

# Gilmanton Conservation Commission

PO Box 550  
Gilmanton NH 03237-0550

Minutes of the Meeting  
February 6, 2012

Joint Public Hearing  
Gilmanton Conservation Commission  
&  
Gilmanton Board of Selectmen

Notice is hereby given, in accordance with RSA 36-A:5 II, that the Gilmanton Conservation Commission will conduct a joint public hearing with the Board of Selectmen to receive public comment regarding the disbursement of conservation funds in the amount of one hundred and twenty thousand dollars (\$120,000.00) for the outright ownership of, and/or other partial interests in the following tax parcels:

1. "Frisky Hill Viewpoint – South" (Tax Map 419, Lots 45 and 46)
2. "Meetinghouse Pond" (Tax Map 419, Lots 27 and 30)
3. "Rt. 107 Upper and Lower Fields" (Tax Map 419, Lots 77, 78, and 79; Tax Map 135, Lots 11, 12, and 13; and Tax Map 136, Lot 39)
4. "Loon Pond Road Field" – (Tax Map 423, Lots 75, 76, and 77)

The purpose of these proposed purchases is to preserve and maintain the outstanding scenic, agricultural, historic, wildlife habitat, and recreational values of the properties.

**GCC Attending Members:**

Tracy Tarr, Chair; Joe Derrick, Member; Sue Hale-de Seve, Aleternate seated in the absence of Dick de Seve, Vice-chair; Patrick Hackley, Member; Erin Hollingsworth, Member.

**BOS Attending Members & Staff:**

Don Guarino, Rachel Hatch, Ralph Lavin, Tim Warren, Lois Dionne.

The Public Hearing was called to order @ 7:40 pm and was well attended with approximately 40 people in attendance.

