

MINUTES

Tamworth Conservation Commission Ad-hoc Committee on Land Conservation October 8, 2010

Draft minutes to reviewed and approved at a subsequent meeting.

Present: Chris Conrod, Theresa Swanick, David White, David Little, Nelson O'Bryan, Chele Miller, Kate Thomspson, Ned Beecher, John Mersfelder

The Committee discussed whether or not a non-public session might be needed; it was agreed to proceed with the meeting and to enter non-public session if details of sensitive price negotiations regarding the property targeted for consevation were to be discussed. In the end, a non-public session was not held.

The meeting focused on the corner lot in So. Tamworth that has been discussed previously.

Potential non-profit organization interest:

- Ned noted that he is abstaining from discussion regarding the potential non-profit future owner of the property, as his wife is currently associated with that organization.
- David and Nelson reported on discussions with directors of the non-profit organization that may be willing to assume ownership of the parcel.
- That organization expressed concern about a possible stewardship fee for the conservation easement that would be on the property – Nelson told them that the arrangement is the same as for current easements; no such costs
- The non-profit expressed concern about incurring any costs; David and Nelson assured them that all transaction costs (e.g. closing costs) would be covered by our project donors.
- The non-profit landowner would pay taxes under Current Use into the future, however.

Ned reported on meeting with the current landowner. He provided him with a letter that outlines the state of the discussions, including the intent for the TCC Committee and others to work with the landowner on protection of the current property of interest and some of their other properties with conservation easements. The landowner is supportive of this and expressed verbal agreement to the approach outlined in the letter.

Property evaluation and valuation

- Chris Conrod reported that he looked at the lot onsite again. He says he thinks there are at least three possible building lots on the site.
- The Committee is concerned about the current price being asked by the current landowner.
- There was extensive discussion about how to address the price issue and how negotiations with the current landowner may affect our relationship and plans to work with them in the future.
- It was agreed that having an "opinion of value" conducted by an independent realtor would be a good idea, to provide further information on which to decide a purchase price. If needed, a full appraisal could follow.

Next steps (all be step 1 will occur only if all parties are in agreement)

1. Opinion of value

Chris will contact Lloyd & Day to have an opinion of value completed; he is authorized to incur a few hundred dollars in cost for this, if necessary. Ned will bring this potential cost to the TCC meeting Monday for approval, if the cost proves to be needed.

2. Finalize a Purchase & Sale Agreement

- If the non-profit agrees, it will be between the non-profit and the current landowner, with the understanding that a conservation easement will be placed on the property.
- It will include the contingencies included in the letter to the landowner noted above, including that if the needed money is not raised by January 31, the deal will be annulled and we get 50% of the deposit back.
- The amount of the down-payment (deposit) has to be finalized; 10% is likely more normal and would be preferred, but the seller seems to be asking for 20%.
- Ned will talk to the current landowner about these matters and the tax implications for his/her receipt of funds; they need to consult with their own tax advisor. The Committee is willing to set up the timing of the transaction to help them minimize the tax burden of the transaction.

3. Funding

- Funds raised from private donations, which are only pledges at this point, will be conveyed directly by the donors to the non-profit (should it agree to accepting ownership).
- Initially, the funds needed for the down-payment are all that will be needed, and more than this much has been pledged so far. There will be more time, after the P & S is signed, to raise and get to the non-profit the rest of the funds.

4. Important Facts About the Project

- No formal publicity about this project is planned.
- However, we want all involved parties to know that this Committee is grateful to the non-profit for helping work on a community land conservation effort that benefits the community, the non-profit, and wildlife connectivity between the Whites and the Ossipees.
- All of the funds for this land protection project are being raised from private contributions and contributed to the non-profit directly as restricted gifts that the non-profit can only use for this project. The non-profit is not raising or contributing any funding.
- The TCC and Town will incur only some minimal transaction costs, if any, to be paid from the TCC annual budget and/or the Conservation Fund.

5. Project Coordination

- There will be some need for professional legal consultation on this overall land conservation effort, and, in particular, on the transaction discussed above. It was agreed that Theresa Swanick could be hired as a consultant, as needed, to ensure that all details of this initial transaction are correct. Her involvement should help reduce any potential

legal costs. Ned will bring this potential expenditure to the TCC at Monday's meeting, with the idea that the immediate transaction discussed above may need her help soon.

- Theresa noted that she recently attended a conference that gave her a sense that there are a lot more aggregated land projects being worked on in various regions, involving multiple land trusts – so what we are looking at for a larger project with other larger organizations is not out of the ordinary.

Other action items:

- David & Nelson will continue conversation with the non-profit.
- Katy will further develop an initial fundraising letter and email it around; we may each adapt the letter to use with people we know.

Gilman Forest Update

Ned reported that the closing on the Gilman Lot occurred on Thursday, September 30th. It went well, thanks in large part to excellent, careful work of Tom Howe of the Forest Society. John Mersfelder and Ned were both there. The Forest Society provided a photo and plaque commemorating the event. The TCC/Town will be provided the original, recorded version of the Conservation Easement and copies of all the other transaction records. The Forest Society and the TCC still need to finalize the splitting of other fees involved, a memorandum of understanding regarding land management and horse trail use for the near future, and the Baseline Documentation (a draft of which has been provided to the TCC and needs to be reviewed).

Hertel Lot

Ned received, for the Commission and Committee, a letter from Van Hertel allowing access to the property he owns near the Sandwich town line. He has expressed interest in selling a conservation easement on the property and the letter gives the TCC/Committee permission to enter the property to assess its conservation value. Committee members will work with Bearcamp Trackers to get this evaluation done.

Reich Property

The Reichs sent a letter of interest to the Conservation Commission, stating they are going to sell the property, but with conservation restrictions. Chele called Tom Howard, the realtor involved. Tom is looking for options for putting protection in place in advance of a sale. He has talked with Tom Howe at the Forest Society.

Adjournment

John moved, Ned seconded, and all approved at 11:20 am.