

## Swanzy Open Space Committee

2/12/08 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 5:10 p.m.

**Attendance:** Victoria Barlow, Deb Crowder, Theresa DiLuzio (left at 6:00 due to illness), Katherine Feist, Jeanne Thieme, Town Planner Sara Carbonneau.

**Guests/members of the public** – Dee Robbins, Monadnock Conservancy (MC); see below.

### **Status of current land protection projects (project manager)**

Johnson easement (Thieme)

No new activity.

Perry Farm (DiLuzio)

Dee Robbins (MC) reviewed her files (Kibler and Gill properties) of the Perry Farm conservation easement project. Each file includes

- Topographic and aerial maps
- The easement itself, which contains conservation purposes, limitations for landowner, reserved rights of landowner, and the right for reasonable access by MC for monitoring (but no obligation for maintenance of any kind)
- A baseline documentation report (signed by landowner and MC) that summarizes the purposes of the easement and notes areas of conservation concern, as well as the condition of property at the time of the easement, conditions of boundaries, access points
- Photographs, with locations of photo points on a survey map, and a written description of each photograph
- The survey map of the property
- Certificate of title
- Waste hazard review, noting any problems within one mile of property.

The Gill easement reserves the right for a house lot, likely to be located in the meadow. (The lot is intended for Mrs. Gill's daughter, and it is possible the right will never be exercised.) The rest of the property will be managed for sustained forestry.

The Kibler easement reserves the right for two house lots along Taylor Hill Road, a shelter for overnight camping, a gazebo near the pond, and the possibility of developing micro-hydropower to serve the house. Kibler has always wanted the farm to be a bird sanctuary.

The Kibler and Gill easements grant the landowners the right to prohibit all camping and motorized recreational vehicles.

OSC members noted that the Town's only influence over landowners' decisions regarding the rights they choose to reserve is to deny payment of transaction costs.

Members observed that the public benefits of conservation easements include more than public access—in fact, in some circumstances, public access might defeat the purposes of the easement. For example, a conservation easement designed to protect certain vulnerable water resources would likely not encourage human activity of any kind in those fragile areas.

In the spring, Robbins will post small MC signs along the property boundaries, spaced every 250' and at corners. Robbins welcomed OSC to help, and members expressed interest. DiLuzio likely will become trained to monitor easements.

**Monitoring:** Every year the MC will send a trained land steward to monitor; ideally, the same monitor looks at the property over many years, perhaps inspecting different features each year but focusing on areas where violations are most likely. The monitoring report, prepared with a procedure and checklist and kept by the MC in the field notebook, describes the findings. The MC will send monitoring reports to the Town. If the MC goes out of business, or fails to do its job, the Town—with its backup interest in the easement—takes over the annual monitoring.

**Forest management plan:** Not required before finalizing an easement. It would be necessary for a logging operation. The MC retains the right to see a management plan before the operation begins.

**Eminent domain:** If the land is to be taken, the MC would work to get the best value for the landowner, and protect the public's investment by protecting another parcel.

**Easement dispute or violation:** The MC would first engage in conversation, then mediation, then arbitration, and finally court. Easement amendments are discouraged; so far, they tend to happen more with farming (for example, the farmer has agreed to something that ends up being too strict for the farm operation). As long as the conservation purposes are protected, minor amendments are possible.

The Cheshire County registry of deeds website posts copies of conservation easements.

The MC plans to revise their model easement in 2008.

In January Barlow sent thank-you notes to Dr. Kibler and Mrs. Gill, and has prepared and bulk-mailed a post card celebrating the easement.

#### Pullen

No activity.

#### Dunn (DiLuzio)

No activity.

#### Potential projects

DiLuzio continues to have casual conversations with property owners of other potential projects. She has contacted the property owners of one of these parcels to offer help and information, and has been coordinating her contacts with the MC.

#### **Liason reports**

SM - Barlow represented the OSC at the annual budget hearing (Wednesday, January 9) and the deliberative session (Tuesday, February 5).

