

## Swanzy Open Space Committee

10/14/08 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, Deb Crowder, Theresa DiLuzio, Katherine Feist, Jeanne Thieme, Dan Zeh. Town Planner Sara Carbonneau also was present.

### **GUESTS/MEMBERS OF THE PUBLIC (5:00 – 5:40)**

Dick Fraser, Troy Hill Holdings representative, met with the OSC to discuss plans for over 1,400 acres of Troy Hill Holdings land currently for sale in east Swanzy.

Fraser said that the entire property, which consists of multiple parcels, is in current use. Approximately three of the lots have road frontage; one is large enough to subdivide without the need to construct a new road. The property abuts the Johnson farm, and has been logged in recent years. The next timber harvest likely will not occur until about 2025. Fraser said that Aerodata Digital Mapping (Ossipee) flew the property in 2006, and mapped its topography at 5' intervals. As determined by 74 test pits and soils maps, Fraser said that soils include the excessively well-drained Adams soil type, some ledge, some glacial outwash deposits, and some areas of steep slope towards Troy. A network of logging roads, their longevity likely enhanced by strategically positioned waterbars, crosses over the property. Fraser said that the owner has no plans to mine for earth resources, although some parts of the property would be suitable.

Fraser said the property was purchased for \$750,000 three to four years ago, and has been on the market at \$4.5 million for about six months. He said that future development would be challenged by the lack of frontage, and the high cost of infrastructure (building roads to Town specifications could be on the order of \$200 to \$300/linear foot).

Fraser has talked with the landowner about the possibility of conserving at least some of the land with an easement. At this time the owner is not interested in an easement, and instead wants to keep the property on the market for a reasonable length of time. Public access to the property is not discouraged, but the owner sees discourteous use – for example, littering that has taken place at an informal shooting range – as abuse of this privilege.

OSC members and Fraser considered options for protection. The owner supports responsible environmental management, but is under no pressure to dispose of the property. Fraser encouraged members to ensure that any proposal is a logical, sensible action plan, and recommended that the OSC direct their preliminary ideas to him.

In response to questions from OSC members, Fraser offered to ask for permission for the OSC to use the digital data created by Aerodata Digital Mapping.

### **STATUS OF CURRENT LAND PROTECTION PROJECTS (project manager)**

#### Johnson easement (Thieme)

In September, Johnson and Owens (Monadnock Conservancy) met to review and discuss terms of the conservation easement. Owens's next step is to complete the purchase and sales offer, and mail it to Johnson and his attorney. Upon signature of the offer, Ryan will release the surveyor to begin his work. Thieme said that Owens now believes insufficient time remains to close the project by year-end.

In light of slowing donations due to the economy, Owens has requested that Town pay for some of the project costs (particularly the survey) as they come in, rather than reimbursing the MC at project completion as the Town has in the past. Making incremental payments also helps keep

Town decision-makers fully informed about the project parameter, helping to avoid any last-minute surprises.

**MOTION** by Zeh to support the Monadnock Conservancy's request for payment of Johnson easement transaction costs as invoices are submitted to the Conservancy, and to bring this request to the Board of Selectmen. Second by Thieme. All in favor.

Pullen (DiLuzio) -

On Saturday, August 16, the OSC conducted a site walk at the property. OSC members will assess and rank the 150-acre project at home, and drop off their completed ranking sheets at Town Hall by October 28.

MC staff expects the terms of the easement to follow the Conservancy's standard easement language. The Pullens will reserve the following rights:

1. To withdraw a three-acre building lot, located across the street from the existing house
2. To replace an existing septic system that is located in the easement area
3. To post against use of motor vehicles on the easement lands
4. To post against hunting during certain times of the year in the easement area surrounding the house

Pedestrian access will be permitted on the easement property. The easement terms are subject to change as the easement draft is completed. However, the MC is obligated to ensure that the easement will meet public benefit standards.

