	_____
<input type="checkbox"/> Valuable or active farm now or potential	_____
<input type="checkbox"/> Valuable or active forestry/silviculture now or potential	_____
<input type="checkbox"/> <i>Total Points</i>	_____

RURAL AND COMMUNITY CHARACTER

<input type="checkbox"/> Highly scenic from public ways	_____
<input type="checkbox"/> Natural beauty	_____
<input type="checkbox"/> Prominent view shed	_____
<input type="checkbox"/> Unique views	_____
<input type="checkbox"/> Good views from property	_____
<input type="checkbox"/> <i>Total Points</i>	_____

PLANT AND ANIMAL HABITAT

<input type="checkbox"/> Natural Heritage site or rare natural community	_____
<input type="checkbox"/> Diversity/quality of habitat on site is significant	_____
<input type="checkbox"/> Part of corridor	_____
<input type="checkbox"/> Linkage to other conservation lands	_____
<input type="checkbox"/> Un-fragmented area	_____
<input type="checkbox"/> <i>Total Points</i>	_____

HISTORIC AND ARCHEOLOGICAL SITES

<input type="checkbox"/> Cemetery	_____
<input type="checkbox"/> Wells/Cellar Holes	_____
<input type="checkbox"/> Stone Walls/bridges	_____
<input type="checkbox"/> <i>Total Points</i>	_____

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WATER SOURCES / QUALITY☐ Public drinking water supply☐ Pond frontage☐ Stream frontage☐ Wetlands☐ Aquifer or Wellhead Protection☐ *Total Points*

AIR QUALITY☐ Carbon Sequestration☐ *Total Points*

CHARACTERISTICS OF PROJECT OR PARCEL

YES	NO	DON'T KNOW
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Meets criteria as priority area in the Open Space Plan
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Included as specific example of priority area in Open Space Plan
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Abuts, enlarges, or provides linkages to other protected land
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clear potential to stimulate future projects
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Benefits wide range of people
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access for public recreational uses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Opportunities for environmental or other educational uses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Opportunities for historic or cultural activities and public uses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absence of actual or potential safety hazards
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title is clean and unencumbered
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential for private land trust to assist
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Imminently threatened by change of use that would undermine Resource Values
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is affordable for Town and will advance other priorities

Other Comments:

APPENDIX 3

Use of Temple's Conservation Fund

Under RSA 36-A, New Hampshire towns may establish conservation funds for the purpose of land acquisition including conservation easements. Through Town Meeting, Temple established a Conservation Fund and has allocated monies to it from Land Use Change Tax payments. There are three steps for approval for the use of Conservation Funds, i.e., Conservation Commission approval, a noticed public hearing, and the Board of Selectmen approval.

In recent years, Temple has used these monies to secure easements on the Doyle fields in the center of Town, on the Beaudoin Herban Living Farm, and on the Colburn Weston Farm. A similarly funded easement on the Wolbers property on Hill Road is expected to close shortly. The Town also made a contribution to the State's purchase of the former Temple Mountain Ski Area through this fund.

APPENDIX 4

Selected Sources of Assistance and Information

Monadnock Conservancy

PO Box 337

Keene, NH 03431

(603) 357-0600

www.monadnockconservancy.org

Information for landowners, technical assistance, land conservation transactions

Society for the Protection of New Hampshire Forests / Center for Land Conservation Assistance

54 Portsmouth Street

Concord, NH 03301

(603) 224-9945

www.spnhf.org

General information on land conservation, publications on municipal funding for land conservation, technical assistance, land conservation transactions

NH Land and Community Heritage Investment Program

10 Dixon Avenue

Concord, NH 03301

(603) 224-4113

www.lchip.org

Grants available to fund land conservation projects

Land Trust Alliance

1331 H Street NW

Suite 400

Washington, DC 20005-4734

(202) 638-4725

www.lta.org

Information, workshops, publications, updates on land conservation

Southwest Region Planning Commission

20 Central Square

Keene, NH 03431

(603) 357-0557

www.swrpc.org

Planning and technical assistance, mapping, information, education

Federal Farm and Ranch Protection Program (FRPP)

National:

Natural Resources Conservation Service

Attn: Legislative and Public Affairs Division

P.O. Box 2890

Washington, DC 20013

Local:

Hillsborough County Service Center

468 Route 13 S
Milford, NH 03055-3476
(603) 673-2409 ext 4
(603) 673-0597 Fax
www.nrcs.usda.gov/programs/frpp

Land and Water Conservation Fund

Office of Recreation and Resource Services
P.O. Box 1856
Concord, NH 03302-1856
Tel: 603-271-3556
www.nps.gov/ncrc/programs/lwcf

NH DES

NH Department of Environmental Services,
29 Hazen Drive,
Concord, NH, 03301.
FAX (603)271-7894
www.des.state.nh.us/

NH DES Water Protection Assistance Program

<http://www.gencourt.state.nh.us/RSA/html/I/4-C/4-C-22.htm>

NH DES Drinking Water Supply Land Grant Program

"Water Supply Land Grant Program was established to promote the permanent protection of critical water supply lands."

Holly Green
(603) 271-3114
hgreen@des.state.nh.us.
www.des.state.nh.us/asp/Grants/index.asp?gotoGrants=1&grants=dwsl

NHDES Drinking Water Source Protection Program

"This grant program is available to public water suppliers for source water protection."

Johanna McKenna
(603) 271-7017
jmckenna@des.state.nh.us.
www.des.state.nh.us/asp/Grants/index.asp?gotoGrants=1&grants=dwsp

NH DES Watershed assistance

"Grant funds are available to identify and address nonpoint source pollution problems through watershed management, including assessment, planning, and implementation."

Eric Williams, Supervisor,
Watershed Assistance Section
(603)271-2358
ewilliams@des.state.nh.us
www.des.state.nh.us/asp/Grants/index.asp?gotoGrants=1&grants=was

APPENDIX 5
Open Space Plan Committee

Lincoln Geiger, Chair
Dave Repak, Vice Chair
Bruce Kantner, Secretary
Eric Foley
Honey Hastings
John Kieley
Randy Martin
Chris Mackensen
Sean Radcliffe
Tim Winship