

Gilmanton Conservation Commission

PO Box 550, Gilmanton NH 03237-0550

Tracy Tarr Chairman
Patrick Hackley, Vice Chairman
Susan Hale de Seve Member
Richard de Seve Member
Alec Carpenter Member
Diane Marden Recording Clerk

Minutes of Monday, May 1, 2017

Call to order: The meeting called to order at 7:10 p.m. by Chairman Tracy Tarr. Those present included Members Dick de Seve, Alec Carpenter, Patrick Hackley (arriving at 7:16 p.m.), Sue Hale-de Seve, and Conservation Commission Clerk Diane Marden. Ken Stern, Amanda Stone, and Beth McGuinn of Five Rivers Conservation Trust; Tom Howe of the Gilmanton Land Trust, and Stephen Hopkins was present as a member of the audience.

Topic of Discussion: *Potential Conservation Property located on Friskie Hill. This meeting is with members of the Gilmanton Land Trust and Five Rivers Conservation Trust to discuss the proposed conservation of property located on Tax Map 419 Lot 44, located adjacent to the existing Town of Gilmanton's Friskie Hill-South conservation property located on Tax Map 419 Lots 45 & 46.*

Discussion on Intended Outcome of Frisky Hill Project

Tom Howe handed out a draft agenda to everyone, and thought everyone should go around the room to introduce themselves. Introductions being done, Mr. Howe stated in terms of outcome of the project we are discussing this evening is the intent is to purchase the 10.9 acres located on **Frisky Hill** next to an abutting Town owned parcel consisting of 15.0 acres (Tax Map 419 Lot 45 & 46) which is subject to a conservation easement held by Five Rivers and a very limited agreement held by the Gilmanton Land Trust that helps with maintenance in the field, and the clearing of road side brush so as not to obscure the view.

Mr. Howe stated the purpose of meeting is to discuss how our three groups can achieve the same type of liaison with the 10.9 acre lot (Tax Map 419 Lot 44) currently owned by two (2) members of the Twigg family, one Anna Mae Twigg as the Trustee of the George Twigg the III Revocable Trust, and the Trustee of that trust is Attorney Susan Leahy having (1/2) interest, and George Twigg IV currently owned the other (1/2) interest.

Partners & Roles

Tom Howe continued to explain securing the Frisky Hill tract will be a joint effort between the Gilmanton Land Trust, Five Rivers, and the Gilmanton Conservation Commission. Gilmanton Land Trust has raised the funds, and has been driving this project. Five Rivers will do the easement piece of the project, and the restrictive property will then be turned over to the Town of Gilmanton along with the restrictive easement by Gilmanton Land Trust.

Tom Howe stated the Town will have the rights and responsibilities of the property, and the Board of Selectmen for the expenditures that will occur over the course of owning the property. Tom Howe stated the Town's attorney would also be part of this. Chairman Tarr stated it will require a Public Hearing to make the taxpayers aware of what we are doing, and giving them the opportunity to agree or disagree in a public forum. Tom Howe stated the important thing is that Five Rivers and the Town are at a comfort level with one another, as the Land Trust will be turning over the ownership.

Mr. Howe stated the time-line would be the effective date of April 17th, 2017 closing on the property some time in mid September like the 14th this is our contractual obligation. The draft easement should be put together by that time, the Gilmanton Conservation Commission could speak with the board of Selectmen and take care of the Public Hearing. Ken Stern stated Five Rivers is working on the templates language, and once the template is where it should be the easement should be ready in about a month. Chairman Tarr stated if we could shoot for a deadline on the easement of June 14, 2017 that would be fine. Ken Stern agreed.

Mr. Howe stated the offer price is a bit less than the appraised value of \$143,000. Mr. Howe stated we did get a bit of a discount. Patrick Hackley asked if any deed issues had come back on the property. Mr. Howe stated it was very straight forward, the property is in current use, and he has initiated a request to research the title. Mr. Howe stated once he gets some initial product of that research, he stated he would get a copy of that to both Five Rivers and the Town. Mr. Howe stated the house is located on a separate lot, so that will not be a part of this process.

Ken Stern of Five Rivers stated there is a small parking area abutting the property, but feels a reasonable size parking lot should be sought out on this piece as well. Pedestrian being the key word here. This would guarantee public access. Mr. Stern stated the Conservation easement relative to the language should be least restrictive other than the language pertaining to the fields, views, and vegetation being 4ft. break at the horizon line.

