

Swanzy Open Space Committee
8/14/07 meeting minutes

*Minutes are not final until reviewed and approved by the Open Space Committee.
Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Committee.*

The meeting convened at 5:00 p.m.

Attendance: Victoria Barlow, Nancy Carlson, Deb Crowder, Theresa Diluzio, Katherine Feist, Jeanne Thieme, Town Planner Carbonneau. Also present: OSC Advisory Board member Dave Krisch; Grace Lilly, SNIP-IT; Ryan Owens, Monadnock Conservancy (MC) conservation project manager, and Dee Robbins, conservation associate.

Grace Lilly introduced **Swanzy Nips Invasive Plants in Town** (SNIP-IT). The group, consisting of Lilly, Carbonneau, and Krisch, has received the Selectmen's approval. Its mission is to increase public awareness of invasives, and to encourage eradication and replacement. Members will use the recycling center as its focus area, and non-herbicide (plastic barrier) methods. Presently the work is not funded, but members hope to succeed with grant applications.

Special guest

Ryan Owens discussed the **Monadnock Conservancy's conservation easement process**, and priorities for land protection efforts in Swanzy. He addressed the following questions pertaining to maximizing the OSC's effectiveness, working in consort with the MC:

1. Why doesn't the MC jump on every potential easement?
2. What qualities of potential Swanzy projects push them towards the top of the MC list of priorities?
3. What is the current MC policy regarding homeowners' associations?
4. What projects are in the Swanzy pipeline?

Owens recognized the extensive groundwork the OSC has been laying for open space protection.

The MC process is embedded in a big, busy year for the MC. The land conservation "buzz" is exceptionally strong in the Monadnock Region, and tax incentives have heightened activity. Of the 4.5 staff members of the MC, 1.5 (Owens and Robbins) are devoted full-time to managing projects. An increase in project staff would require a corresponding increase in stewardship staffing.

Projects that excite a quick MC response share qualities outlined in the *Swanzy Plan for the Protection of Open Space*: they combine public benefits with important ecological resources. In addition, projects involving collaboration and movement towards achieving town resources are especially attractive. Feasibility also is necessary. Saying "no" sometimes is for the ultimate good.

The landowner must be willing, and ready; often, landowners mull over an easement for years. (The OSC can help keep considerations active.)

Cost can be a deterrent – if the landowner requires purchase of the easement or help with transaction costs, and no funds are available, the MC may be forced to table the project. The landowner's terms also can make a project impossible – if the landowner must retain options for possible future development that would undo public benefit, the MC may have to turn down the project.

The MC considers the size of the parcel and its location relative to other protected parcels – the potential for large contiguous blocks of protected land – as well as likely stewardship obligations. (Homeowners' associations, with their many members, overly complicate stewardship, pulling staff from other necessary work.)

Homeowners' associations: All land trusts are struggling with the question of whether to undertake easements on the open land in conservation subdivisions. The Land Trust Alliance recommends caution: as committees, homeowners' association members represent various objectives for the land; the association could fizzle out. Currently, the MC has decided to pass on easements involving homeowners' associations.

Could conservation subdivision open space be deeded to one landowner in the subdivision, who becomes responsible for the land being managed as open space? Public access could be a problem, although the easement and participation in Current Use absolves the owner of liability.

We need to check: Land allocated to meet subdivision density requirements may not be eligible for Current Use.

Town ownership of conservation land removes the land from the tax rolls, and the town becomes the on-the-ground enforcer. We need to check how the NH Municipal Center is addressing this issue.

Deed restrictions serve as alternatives to conservation easements, if established as a condition of Planning Board subdivision approval. The Town becomes the agent of enforcement.

Owens and Robbins recommended the OSC consult with Carolyn Russell regarding conservation subdivisions and house siting to minimize fragmentation.

Diluzio encouraged publicizing the MC's willingness to help developers identify important natural features. Robbins: For acceptance by conservancy organizations, conservation subdivision design needs to address conservation values and stewardship requirements.

Robbins reported that Realtors show high interest in conservation easements.

Carbonneau: Easements increase the sale price of properties. Conserved land holds its value.

Status of current land protection projects

Pendleton easement

Status quo ~ Owens said that this reverse mortgage likely is a low priority for the Texas mortgage company.