PB - The CRS working group will present the draft Conservation Residential Subdivision regulations to the March 6 Planning Board meeting.

ConCom - Upon ConCom or OSC invitation, Ryan Owens and Dee Robbins (MC) are available to present information on conservation easements.

CIP - no activity

OS Advisory - Thieme has prepared and distribute the quarterly report.

#### **Status of assignments + projects**

Web page - no activity

Project management worksheet, communications log – DiLuzio continues to develop the project management worksheet.

Protection of 3 town-owned parcels – Carlson and Winsor

Grace Lilly of the Conservation Commission has prepared findings regarding the Mill K parcel. Due to time constraints, Barlow will meet with her to distill the information into a 1-paragraph summary to bring to the OSC in March.

Town land purchase/easement management – Crowder and Barlow

With a positive Town vote, the Conservation Subdivision workgroup will continue meeting to amend the subdivision regulations to incorporate the new Conservation Residential Subdivision regulations.

Buck and Ike – Barlow and Thieme

Buck and Ike finally have a forecart, built for them by farrier Roland Church of Bellows Falls.

The team, and their role in open space protection, are the subject of the February 6 column by Commissioner of Agriculture Lorraine Merrill in the NH Department of Agriculture *Weekly Market Bulletin*.

In January Barlow sent press releases detailing the team's activities to *Yankee Magazine* and NHPR's *The Exchange*. She revised the Buck and Ike brochure into a 6-page tri-fold that fits inside DVD cases; it will continue to function as a handout.

Wayne Kupiec (The Inn at the Tartan Fox) is carving yokes for the plush oxen. Meg Kupiec has created an ox team basket.

Buck and Ike will attend the Humane Society's Walk for Animals on May 18.

Buck and Ike's birthday party has been set for May 31.

The Old Homestead takes place on July 18, 19, and 20.

To prepare, regular training sessions will take place at 4:00 on Monday, starting in April.

Thieme and Barlow are looking for people who would like to help staff the oxen at events. These people will need to receive training in advance, to take place on the April Monday afternoons.

Wildlife Action Plan maps – no activity.

Resource Directory – no activity.

**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.

From the "office account," in February the OSC spent \$535 on printing 3,500 copies of the Perry Farm postcard, \$441.11 on bulk-mailing the postcard, and \$285 on printing 1,000 copies of the new Buck and Ike brochure.

*(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**

Annual easement celebration – Thieme and Feist

The party is set for April 22 at the KSC Wilson Pond facility. Along with donors Blood, Kibler, and Gill, invitees will include owners of 25 acres or more, town officials, and other honored guests. Meg Kupiec has woven sample baskets for gift-giving, which will be filled with Swanzey products.

Orton Foundation planning grant opportunity – Barlow and Carbonneau

The Town is applying for a grant to take part in “an in-depth listening and visioning process that leads to development and implementation of plans to protect and enhance the places, values, and desires identified through the heart and soul community planning process.” As proposed, the project will be an extension of OSC work, including those goals we deemed unaffordable or beyond our staffing capabilities. Charlie French of the NH Cooperative Extension Service has agreed to assist in the project; County Forester Steve Roberge has agreed to be a partner. The Board of Selectmen and Planning Board have voted their endorsement of making the application, and we have solicited the support of the ConCom.

MOTION by Feist: The OSC supports the application by the Town of Swanzey to participate in the Orton Foundation’s Heart and Soul Community Planning process. Second: Thieme. All in favor.

**New assignments**

Feist, Thieme, and Carbonneau will continue to plan the April easement celebration.

Feist, as Buck and Ike’s safety director, will prepare guidelines for training people to help with Buck and Ike during public events.

OSC members are asked to think of people who would be interested in attending Buck and Ike’s events to help with the team, and who would also be interested in receiving the prerequisite training.

**Minutes of 12/11 meeting** – no action taken.

The meeting adjourned at 6:30 p.m.      Next meeting: March 11

Respectfully submitted,  
Victoria Barlow