T. Tarr began the presentation explaining the following:

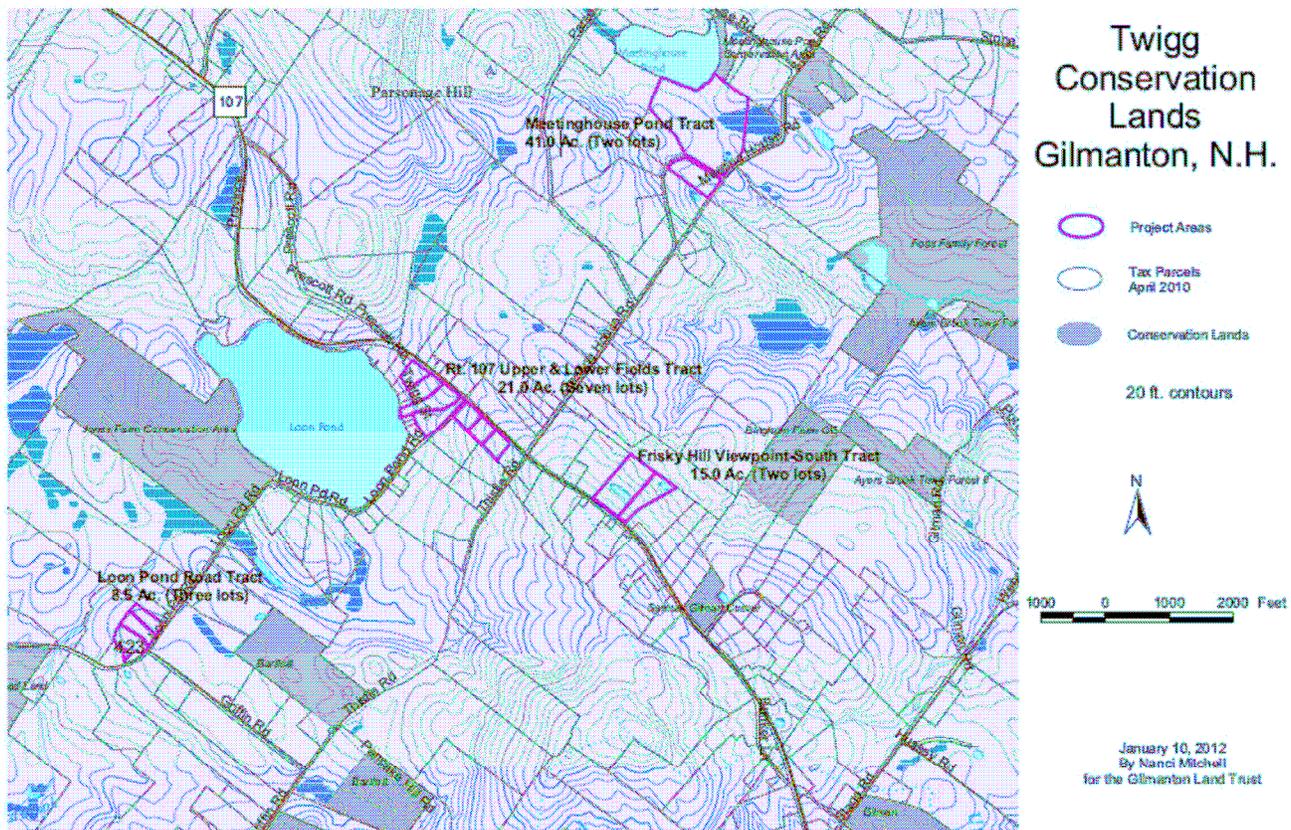
**Who is involved?**

- George Twigg III-Land Owner.
- Gilmanton Land Trust (GLT) – Project Coordinator.
- Five Rivers Conservation Trus (5 Rivers) –Key Partner.
- Town of Gilmanton – Possible Owner and Steward of two of the four conservation tracts.

**Proposed Conservation Sites**

- Frisky Hill View Point/South Tract – 15.03 acres on the NE side of Route 107.
- Meeting House Pond Tract – 41.03 acres on Meeting House Road, South side of Meeting House Pond.
- Route 107 Upper and Lower Fields Tract – 20.98 acres on Route 107, Loon Pond Road, and Loon Pond.
- Loon Pond RoadTract – 8.45 acres on the NW side of Loon Pond Road.
- Total – 85.49 acres.

**Location of the Proposed Conservation Sites**



**What are the goals for the project?**

- Protect sweeping scenic views
- Protect and maintain high value wildlife habitats
- Protect water quality.
- Maintain a rare historical feature known no where else in NH.
- Provide greater and guaranteed public pedestrian access.
- Maintain a local snowmobile corridor.
- Maintain the rural character and agricultural heritage of key locations in town.

**What are the outcomes of the overall project?**

- Permanent protection of all 4-areas.
- Conservation easements to be held by 5 Rivers.

**What are the anticipated outcomes of the project for the Town?**

- Ownership of the “Frisky Hill Viewpoint – South Tract”.
- Ownership of the Meeting House Pond Tract.
- Ability to work with the ultimate easement holder (5-Rivers) to establish greater guaranteed uses that benefit the public.
- Executory interest in the conservation easement on all four tracts.

**Why now?**

- This is a once in a lifetime opportunity to protect multiple tracts with magnificent views, natural features, and recreational interests.
- Mr. Twigg needs to sell the properties.
- In general, the conservation fund has a limited ability to conserve large parcels, and Mr. Twigg has generously discounted the sale price.

**What are the benefits of:**

**Route 107 Upper & Lower Fields (20.98 acres)**

- Long distance views from Route 107, across Loon Pond into Western NH.
- Highly productive hayfields and agricultural soils.
- Frontage on Loon Pond.

**Loon Pond Road (8.45 acres)**

- Highly productive hayfield and agricultural soils.
- Located at junction of Loon Pond and Griffin Roads, adjacent to the historic Osgood Cemetery.

**Frisky Hill Viewpoint-South; (15.03 acres)**

- Sweeping long-distance view from Route 107 of the Belknap Range.
- Highly productive hayfields and agricultural soils.
- Maintenance of grassland habitat, a rare and declining habitat in NH.
- Man-made and Beaver influenced ponds.
- The lower pond is a short walk, is a possible wetland educational site, and a quiet spot for families.
- Possible water supply for potential agricultural activities.
- Both ponds provide waterfowl and amphibian habitat.
- Guaranteed public access.