Johnson easement

According to minutes of the meeting, at their regularly scheduled meeting on July 25, the Selectmen "voted to authorize financial participation by the town to assist the Monadnock Conservancy in acquiring a conservation easement over portions of the Johnson Farm with the Monadnock Conservancy holding primary interest in the easement and the Town serving as back up easement holder."

Surveyer Dick Drew expects to begin his work in mid-August. Johnson has begun the required clean-up work.

Richmond parcel: Jill Rodd, owner of the house and lot adjoining the pasture parcel, is exercising her right of first refusal to prevent the Johnsons from entering into a conservation easement on the Richmond land.

Kibler and Gill (Town involvement now requested)

The MC is proceeding with the two-owner, contiguous 348-acre project in the Perry Brook watershed (south Swanze, north Richmond). The survey and draft easement language are in the works, with a targeted 2007 completion.

Robbins presented a request for \$10,000 for partial funding of land survey and transaction costs for two Herman H. Perry estate conservation easements, designed to protect approximately 200 acres in the headwaters of Perry Brook, Swanze. According to Robbins's proposal:

“Dr. Lewis and Priscilla Perry Kibler will protect approximately 100 acres of land on the Swanzey side and 150 acres on the Richmond side of Taylor Hill Road. Mrs. Mary Perry Gill will protect approximately 100 acres at the junction of Winch Hill and Rabbit Hollow Roads. These abutting properties include land which has been in the Herman H. Perry family since 1804. The Perry estate survived as a working farm and sawmill into the 1950’s. The Kiblers live in the original Herman H. Perry family house.

“The land to be protected by these two easements lies within a 25,455-acre aggregate block of forest and is itself entirely forested. Lewis Kibler selectively logs portions of both properties according to a well designed forest management plan. This forest provides valuable wildlife habitat and water resource protection. The New Hampshire Wildlife Action Plan ranks significant portions of this area as Tier 2: highest in the region based on ecological conditions. Perry Brook runs through both properties for a distance of roughly 4,000 feet, and over 5,000 feet of first and second order streams feed into this brook from within the proposed easement area. Perry Brook also runs through a 10-acre scrub-shrub wetland that abuts the northeastern boundary of Mary Gill’s property.

“In addition to its importance for natural resources conservation, land protection on the Kibler and Gill properties will preserve the scenic beauty of Rabbit Hollow Road, a Class VI road with guaranteed access to the public for backwoods hiking. Finally, Lewis and Priscilla Kibler’s commitment to conservation goes beyond preserving the natural heritage of the Herman H. Perry Estate. The Kiblers want to connect their family easements with other protected lands within the Perry Brook watershed, an area of high conservation priority for the town of Swanzey.”

The Kibler easement will reserve an exclusion area of approximately 9 acres around the family house, as well as retain the option for 2 future house lots. The Gill easement will retain the option for one 3-5 acre house lot.

OSC members discussed the importance of coupling transaction costs assistance with public recognition of the easement, to help leverage future easements. Barlow will draft postcard and news article language to focus on the family’s ties to the land, and to not promote public use of family trails. The families wish to discourage motorized vehicles, dumping, visitors “swarming” to the trails, and picnicking.

The OSC will schedule a site visit, and execute the project assessment form.

Motion by Crowder: Approve the \$10,000 request for funding a portion of the transaction costs of the Kibler and Gill conservation easements, to be payable to the MCs. Second by Feist. All in favor.

NOTE: Subject to 41:14-a, the Board of Selectmen will decide upon the release of funds from the Conservation Land Acquisition capital reserve fund, after conducting two public hearings.

Pullen

Dick and Barbara Pullen have asked the MC to begin the easement process on their approximately 100-acre parcel, and would like Town assistance with transaction costs. The MC will make an initial visit in mid-August, with the understanding that the easement would be completed in 2008 at the earliest. A survey may exist, which would lower the projected \$11,000 - \$12,000 potential transaction cost.

Martin Brook watershed (Dunn, King)

The MC remains interested in helping with easements on these parcels. As yet, the landowners have taken no action. Owens encourages OSC members to contact these landowners, to stay in touch and assist when they are ready to take the next step.

Liaison reports – prevented by time constraints

Planning Board

Conservation Commission

Board of Selectmen

OS Advisory

Status of assignments + projects

Web page -

Time constraints prevented discussion.

