

Minutes
Conservation Lands Review Committee
June 28, 2013

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

Present: Committee members Ned Beecher, David Little, John Mersfelder, Chele Miller, Bob Seston, Kate Thompson; also present: Susan Bryant-Kimball and David White.

Conservation of Bearcamp Valley Farm Southern Lots

- Ned provided background details: Discussions with the landowner had stalled last fall/winter regarding the potential price for buying a conservation easement on these to parcels of land, which lie south of Route 25, along the road and behind the farm house and barn, and extend up the slopes of the Ossipee Mountains (tax Map 420, lots 7 and 9). Ned's discussions with the landowner had ended when it was clear that a price per acre for the proposed conservation easement could not be reached. Since then, the landowner apparently explored other options, including sale of all or part of the property – including some initial discussions with Tom Howard of NH Conservation Real Estate that Ned helped facilitate. In May, after some months during which there were no communications between Ned and the landowner, the landowner contacted Ned and said that he was willing to sell the conservation easement at a price on the level that Ned had said the Committee and TCC might be able to support. They discussed this further. Ned learned that someone had offered to buy all of the farm for a sizable sum, but the landowner really wishes to have the land remain in conservation and does not want to have to move away at this time.
- Since this Committee's June 7 meeting, Ned and the landowner came to an agreement on a per-acre price and a three-year payment schedule, close to what was suggested by this Committee, with the understanding that it would need to be reviewed by the TCC. Ned brought this information to the TCC at its June meeting and the Commission agreed that it was worth proceeding with further discussions. Ned informed the Selectmen, and they voted unanimously that this effort was worth pursuing further and they would be willing to sign a conservation easement on these parcels of land.
- Ned suggested the following steps be considered by this Committee:
 - Have a title search performed to confirm the properties are free and clear
 - Have a survey to confirm what the bounds are.
 - Draft a purchase and sale agreement. Ned has had preliminary discussions with Theresa Swanick, because she has helped the TCC with this kind of thing in the past.
 - Conservation easement terms need to be figured out, but they should be similar to, but likely simpler than, those on the Eastern Field, although there needs to be thorough discussion of this.
 - Gather the non-refundable down-payment needed to formalize the P & S.
 - Get going on an appraisal or opinion of value that would confirm the value of the conservation easement, to address the concerns of some members of the Committee that the proposed per-acre price may be too high (maybe can get another NH Charitable grant to help with this transaction cost?).

- Susan provided some information on the land title, based on research she had done, including the historic existence of a right of way the length of lot 7 from the road to the lot to the south in the Ossipee Mts. She also noted that past records indicate another lot of record carved out of lot 7 on its east edge, well back from the road; that lot no longer shows on the tax map.
- There was discussion of whether or not to proceed with formalizing the plan to conserve lot 9 as well as lot 7, given that the multi-year plan would not lead to working on purchasing the easement on that lot until 2015. Perhaps just an option on that lot would be best for now. The concern is to not bind the TCC to purchasing that easement so far ahead of time.
- The discussion then focused on how to reduce risk caused by paying over three years. At what point would the Town receive something for its payments? Ned suggested an easement on a part of lot 7 be recorded in 2013, on the rest of the lot in 2014, and on lot 9 in 2015. But this seems too complicated. Perhaps, instead, the way to look at it would be that the landowner would be financing.
- David moved and Chele seconded to have CLRC proceed with drafting an option, instead of a P & S, on a conservation easement on both lots 7 & 9, with a P & S to be signed once a title search, an opinion of value, and a survey are completed, but no later than December 1, 2013.
 - Conditions of option: it would be recorded, it would include no details on the price, and it would include no details on the terms of the conservation easement.
 This motion was dropped, with no vote.
- The Committee has some uncertainty about the ability to raise all of the funds outlined in this proposal, but notes that it has had success in the last three years raising funds for the conservation of the three parcels north of Route 25, so should proceed to try to raise the funds for this conservation effort on the southern lots, so long as any agreement makes it clear that, should funds not be raised, the TCC/Town could walk away without any further obligation.
- It was agreed to gather further information.

Proposal to simplify Alt easements

- Ned received an email from Chris Alt, who owns some of the Alt land along Bunker Hill Road. He proposed the following:
 - 1) Most of the various Alt land parcels in Tamworth are under conservation easement. There is one parcel now under Current Use of 29 acres that I own and that is part of a larger 31 acre parcel that I own. It encompasses the nearby fields, pond, and nearby woods by my house. I'm thinking of protecting that property from future development. The Tamworth Conservation Commission has been the recipient of most of the recent Alt conservation easements. Very simply, would the Town be receptive to an additional easement?
 - 2) Most but not all of the Alt conservation easements are held by the Town of Tamworth. See attached file. Over time it would be much simpler administratively if one entity, the town, held all of the easements. Would the Town be receptive to taking over the easements (grantee interests and executor interests) now held by the SPNHF if the SPNHF were willing to consent to such a change and if the change were legally feasible at modest cost?
 - 3) It would be administratively much simpler if there were a tight correspondence between current and prospective land ownership and the

associated conservation easements. That is not the case now as you should be aware. Would the Town be receptive to a rationalization if that were legally permissible and achievable at modest cost?

- 4) If the last step were feasible and agreed to, might it be possible to fashion a “master” conservation easement trust into which 6-10 conservation easements could be placed? The existing arrangements are extremely unwieldy to oversee, both from the landowners standpoint and from the town’s standpoint. There’s got to be a better way to accomplish land protection purposes.
- Mr. Alt attended this meeting and laid out these suggestions to the Committee.
- The Committee informed him that its plate is fairly full right now, but that they would bring his concept to the Commission.
- They said that, in theory, they agreed that simplifying the easement arrangement on the Alt land would be helpful for the TCC for monitoring purposes. However, legally this could only be done if the easement protections were not reduced in any way, and, indeed, the Committee would like to see an enhancement of the conservation protections, such as the inclusion in this process of the protection of additional land being protected (as proposed by Mr. Alt in item 1, above).
- The Committee agreed that they would be interested in seeing the additional 29-acre area be conserved, if it were offered as a gift to the Town. Mr. Alt indicated he would like to see this one step completed in 2013. The other steps outlined above would take longer.
- Regarding the idea of the Town being the holder of all the easements, the Committee questioned whether the Forest Society would agree to this. John asked if Mr. Alt would be willing to have the Forest Society be the consolidated holder of all the easements. Mr. Alt said he would prefer the Town played that role, as he feels his relationship with the Town is better.
- The Committee recommended to Mr. Alt that he research the legal possibilities for the concepts he has laid out, perhaps construct a more formal proposal for the Forest Society and the TCC to consider, and approach the Forest Society to see if they are interested and willing to consider the suggested actions, perhaps using the idea of the protection of an additional 29 acres as part of the total package, to help motivate consideration.
- The Committee noted that the Town is good at doing monitoring on the ground; Forest Society is better at the legal steps sometimes required to enforce easements.

Adjournment: Bob moved, Chele seconded, all agreed at 11:20 am.