**Meeting House Pond – (41.03 acres)**

- 1050 feet of scenic undeveloped shoreline on Meeting House Pond.
- A quiet alternative to lakes utilized by power boats.
- Scenic highly productive hayfields and agricultural soils along Meetinghouse Road.
- A large portion of the site is ranked as “Tier 2 Habitat”, (Top ranked in the region) by the NH Fish and Game Department.
- Historic Swain family homestead.
- Homestead included a 200-year old stone structure for processing flax found no where else in NH.
- Forested Wetlands/high value wildlife habitat.
- Possible vernal pools within the forested wetlands.
- Woodlands (oak/pine) for forest management.
- Borders existing Town-owned conservation land.
- Snowmobile trail within local network maintained by the Gilmanton Snowmobile Association.
- Guaranteed public pedestrian access.
- Opportunities for the existing barn.

**How does the project fit into the town's overall conservation goals?**

**All sites have been rated as high priorities in:**

- The 2011 conservation priority checklist.
- The 1990 "Cornerstones of Gilmanton" community survey.
- 1998 "Local Resource Protection Priorities" project of the LRPC.
- 2004 "Natural Resource Inventory".

**What kinds of recreation will be allowed on the properties?**

- Public pedestrian access on Town-owned properties.
- Hunting on Town-owned tracts per State Law.
- Use of the existing snowmobile corridor on the Meetinghouse Pond tract.

**Why should the Town acquire ownership in two of the tracts?**

- Allows maintenance of fields and views of community-wide importance.
- Enlarges adjacent Town-owned land on Meetinghouse Pond for better management.
- Opportunities for Town-wide programs.

**Will the public have input into the outcome of the project?**

- Absolutely.
- If the Conservation Fund request is approved, the GCC will hold public meetings to get input on possible uses of the properties.
- If interested, sign up for meeting updates, contact the GCC.

T. Tarr, upon completion of the presentation, introduced Tom Howe of the Gilmanton Land Trust.

T. Howe went on to explain how the purchase process will move forward.

- Twigg sells 4-conservation easements to 5-Rivers.
- Twigg donates 4-executory easement to the Town acting through its CC. This will give the Town more involvement in the establishment of the CE's and resulting protection of these other two tracts of importance to the community.
- Twigg will donate the 4 restricted tracts to GLT.
- GLT sells Frisky Hill and Meeting House tracts to the Town acting through its CC..
- GLT sells Loon Pond Road tract and Meetinghouse Pond tracts to private buyers.

All noted transactions will take place at the same time. As a condition of Mr. Twigg's gift of lands to the GLT, Mr. Twigg required that J. Fillion of Gilmanton, have the right to manage for his own purposes the sugarbush on the 5.6 acre parcel (Map 419, Lot 30) that's part of the Meeting House Pond tract. Mr. Fillion's use will be subject to the terms of the conservation easement including use of best management practices.

D. Sanborn has been managing the hayfields and keeping the views open on most of Mr. Twigg's lands for years. After Mr. Twigg reached agreement with the GLT about his gift of land to the Trust, Mr. Twigg requested that Mr. Sanborn be given an opportunity to continue managing these hayfields. The Trust acknowledges the potential benefit to the Town of Mr. Sanborn continuing to do so, but also recognized that the owner of hayland must have the prerogative of deciding whether to engage an outside party to do this, and, if so, under what terms and conditions. The Trust has agreed to explore this further, without commitment about the outcome.

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T. Howe went on to explain the financial aspect of the proposed project.

**Costs:**

- \$840,000.00 Purchase price for the 4 tracts.
- \$1.3 million Preliminary appraised value of outright ownership of 4-tracts, thus Mr. Twigg donating .
- \$150,000.00 Possible future protection of any lands adjacent to any of the 4-tracts.
- \$ 40,000.00 Stewardship funding for Five Rivers Conservation Trust.
- \$20,000.00 Estimated fund to be given to and managed by the Town to add replace the lost property tax revenue of currently \$720.00. (4% payout of 18k to generate \$750.00/No net loss).
- \$133,000.00 Transaction and fundraising.
- \$1,183,000.00 Approximate total.

