

Town of Swanzey, New Hampshire
Open Space Committee (OSC)
Meeting Minutes – December 7, 2016

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

Present at Meeting: Chair Ames called the meeting to order at 4:00 p.m. Present were Victoria Reck Ames, Jeanne Thieme, Sharon Greatbatch, Theresa DiLuzio, Swanzey Director of Planning and Community Development Sara Carbonneau, Monadnock Conservancy Executive Director Ryan Owens, and consultant Jack Wozmak (arriving at 4:30).

Minutes of October 12, 2016 regular meeting: **Motion** to approve by Thieme. Second by Ames. Thieme and Ames in favor; Greatbatch and DiLuzio abstaining (due to absence from the October 12 meeting). **Motion carries.**

Agenda items

280 South Road – request for feedback

OSC members briefly discussed a 6 December 2016 memo from Town Administrator Mike Branley requesting OSC feedback regarding possible Town purchase of land pursuant to RSA 41:14-a. The memo states: “possible Town uses of the property include a pocket park, providing parking close to and giving access to the river [South Branch], and passive recreation.”

Ames distributed an incomplete Conservation Land Protection Project Rating form. OSC members briefly considered how to approach the request for feedback. Members agreed to schedule a site visit and discuss the project at a later date.

Discussion of options: Carpenter Home and associated 230 acres

To introduce the OSC, Ames provided background on the Committee’s origins, mission and work. Drawing on a shared history of working together on projects, Owens introduced Wozmak, whose December 1, 2016 report (*The Carpenter Home. Looking Back – Moving Forward. A strategic plan submitted to the Town of Swanzey Board of Selectmen*) was scheduled for discussion at the 7 December 2016 Selectmen’s meeting. For the next hour, those present discussed the current status of the Carpenter Home and associated acreage, possibilities and restrictions of the Lucy Carpenter will, and future options for the Carpenter Home and acreage (referred to as Mt. Caesar in these minutes).

OSC members expressed a long-standing concern that, should the Home no longer be economically viable (even with Town subsidy), the will of L. Carpenter calls for the property to revert to heirs, potentially bringing to an end one hundred years of public access to Mt Caesar. Wozmak concurred: Town attorneys would be required to open a probate estate and identify and prove all legal heirs to the estate, as well as heirs to all Carpenter Home trust accounts.

Those present discussed potential ways to increase the economic viability of the Home. Wozmak said that demographics point toward an ever-increasing need and demand for assisted living facilities, and said that other area homes have waiting lists. Wozmak said that the Town has to be willing to make an investment to upgrade and promote the Home. Wozmak said that the Home fits the highly regarded “greenhouse” model. OSC members said that a marketing plan should advertise Mt Caesar as an exceptional amenity of the

Home – as a historical site, a quiet and beautiful natural area, a place to hike and see wildlife, and an opportunity to engage with local students.

Carbonneau said that Swanzey Boards of Selectmen have been concerned about the financial viability of operating the Home for at least the past ten years, if not longer. She said that this year's property tax rate increase likely will provoke discussion about the viability of the Home at Deliberative Session. Carbonneau said that Capital Improvements Program Committee members feel that services provided by the Home duplicate services provided by Maplewood -- services that taxpayers pay for in the County portion of their property tax bill. Wozmak said that, technically, Maplewood's nursing home clients are a different population than the Home's assisted living residents.

Owens asked Wozmak to compare the situation between the Home and the recent merger of two similar Keene facilities. Wozmak said that the Woodward-Prospect Place merger creates a facility with a different mission, targeted to those who are able to "buy in" to residency at the new Hillside Village, in addition to paying monthly fees. The Home -- and the Town of Swanzey, through taxpayer subsidy-- provides a safety net for low- to middle-income clients, Wozmak said. Wozmak praised the performance of Swanzey's Trustees of Trust Funds, saying that, given the lack of aggressive advertising and lack of facility upgrades, having only a \$30,000 deficit is an accomplishment.

Wozmak said that, based on his research, he does not recommend enlarging the Home or building additional facilities.

Owens said that the acreage was bequeathed to the Town as an asset to provide income, in the same way that financial assets are bequeathed to the Town. Just as the Town might engage financial advisors, Owens said, the Town could wisely engage foresters to ensure that timber harvest income would be sustained over the long term.

Those present discussed mechanisms of a conservation easement. Owens said that a town (or an individual, for that matter) legally cannot buy an easement on land it already owns. Instead, the Town would have to sell the easement --at appraised fair market value-- to a qualified holder, such as a land trust. The qualified holder could generate funds to purchase the easement from grants or donations, including donations from municipal funds. Those present noted that this concept is complicated, and difficult to understand, as the town would technically be granting out funds that would be then returned to the town in the form of a conservation easement purchase payment.

Citing the Monadnock Conservancy's experience with conserving the Town of Walpole's Hooper golf course property—a situation quite similar to Swanzey's—Owens said that the probate court ruled that the sale of a conservation easement on the Hooper land was an allowable means of generating income from a parcel of land held in the Hooper Trust. Owens said that conserving Mt Caesar would be a pre-emptive means of ensuring that, if or when the bulk of ownership left Town management, the public benefits of the land would be sustained. Owens said that, while selling an easement would generate income that could help the Home, the value of an easement on Mt Caesar likely would be low due to issues of topography, zoning and the current development market.

Owens said that Town leaders may feel little urgency about protecting Mt Caesar because there are no immanent plans for development. However, he said, when the time for urgency arrives, typically it's too late to execute an easement.

Wozmak said that, to him, the Town's selling an easement does not seem inconsistent with the terms of the Carpenter will. Wozmak suggested the OSC begin with finding ways to help citizens begin to think of Mt Caesar as a park, and to encourage citizens to embrace the land and use it often. Wozmak said that Selectmen likely would want to get a sense of what the citizens want. He suggested that the OSC consider a petitioned non-binding warrant article to gauge citizen interest in Mt Caesar. Those present considered

timing. Carbonneau said that January 10 is the current year's deadline for petitioned articles (January 6, if a bond is involved). Wozmak recommended that the OSC talk with other Town groups about the wording of the warrant article. Wozmak said the community affection for the Home that was expressed in a positive response to a 2015 warrant article needs to expand to the 230 acres. DiLuzio noted that the Mt Caesar Advisory Committee's public discussion of potential uses of Mt Caesar held several years ago drew a capacity crowd to Town Hall.

Owens said that the Monadnock Conservancy owns dozens of easements in the region on town-owned land. He said these easements were accomplished because voters trusted their current Boards of Selectmen, and wanted to make sure the protected assets remained in the community despite potentially different-minded future Boards of Selectmen. Owens discouraged linking justification for an easement to any potential failure of the Home, to avoid implying that financial viability of the Home is impossible. Owens said that those who care about Mt Caesar have the benefit of time and forethought to plan properly for its future.

With the room filling with people arriving to attend the next scheduled meeting, the discussion ended. OSC members expressed deep gratitude to Owens and Wozmak for their time and thoughtful consideration. OSC members agreed to schedule a follow-up meeting as soon as possible.

ADJOURNMENT

Motion by Ames to adjourn; DiLuzio seconded the motion and all were in favor. **Motion carries.** Adjournment occurred at 5:45 p.m.

Respectfully submitted,

Victoria Reck Ames
Recording Secretary