Project management worksheet, communications log

Feist presented her current Excel version. The group compared the OSC version to the MC spreadsheet. Owens noted that the MC checklist should show the relative time commitment of each step. Once a MC project is active (eg, stage 2, steps 21-24), family members get involved, so the time requirement is high.

Regarding time, Robbins noted that MC bottlenecks include the limited availability of the volunteer Board of Directors – because all decisions must take place in Board meetings, and because Board members must make site visits, scheduling the volume of activity is self-limiting. (Robbins also said that the contribution of Board members to MC success more than justifies the restrictions imposed by their available time.) Carbonneau: This time limitation is another reason for regular OSC involvement with landowners.

Protection of 3 town-owned parcels - Carlson and Winsor

Time constraints prevented discussion.

Town land purchase/easement management - Crowder and Barlow

Time constraints prevented discussion.

Oxen initiative - Barlow and Thieme

Buck and Ike were stars, during the performances of *The Old Homestead* and the Old Home Day parade. Footage from their performance appeared on *NH Chronicle* on Monday, August 6. The team was in residence at the Cheshire Fair from Wednesday evening through Sunday morning in a prominent location near the arena. Signage explained that the oxen are celebrating the Johnson easement, along with the animals on display at the Little Red Barn. Thieme, Feist, Krisch, Bruce and Victoria Barlow staffed the information table.

The 200 plush oxen all have been sold; we may request another lot. In September Buck and Ike will attend the Humane Society's Walk for Animals.

Wildlife Action Plan maps -

Time constraints prevented discussion.

Resource Directory -

Time constraints prevented discussion.

Budget report

To date, the available balance in the Open Space Acquisition Fund is \$104,464.14

[\$40,877.26 (balance from 2005) + \$50,000 (balance from 2006) + \$,2137.68 interest

less expenses \$4,925 (paid out in 2006) = \$88,089.14 + \$50,000 (allocated for 2007) less \$33,625

allocation for purchase of Johnson easement. Projected pending expenses: Johnson transaction costs,

Kibler transaction costs ~ on the order of \$20,000 ~ \$25,000 for the combination.

New business

Community Conservation project: Owens and Robbins described this outgrowth of the Swanzev pilot planning project, a 2-year effort designed to get the region's towns the necessary strategic and technical advice to develop open space plans. Partners include the MC, Antioch New England Institute, Southwest Region Planning Commission, and the Harris Center. The project grew out of Robbins's research and interviews of town officials, which identified specific areas of need. Three to five towns (selected by application) will participate; some have expressed interest in working in a cluster with neighboring towns. The project will begin in September.

OSC policy regarding financial need ~ use of town funds for assistance with transaction costs

Carbonneau: What if a landowner of known means requests financial assistance with purchase of an easement? Does the OSC recommend use of Town funds? How can the OSC determine need?

Diluzio: Given the Town benefit from easements, it is appropriate for the Town to help with transaction costs regardless of the property owner's ability to pay.

Crowder: The OSC should consistently cover transaction costs, period.

Thieme: The "bargain basement" payment for easements may become an expectation.

Robbins: Donated easements are relatively unique to the Monadnock Region. In southeast NH, towns are paying millions for parcels. The OSC should consider need in this framework, and remember that the needs of the second generation - those who may be giving up an inheritance - should also be considered.

Carbonneau: Is the Town protected from losing its contribution to a transaction if the deal fails after the contribution has been allocated? Owens: Yes - language in a MC agreement requires the landowner to pay for expenses if they pull out of the transaction.

Participation in Arnove Fun Center mini-golf tournament fundraiser for Buck and Ike.

Time constraints prevented discussion. Per post-meeting discussion between Carbonneau and Barlow, with e-mail confirmation from Thieme, we simply lack the time to pull this off in September. Let's revisit the offer next year.

Minutes of 6/12 meeting

Time constraints prevented discussion.

Topics for discussion in September:

How to deal with future requests for bargain basement purchases of easements

Should the OSC set a limit on the Town's contribution to transaction costs - say, \$10,000?

How can the OSC ensure public access to conserved land?

The meeting adjourned at 6:45 p.m.

Respectfully submitted,
Victoria Barlow