**Revenues:**

- \$531,750.00 Federal Farm & Ranchland Protection Program Grant funding to Five Rivers Conservation Trust for purchase of the CE's.
- \$213,500.00 Funds raised or pledged.
- \$120,000.00 Approximate proceeds from the GLT sale of 2-tracts to the Town CC. (Frisky Hill & MeetingHouse) Could be less if updated appraisal yields lower value.
- \$121,000.00 Approximate from the GLT sale of Route 107 Upper and Lower Fields.
- \$196,346.00 Approximate amount to be raised by GLT.

T. Howe introduced Sarah Pillsbury, Chair of the 5 Rivers Conservation Trust.

S. Pillsbury thanked folks for attending the meeting and went on to explain that 5 Rivers mission is to preserve and protect important open space lands in fourteen towns within five New Hampshire river watersheds for present and future generations.

Five Rivers Conservation Trust has an active and dedicated Board of Trustees. Representing a variety of communities and professions, as well as the public, private, and nonprofit sectors, the trustees have extensive expertise in the fields of law, environmental sciences, natural resources management, real estate, finance, public affairs, community services, land use planning, and nonprofit administration.

Additional funding for the project has been approved by way of a grant from the Farm and Ranchland Protection Program.

S. Pillsbury again thanked folks for attending and returned the floor to T. Tarr.

T. Tarr called for questions from the Board of Selectmen, hearing none; opened the public discussion and the following questions were addressed.

- Cost per acre?
  - Approximately \$10,000.00 per acre.
- What are the limitation of use?
  - Easement terms would go with the lands and the uses limited to agricultural, non-commercial recreation/education and forestry.

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- Frontage of Frisky Hill Viewpoint South on Route 107?
  - Approximately 700-800 feet of frontage.
- Why is the Public Hearing held between the GCC and BOS?
  - According to NH RSA 36-A:5 Appropriations Authorized, the GCC approves the expenditure from the Conservation Fund and the BOS approves the acquisition of lands.
- Why wouldn't the acquisition be approved during Town Meeting?
  - NH RSA 36-A:5 I states, "The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the Conservation Commission for the purposes of this chapter without further approval of the town meeting."
- What is the resulting tax impact?
  - There is no adverse tax impact expected with the \$20,000.00, amount to be managed specifically for tax purposes.
- If the properties are sold, would the easements be maintained.
  - Yes, the conditions of the easement would stay with the land and buyers would be bound by the easement language.
- Will public access be guaranteed?
  - There will be guaranteed public access on the two Gilmanton parcels, the details of access are yet to be determined. It is as yet unknown if the other tracts that are subject to the acquisition will have public access.
- What assistance if any would the GCC provide to GLT?
  - GCC will have oversight and provide monitoring assistance.
- The Frisky Hill Viewpoint South map shows that there are two parcels; would either tract be sold individually?
  - The CE will practically eliminate the division and the land cannot be fractured.
- Why wouldn't the Town want to own the tracts perpetually and maintain the tracts?
  - The Town maintain ownership perpetually, the tracts do not have to be sold.
    - Suggestion was made that instead of easement language, consider having the requirements of the tract be added to the deed from GLT to the Town.
- With regard to the snowmobile trail, relocation, once mutually agreed upon, would be added to the language.
- Why the other two Frisky Hill parcels owned by Mr. Twigg are not being considered as part of this acquisition?
  - One of the tracts is not available for sale and the other is owned by both Mr. Twigg and his son.
- Letters of support from residents, Lainie & Marty Rosato and Barbara Morris were read into the record. (Copy is available upon request)

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- Comment of concern was made regarding the additional burden to the GCC taking on additional tracts to maintain and monitor.
- A resident suggested use of the Gilmanton Forest Ordinance for Rules of Conduct.
- A resident commented that the Meetinghouse Pond Road Tract would provide year-round value as a recreational tract.
- An informal straw poll of the approximate 40 +/- people in attendance and by a show of hands unanimously supported the proposal.

