

Minutes
Conservation Lands Review Committee
Tamworth Conservation Commission
July 1, 2013 • 3:00 pm

Draft minutes to be reviewed and approved at a subsequent meeting.

Present: Committee members: Ned Beecher, David Little, John Mersfelder, Chele Miller; others present: Susan Bryant-Kimball and Theresa Swanick.

Ned called the meeting to order at the Town Offices at 3:20, after some confusion about where we could meet, because of the offices being closed. Fortunately, John had a key.

Conservation of the Southern Lots of Bearcamp Valley Farm

The Committee considered two documents provided by Theresa: a draft P & S for the proposed purchase of a conservation easement on the Southern Lots (Map 420, lots 7 & 9) and, as an alternative, an option for the same purpose. Theresa explained that options tend to have fewer details than a Purchase & Sale (P & S). She noted that an option can go directly to a closing, if some general terms are included in the option. Or the option can lead to a P & S, which would be signed when more details of the deal are worked out. The P & S creates obligations on both parties. The option would allow the Committee to not proceed, if it chose; you do not have to exercise an option (however, the money put down to hold the option is non-refundable).

There was extensive discussion on how to structure the three years of payments. Should the Town receive something at each step of the way, whenever it makes a payment? There could be an initial easement that is written with the intention of covering all of both lots 7 & 9, but which applied at first to just a portion of lot 7. Then, as further payments are made, the boundaries of this easement would be expanded to include additional area. Theresa will explore this possibility, to see if it is possible.

There was discussion as to what part of the lots should be protected first. Ned suggests the southern portion of lot 7 (the eastern lot), as a blocking action against potential access and development from the neighboring parcel to the east. David suggested that road frontage and area just behind it may be a better blocking action.

Fundraising discussion:

- The discussions we are having about how to structure the agreement and payments are focused on “worst case” scenarios, such as if only part of the fundraising works. But, we are expecting that such contingencies will not be needed. And, regarding the drawn out payment schedule being planned with the landowner: if we can get adequate funding sooner, we will get it done sooner.
- Give donors options – they can pay full contribution to the Southern Lots conservation now, or spread it out over 2 or 3 years.
- Keep the project simple for the donors – conservation of both lots; the actual payment plan we work out with the landowner can be more complicated.

There was further discussion regarding whether to create a P & S now or an option.

- David prefers the option option.

- There was concern that we are not yet ready to formally commit to the tentatively-agreed-on per-acre price. This led to further discussion of whether or not to go ahead with this plan, given that we don't know the exact number of acres (survey needed) or whether the per-acre cost being discussed is reasonable (opinion of value needed). Too many unknowns.
- Ned has talked to Tom Howard about doing an opinion of value. He could get it done for less than \$1000 and by July 31st.

Motion: David moved that we not sign anything at this time, until we have an opinion of value from Tom Howard. John seconded. The motion passed, 3-1.

Ned expressed concern that this may break trust with the landowner, since the understanding for the past couple of weeks has been that he would receive a deposit and something would be signed this week. The Committee suggested that the discussion with the landowner note the following:

- The Committee feels the responsibility to know what the value of the easement is. This is common due diligence.
- We still want to proceed with this project, but need time – there is high enthusiasm still.

Ned will talk to the landowner soon.

Susan graciously provided information from her review of area lands for Theresa's title review and Tom Howard's work.

Ned noted that he will be meeting with the landowner and Tom Howard on Tuesday, July 2nd, 10 am, to get a better sense of where the conservation easement would be and what areas would be held out for the buildings. Chele said she would attend as well.

Adjournment: John moved, Chele seconded, all approved at 4:55.