The Pullens have requested funding not to exceed \$10,000 to cover the cost of the property survey and other transaction-related costs including title review, deed preparation, environmental assessment, recording fees and Monadnock Conservancy staff time. The Pullen family will pay for all transaction costs in excess of \$10,000 and also will make a donation to the Monadnock Conservancy's easement stewardship endowment. The breakdown of transaction costs is as follows:

\$6,620	Survey
\$2,250	MC staff time (easement drafting, baseline documentation)
\$ 800	MC legal costs (title search, legal review of easement)
\$ 200	Environmental site assessment
\$ 150	Recording fees
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\$10,020	Total estimated cost

At the September 9, 2008 Conservation Commission meeting, Barlow presented Crowder's OSC-approved motion to recommend Town participation in the easement, with an amount not to exceed \$10,000, and to ask the SCC to cover the cost from the Conservation Fund. After her presentation, SCC members discussed the gate that was installed by the Pullens across the Class VI portion of Atkinson Hill Road that bisects their property. Stepenuck objected strongly to the presence of the gate, and questioned its legality. Some SCC members questioned the fourth reserved right, speculating that "to post against hunting during certain times of the year in the easement area surrounding the house" could mean posting the entire parcel against hunting. Daniello requested the Monadnock Conservancy provide a cost breakdown of the not-to-exceed \$10,000. These items are necessary before the SCC can begin consideration of the project. Monadnock Conservancy staff e-mailed the information to SCC members, and will appear at the October SCC meeting to answer any remaining questions.

(Regarding the gate that was installed by the Pullens across the Class VI portion of Atkinson Hill Road that bisects their property, Town Planner Carbonneau's research indicates that Atkinson Hill Road was discontinued "from an iron pin west of Francis Chagnon's residence to the

Winchester Line, subject to gates and bars,” as a result of a 1953 Town Meeting vote. The Chagnons owned what is now the Pullen’s house from 1948 to 1962.

Richards/Brown

On September 24 OSC members DiLuzio, Zeh and Barlow hiked the parcel on Christian Hill Road proposed for protection. Richards greeted the group, but was unable to join the hike. OSC members will assess and rank the project at home, and drop off their completed ranking sheets at Town Hall by October 28.

Tax Parcel Map 32 Lot 4, Carlton Road.

Barlow has contacted Curry, who said that his client is not interested in being released from property ownership at this time. Barlow followed up with a letter summarizing the conversation and expressing hope that the property owner will re-consider protection of the land in the future. OSC members received a copy of the letter by e-mail on September 17.

Troy Hill holdings on Hale Hill Road, Old Richmond Road (Thieme) See GUESTS

**LIAISON REPORTS -**

SM - report deferred

PB - report deferred

Conservation Commission (SCC) -

Capital Improvements Program Committee (CIP) - When questioned by CIP members, Barlow expressed her personal opinion that, in light of current economic conditions, it is not appropriate at this time for the Town to bond for potential purchase of conservation land. She said that she anticipated that the OSC would continue making a \$50,000 annual request for funding of the Conservation Land Acquisition capital reserve fund.

OS Advisory - report deferred

**STATUS OF ASSIGNMENTS + PROJECTS**

Web page - report deferred.

Project management worksheet, communications log - no activity.

Protection of 3 town-owned parcels - no activity.

Town land purchase/easement management - no activity.

Buck and Ike - The team reviewed and marched in the MRHS Homecoming parade on October 11, and visited with students and their families as part of the Husky Hoopla that followed the parade.

Wildlife Action Plan (WAP) maps (Zeh)

The work group (Stone and Mitchell from UNH-CE; Thieme, Barlow and Carbonneau in attendance) met on September 16, and further discussed correlations between critical habitats identified in the *Plan for the Protection of Open Space* and the WAP. The group also talked about ways to structure Town data on maps to make the data more accessible. This was the final working meeting; Cooperative Extension staff will be available to help with a forum on where economic development should take place in Swanze.

In ten-minute segments, Zeh has agreed to take on the project of presenting WAP data to the Planning Board and SCC. Zeh will present a snapshot of a conservation priority area, based on what the *Wildlife Action Plan* suggests we can expect to find in the area. The hope is that PB/SCC members who are familiar with these parts of town can affirm or correct the *Wildlife Action Plan*'s

predictions, and add observed data to OSC maps. The groups will increase shared knowledge, and put the OSC on its way to updating the *Plan for the Protection of Open Space*. Since the open space plan is a chapter of the Master Plan, the OSC will make inroads on updating that document as well.

Resource Directory - no activity.

## OLD BUSINESS

### Budget report

To date, the balance in the Open Space Acquisition Capital Reserve Account is \$92,464.14  
[\$40,877.26 (balance from 2005) + \$50,000 (balance from 2006) + \$2,137.68 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 and \$12,000 for Perry Farm transaction  
costs. Projected pending expenses: Johnson transaction costs like will be on the order of  
\$15,000 ~ \$20,000.