T. Tarr called for further discussion and the public hearing concluded with discussions pertaining to the Meetinghouse tract and how suitable it would be for use by residents.

Chair Tarr entertained a motion to close the public hearing.

***E. Hollingsworth moved to close the public hearing, J. Derrick seconded the motion as stated; the motion passed 5-0 favorable vote.***

T. Tarr called for a motion to approve the expenditure of up to \$120,000.00 from the Conservation Fund in accordance with RSA's 36-A:4 and 36-A:5.

***P. Hackley moved that the Conservation Commission approve the expenditure of up to \$120,000.00 from the Conservation Fund in accordance with RSA's 36-A:4 and 36-A:5 for the purchase by the Town, acting through its Conservation Commission, of the following properties from the Gilmanton Land Trust, and, accordingly, that the Town, acting through its Conservation Commission, enter into a Purchase and Sale Agreement for such purpose:***

- a) For a price of up to \$40,000.00, fee ownership of the 15.03 acre "Frisky Hill Viewpoint – South Tract", Gilmanton Tax/Map lots 419/045 & 046 subject to a conservation easement held by the Five Rivers Conservation Trust.***
- b) For a price of up to \$80,000.00 fee ownership of the 41.03 acre "Meetinghouse Pond Tract", Gilmanton Tax/Map lots 419/027 and 030, including existing barn, subject to a conservation easement held by Five Rivers Conservation Trust.***

***Said prices of the above tracts are based on a preliminary Fair Market Value appraisal by George Lamprey dated June 30, 2011, and shall not exceed the Fair Market Value of the restricted property as determined by final, updated appraisal prepared for Five Rivers in accordance with federal appraisal standards, a copy of which appraisal shall be provided to the Conservation Commission. If said final appraisal indicates a Fair Market Value below the price stated above, the Town's purchase price shall be reduced to that new Fair Market Value figure. The above actions are subject to review by Town Counsel of title and any and all documents to which the Town is a party.***

***E. Hollingsworth seconded the motion as stated; the motion passed with 5-0 favorable votes.***

***E. Hollingsworth moved that the Conservation Commission accept the donation of executory interests in conservation easements from George Twigg III to the Town of Gilmanton, acting through its Conservation Commission, in accordance with TRS 36-A:4, on any or all of the following lots with the grantee interests in said conservation easements to be acquired by the Five Rivers Conservation Trust (Five Rivers):***

- a) “Frisky Hill Viewpoint-South Tract” consisting of 15.03 acres on the NE side of Route 107, being Tax Parcels 419-045 & 046.***
- b) “Meetinghouse Pond Tract” consisting of 41.03 acres on both sides of Meetinghouse Road and on the South side of Meetinghouse Pond, being Tax Parcels 419-027 & 030.***
- c) “Route 107 Upper & Lower Fields Tract” consisting of 20.98 acres on Route 107, Loon Pond Road, and Loon Pond, being Tax Parcels 419-077, 078, & 079; 135-011, 012 & 013; and 136-039.***
- d) “Loon Pond Road Tract” consisting of 8.45 acres on the NW side of Loon Pond Road, being Tax Parcels 423-075, 076 & 077.***

***The above actions are subject to review by Town Counsel of title and any and all documents to which the Town is a party.***

***J. Derrick seconded the motion as stated; the motion passed with 5-0 favorable votes.***

Having nothing further to address, T. Tarr entertained a motion to adjourn the public hearing.

***E. Hollingsworth moved to adjourn the public hearing at 9:07 pm, P. Hackley seconded the motion as stated; the motion passed with 5-0 favorable votes.***

Having adjourned the public hearing, Commission Members joined the BOS in the conference room to be present during the BOS discussion and motion on the acquisition.

Please refer to the February 06, 2012, Board of Selectmen’s Minutes of the Meeting for the full motion and vote.

Respectfully submitted,

Desiree Tumas  
Administrator