

TOWN OF AMHERST
Conservation Commission

August 22, 2023

DRAFT

In attendance: Jared Hardner – Chair, Rob Clemens – Vice Chair, John Harvey - alternate, Christian Littlefield, Rich Hart – alternate, Steve Lutz, Frank Montesanto, and Mark Bender.
Staff present: Jennifer Stover, Executive Assistant, Kristan Patenaude – Recording Secretary
Also present: Board of Selectmen

Chair Jared Hardner called the meeting to order at 8:02 pm.

Administrative:

None.

Public Hearing:

Pursuant to New Hampshire RSA 36-A:5 and 41:14-a, the Amherst Board of Selectmen and the Amherst Conservation Commission hereby announce to the citizens of Amherst the convening of a Public Hearing to take input on the acquisition of a property by the Town, to be held and controlled by the Conservation Commission. The Town is considering the purchase of a parcel of land, Tax Map 5, Lot 159-1, the owner of record being Clearview Development Group, LLC, in two phases with the following expected closing dates:

- Phase I: comprising twelve (12) units in the West Village Condominium development together with the limited common area appurtenant thereto; closing no later than October 13, 2023; and
- Phase II: comprising twelve (12) additional units in the West Village Condominium development together with the limited common area appurtenant thereto, common areas not designated as open space, as well as the open space areas on Lot 159-1; closing no later than August 31, 2024.

The Phase I and Phase II parcels are to be protected by conservation easements held by the Amherst Land Trust. The Conservation Commission is considering the use of Conservation Fund monies as a portion of the proceeds to purchase Phase I of the above-described parcel. The purchase of Phase II of said parcel will also be financed, in part, with a bond authorized by the 2021 Town Meeting vote approving borrowing money for conservation purposes. These two phases are all part of a single plan of conservation, a single Purchase & Sale Agreement with the sellers and the Amherst Land Trust and are being purchased at different times to comply with the financing parameters in the 2021 Town Meeting vote authorizing borrowing money for conservation purposes. The Town intends to follow the RSA 41:14-a process once for the two phases described above.

All interested citizens are invited to attend the meeting.

Rob Clemens moved to enter into a Public Hearing, pursuant to New Hampshire RSA 36-A:5 and 41:14-a. Seconded by Christian Littlefield.

Roll Call Vote: Jared Hardner – aye, Rob Clemens – aye, Christian Littlefield - aye, Steve Lutz - aye, Frank Montesanto - aye, and Mark Bender - aye.

6-0-0; motion approved.

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Rob Clemens, Amherst Conservation Commission (ACC), gave a presentation on this item. He explained that the ACC has been working with Amherst Land Trust and the developer to reach this deal to acquire this area for conservation open space and public access. This will conserve approximately 60 acres of forest and wetland habitat and avoid a proposed development of 24 residential lots. The property in question is part of a larger mosaic of wildlife habitat north of the Village along the Beaver Brook watershed and represents opportunities for both habitat conservation and public access. Relative to water resources, this property is just on the northern boundary of a major aquifer projecting south through the Village and includes a watershed for Beaver Brook. The property in question was approved by the Planning Board for 25 lots and some associated open space and easements.

The Town executed a Purchase & Sale agreement with Clearview Development to acquire this property in two phases. The initial phase is to acquire half of the west village development, 12 residential units, and the remainder of the west village development would be acquired in a second phase, including 12 more of the approved units. An approximately four-acre parcel would be retained by the developer. The Amherst Land Trust (ALT) is an important partner, as they will acquire a conservation easement on the entire open space area from Clearview Development.

A purchase price of \$2.125M has been agreed to, relative to the appraised value of \$3.1M. The ACC will fund the first phase of the acquisition with \$470,000 from the Conservation Fund. The Town will fund the second phase with \$600,000 of the remaining open space bond funds. The ACC also will return \$110,000 of Land Use Change Tax expected to be received from the development of the east village. Finally, the ALT will fund the conservation easement with privately raised funds of approximately \$845,000. That fundraising effort is underway and most of the funding has already been secured. The Purchase & Sale agreement has been executed. Phase 1 is to close by early October, following a complete 36-A:5 and 41:14-a review process. Phase 2 is scheduled to close by late August 2024. The ALT anticipates completing its purchase of the conservation easement by the time the first phase is closing.

In response to a question from Selectman Grella, Rob Clemens explained that the ALT has undertaken a public fundraising process and has named the effort "Save the Post Road Forest." If this fundraising effort is not successfully completed by September 15th, the Town will be able to walk away from the proposed deal. The ALT has made some assurances that the effort will be completed.

In response to a question from Selectman D'Angelo, Rob Clemens explained that the ALT has approximately \$200,000 left to raise.

Selectman D'Angelo asked if the deal will be walked away from, if fundraising efforts are not completed, or if there is another contingency plan. Chairman Lyon stated that he believes the burden is on the Board to decide this.

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Selectman D'Angelo noted that there is currently \$600,000 worth of conservation funds going towards the Curran purchase, which the Town is planning to use to pay down bond payments as opposed to actually buy land, which would have been his preference. If additional funding is needed for this acquisition, the Board could consider using less than \$600,000 to cover the Curran purchase. Chairman Lyon stated that this could be considered by the Board once it is known if the fundraising effort is short.

The Board applauded the efforts of the ACC, ALT, developer, and community on this project.

There was no public comment at this time.

Chairman Lyon explained that there will be a second public hearing, per RSA 41:14-a on September 11, 2023, at 3pm. The Board already has recommendations from the Planning Board and Heritage Commission to pursue this acquisition.

**Rob Clemens moved to exit the Public Hearing, at 8:18pm. Seconded by Steve Lutz.
Roll Call Vote: Jared Hardner – aye, Rob Clemens – aye, Christian Littlefield - aye,
Steve Lutz - aye, Frank Montesanto - aye, and Mark Bender - aye.
6-0-0; motion approved.**

**Rob Clemens moved that the ACC recommend this acquisition to the Board of
Selectmen. Seconded by Steve Lutz.
Roll Call Vote: Jared Hardner – aye, Rob Clemens – aye, Christian Littlefield - aye,
Steve Lutz - aye, Frank Montesanto - aye, and Mark Bender - aye.
6-0-0; motion approved.**

**Rob Clemens moved to adjourn at 8:20pm. Seconded by Christian Littlefield.
Vote: 6-0-0; motion approved.**

The meeting adjourned at 8:20pm.

*Respectfully submitted,
Kristan Patenaude*