Funding

Ken Stern stated he has come up with the following:

Easement Stewardship Fund	\$5,000	
Operating Support	\$2,500	
Legal Expenses	\$5,000	(expected to be less)

Mr. Stern stated this is the portion Five Rivers has come up with, and the remaining is really not any of his business as long as it is taken care of by one means or another. Chairman Tarr stated the Conservation Commission has voted to spend from its conservation fund. The above fees shall be paid by the Gilmanton Land Trust. Mr. Howe stated he would like to go over those numbers at a later time with Mr. Stern.

Mr. Howe stated no Salaries will be paid on the side of the Gilmanton Land Trust as he too will be volunteering. Mr. Howe stated a contribution from the towns Conservation Fund, and funds raised by the Gilmanton Land Trust or funds we have carried on. Chairman Tarr stated we voted on \$42,000. Mr. Howe stated as we did with the first Twigg project we had figured/and deliberated about making sure funds were available to offset the towns tax rolls rather than losing those revenues all together. Mr. Howe stated a similar situation has been set up with this as well, which allows them to do management activities, etc. to keep supporting the property for many years to come.

Patrick Hackley stated the management of these properties is working out well. Mr. Howe stated he had calculated \$2,650 to be contributed to the Trust Fund. Tom Howe then explained he has drawn up a draft vote for the Conservation Commission and the Board of Selectmen for the expenditures from the conservation fund. Mr. Howe stated he drafted up a board vote should it be needed for the Board of Selectmen and the Conservation Commission. Mr. Howe read it out loud, see attached for handouts.

Mr. Howe stated one of the changes that we did not do before, we are not setting up a formal contract, so that we can have the flexibility of getting all three of the closings at the same event. Mr. Howe stated there will be three deeds drawn up 1) from the Twiggs to the Gilmanton Land Trust; 2) from Gilmanton Land Trust deed to Five Rivers with conservation restrictions; 3) the Land Trust to the Town with the restrictions. Should the management of the restrictions not take place, we have the right to come in take care of it, and bill the Conservation Commission for the work performed on their behalf.

Ken Stern stated conservation easements have a lot of restrictions within them, does it need a forest management plan, or would these trees just be flattened at some point. Chairman Tarr stated it would be under the forest management plan as the parcel next to it. Ms. Tarr stated she really appreciated the motion being written out, as it makes it much easier. Ms. Tarr thanked everyone for coming. Ken Stern stated he brought a summary page to assist Chairman Tarr with her discussion with the Board of Selectmen.

Adjournment

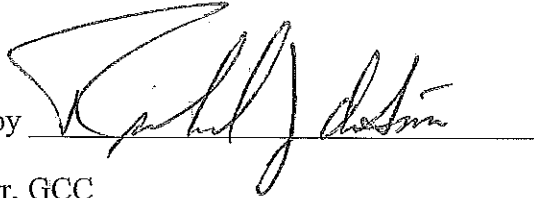
Chairman Tarr thanked everyone for coming. Dick de Seve made the motion to adjourn at 8:29 p.m. Alec Carpenter seconded the motion. ***Motion passed 5-0.***

Respectfully submitted,

Diane Marden

Attested by

Tracy Tarr, GCC

A handwritten signature in black ink, appearing to read 'Tracy Tarr', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'T'.

Proposed Agenda for Mtng. W/ Gilmanton Conservation Commission Re Twigg Project, 1 May 2017

- I. Introductions
- II. Project Outcomes (see map)
- III. Partners & Roles
 - a. Gilmanton Land Trust
 - b. Five Rivers Conservation Trust
 - c. Town of Gilmanton
 - i. Conservation Commission
 - ii. Board of Selectmen
 - iii. Town Counsel
- IV. Funding - Budget (Ken)
 - a. GLT, Private, & Gilm. Cons. Fund (\$42k)
 - b. GLT addition to Town's Trust Fund (see draft ltr.)
- V. Transactional Matters - Donation Agreement (Ken)
 - a. GLT/Twigg Contract Terms
 - b. Simultaneous closings
 - c. Terms of CE from GLT to Five Rivers
 - d. Terms of Field & View Maint. CE To Be Retained by GLT
 - e. Draft Motion for Gilm. CC & Selectmen for Cons. Fund expenditure (see draft)
- VI. Next Steps

28 February 2017--DRAFT

Board of Selectmen
Town of Gilmananton
P.O. Box 550
Gilmananton, NH 03237

Dear Selectmen:

Enclosed please find a check in the amount of \$2,650 payable to the Town of Gilmananton from the Gilmananton Land Trust (GLT) for addition to the "Gilmananton Land Trust Fund" ("Fund") created in 2013 and held by the Town's Trustees of Trust Funds in association with GLT's completed "Gilmananton's Greatest Views – For Everyone, Forever!" campaign. The purpose of this contribution is to offset the Town's anticipated loss of annual property taxes resulting from the Town's anticipated acquisition, through its Conservation Commission, of the 10.87-ac. Tax Parcel 419-044 as an addition to conservation lands previously acquired by the Town, acting through its Conservation Commission, atop Frisky Hill and resulting from the aforementioned campaign.