*\$1612.74 (24.5%) remains in the "office account." Major expenses are as follows:*

\$535 printing 3,500 copies of the Perry Farm postcard

\$441.11 bulk-mailing Perry Farm postcard

\$285 printing 1,000 copies of the new Buck and Ike brochure

\$530 printing 1,000 note cards (which have served as easement celebration invitations)

\$590 printing Buck and Ike's appearances postcard

\$785.22 easement celebration party: postage, invitations, facility rental, gift baskets, paper  
goods, catering, flowers

\$200 trucking Buck and Ike to the Walk for Animals; to the Potash Bowl

\$300 trucking Buck and Ike to the Potash Bowl; to the Cheshire Fair

\$293.80 1,000 Swanzey Rural Character buttons

\$150 trucking Buck and Ike to Chesterfield; Monadnock Conservancy annual meeting

*Upcoming expenses, to be paid out from the office account:*

\$250 to reimburse the hay fund for Buck and Ike's birthday gift plush oxen. Invoice submitted  
10/12/08.

\$50 (approximately) to SWRPC for electronic data/mapping

*(NB: Please distinguish the Open Space Acquisition Capital Reserve Account - managed by the  
Selectmen - from the Conservation Fund. The Conservation Fund, which is managed by the  
Conservation Commission, includes income from the Current Use change tax.)*

## NEW BUSINESS

### Administrative budget for 2009

Feist presented the proposed administrative budget she has prepared in consultation with Carbonneau. OSC members compared 2008 expenses to the proposed expenses. The proposed budget is \$375 (5%) higher than 2008, due to increases in costs of printing and postage. OSC members discussed the cost and effectiveness of post card mailings, and concluded that the post cards are effective and worthwhile. DiLuzio recommended double-checking with the Post Office before each post card bulk mailing to get the most recent count of addresses.

**MOTION** by Feist to submit the administrative budget of \$6,950 to the Board of Selectmen. Second by Theime. All in favor.

### Conservation Land Acquisition capital reserve fund

OSC members discussed repeating the last few years' request for appropriation.

**MOTION** by Feist to submit a request to the Board of Selectmen for an appropriation of \$50,000 to the Conservation Land Acquisition capital reserve fund. Second by DiLuzio. All in favor.

### SB 381

Passed by State Legislature in spring 2008, SB 381 authorizes towns to contribute conservation funds to projects sponsored by private conservation groups such as land trusts without having to hold a legal interest in the property.

This legislation is of interest to conservation commissions that wish to have the ability to contribute to land conservation projects without holding an interest in real estate, and/or wish to be able to expend funds on land outside of town boundaries. For municipalities to take advantage to the new law, voters must approve participation. Selectmen must be requested to include the following warrant articles on the 2009 warrant:

“Shall the town vote to adopt the provisions of RSA 36-A:4-a,I(b) to authorize the conservation commission to expend funds for contributions to ‘qualified organizations’ for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the town will retain no interest in the property?”

Shall the town vote to adopt the provisions of RSA 36-A:4-aI(a) to authorize the conservation commission to expend funds to purchase interests in land outside the boundaries of our municipality, subject to the approval of the local governing body?”

(During a blackout period from January 1, 2009 to Town vote in March, it will not be possible to expend funds without a Town interest.)

**MOTION** by Zeh to request the Selectmen to include the two articles on the warrant. Second by Crowder. All in favor.

### OSC “retreat”

OSC members agreed to meet on November 22 at 9:00 to 1:00 at the Barlow residence, 60 Honey Hill Road, for relaxed, open-ended discussion of OSC goals and activities.

### **MINUTES 9/11/08 regular meeting**

**MOTION** by Crowder to approve the minutes. Second by Thieme. All in favor.

### **HOMEWORK**

Complete and drop off at Town Hall the Pullen and Richards project assessment forms.

### **ADJOURNMENT**

The meeting adjourned at 6:50 p.m.

### **NEXT MEETINGS**

Next regular meeting: November 11, 5:00 p.m., Town Hall

OSC retreat: Saturday, November 22, 9:00 a.m. to 1:00 p.m. at 60 Honey Hill Road.

Respectfully submitted,

Victoria Reck Barlow, Chair