By way of background, that campaign involved a highly successful partnership of the GLT, the Five Rivers Conservation Trust, and the Town of Gilmananton acting through its Conservation Commission (GCC) resulting in the permanent conservation of four key tracts totaling about 85 acres, owned by George Twigg, III. One particular outcome is that the Town, through its Conservation Commission, now owns and manages two of those tracts, the 41-ac. "Meetinghouse Pond Tract" and the 15-ac. "Frisky Hill Viewpoint—South Tract." In anticipation of those properties being removed from the Town's tax rolls, GLT made an initial contribution of \$20,000 to the Town creating the above referenced Fund, to offset annually the resulting reduction of property tax revenues to the Town; attached is a copy of GLT's original letter dated 17 December 2013, signed and accepted by the Board of Selectmen, laying out the specific terms of the gift and Fund.

GLT makes this \$2,650 contribution to the Town of Gilmananton's existing "Gilmananton Land Trust Fund" subject to all of the same terms and conditions identified in GLT's letter dated 17 December 2013 to the Gilmananton Board of Selectmen, but with the following technical modifications to said letter and trust fund agreement:

- a) Condition #2 shall be amended to read as follows:

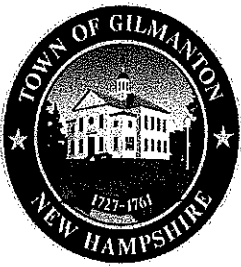
The Fund's *primary purpose* will be to provide annual support to the Town's General Fund that effectively replaces the property tax revenues foregone as a result of the Town's acquisition herewith of the 15.0-acre "Frisky Hill Viewpoint—South Tract" (Gilmananton Tax Parcels 419-045 & 419-046), the 41.1-ac. "Meetinghouse Pond Tract" (Gilmananton Tax Parcels 419-027 & 419-030), and

Proposed Motions for (2017 date(s) of public hearing and then votes by the Gilmanton Bd. of Selectmen & Conservation Commission regarding acquisition of additional land on Frisky Hill)

I move that the Conservation Commission (Board of Selectmen) approve the expenditure of \$42,000 from the Conservation Fund in accordance with RSA's 36-A:4 and 36-A:5 as a contribution to the Gilmanton Land Trust (GLT) to assist in its acquisition and permanent protection of the 10.87-acre Gilmanton Tax Map 419, Lot 044, and that in association with said contribution the Town, acting through its Conservation Commission, shall receive from GLT on said contribution date fee ownership of the 10.87-acre Gilmanton Tax Map 419, Lot 44, subject to:

- a) A conservation easement that will have been conveyed by GLT to the Five Rivers Conservation Trust immediately following and on the same day as GLT's purchase of the unrestricted fee interest from the Twigg family; and
- b) Certain conservation restrictions regarding field and view maintenance to be created and retained by GLT within the deed by which GLT conveys the restricted fee interest to the Town, acting through its Conservation Commission, immediately following and on the same day as GLT's conveyance of the aforementioned conservation easement.

Said contribution from the Conservation Fund is informed by a Fair Market Value appraisal by George Lamprey indicating a value of \$143,000 for the property in its unrestricted condition as of October 5, 2016, a copy of which appraisal has been provided to the Conservation Commission. Further, the Town's contribution from its Conservation Fund shall only be paid into an escrow account created and held for the aforementioned project by the Escrow and Closing Agent, Attorney Paul H. MacDonald, of the firm Ransmeier & Spellman, P.C., of Concord, NH, and shall be released from escrow at closing only upon confirmation by Town Counsel of the aforementioned approvals.



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Gilman, New Hampshire 03237
conservation@gilmanntnh.org
603.267.6700 ext. 29 -Phone 603.267.6701-Fax

ATTENDANCE SIGN-IN

Meeting Date: _____

PRINT NAME

ADDRESS

May 1, 2017
GCC

Attendance

Stephen Hopkins

KEN STERN KENSTERN2@COMCAST.NET

BETH McGUINN

Tom Howe, Gilman Land Trust
KARLDA STONE SRECT