

TOWN OF AMHERST
Conservation Commission

April 12, 2023

APPROVED

In attendance: Rob Clemens – Chair, Jared Hardner, Rich Hart, John Harvey, Frank Montesanto, Peter Lyon – Board of Selectman Ex-Officio, Christian Littlefield – alternate, Steve Lutz - alternate, Lee Gilman, Mark Bender - alternate
Staff present: Kristan Patenaude – Recording Secretary (remote).

Chair Rob Clemens called the meeting to order at 7:00 pm.

ADMINISTRATIVE:

1. Chair Comments

None at this time.

2. Minutes: March 8, 2023; and March 22, 2023

Frank Montesanto moved to approve the March 8, 2023, minutes as amended [Line 234: change Frank Montesanto to Steve Lutz; Line 255: change “is completed,” to “has been considered;” Line 271: to add “because mowing alone increases the stem density of undesirable invasive species,” to the end of the sentence.”] Seconded by John Harvey.

Vote: 6-0-0; motion approved.

Lee Gilman moved to approve the March 22, 2023, minutes as presented. Seconded by Christian Littlefield.

Vote: 6-0-0; motion approved.

3. Planning & Permitting

Mark Bender stated that the Curran case was continued to April 19th, for reasons that will be discussed later in this meeting. Both Conditional Use Permit (CUP) versions of the Jacobson TransFormations case were deemed to have regional impact to Milford and Mont Vernon.

TOPICS

4. Proposed Acquisition of the Curran Property (Lots 6-2, 6-9 and 6-7)

Rob Clemens explained that Town Administrator Dean Shankle, at the direction of the Board of Selectmen, signed a purchase and sale agreement for the three above-noted parcels of the Curran property on March 31st. This will now be reviewed by a number of groups and departments in Town, including the Amherst Conservation Commission (ACC). Brad Westgate, the attorney representing Kevin Curran, owner of the property, is also available to answer any question.

Jared Hardner explained that the Curran parcels include Tax Map 6-2, 6-7, and 6-9. As background to this, during the previous Master Plan process, a survey was taken on the Town

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residents' positions on a variety of topics. One that rose to the top as the number one priority for the Town was to preserve open space and the natural resources of Amherst. 85% ranked protection of water resources as highest or high priority. This item is closely linked to land conservation, as vegetated land is essential to protecting water quality, quantity, and flow. Preservation of the rural character of Town ranked as the number two priority, with 82% of respondents ranking that as a highest or a high priority. 91% of residents reported that Amherst should protect open space and natural resources.

Jared Hardner stated that the first chapter of the completed Master Plan deals with the Town's natural resources and what actions to take in order to continue to conserve open space. Directly aligned with this was Warrant Article 22, proposed in 2021 by the ACC. This was to provide the Town with the financial resources to have a bonding authority to acquire developable land to be conserved. Article 22 passed overwhelmingly by a vote of 1,437 to 623 and provided the ACC the authority to issue \$6M of bonds for the acquisition of developable land. This borrowing would occur over time, not to exceed \$2M in any given fiscal year.

These two items translated into a clear mandate for the ACC to seek out opportunities to conserve land. An Open Space Advisory Committee was established as a subcommittee of the Board of Selectmen for the purpose of advising the ACC and the Board of Selectmen on the evaluation and recommendation of property interests proposed for purchase under Article 22. Members of that group included both representatives of ACC, Planning Board, Board of Selectmen, and citizens at large. The group worked hard over the last several years to help the ACC review a number of properties and proposed deals. The group is unanimously in favor of the deal that will be presented this evening. As part of the evaluation process, the group used the Conservation Plan, developed by the ACC in 2019 and approved by the Board of Selectmen. The Conservation Plan for Amherst includes acquisition criteria for adding conservation properties to the ACC's portfolio. Those criteria are based on two key variables: irreplaceability of properties and vulnerability of those properties, with the highest irreplaceability and the highest vulnerability classified as having the highest priority for action. In determining the irreplaceability of a property, two resources heavily relied on are the Statewide Wildlife Action Plan and its mapping of the priority areas for conservation in the state of New Hampshire and within the local region, and aquifer maps. 58 candidate properties in Town were screening using these criteria. At the top of this list were the Curran parcels.

During the screening process, a development proposal for the Curran parcels was presented to the Planning Board. These parcels are located between the Pond Parish and Grater Woods property conservation lands. Together with the Curran parcels, this forms a very large complex property, which is currently all in a natural habitat state and forested. The Curran parcels are not currently conserved and therefore vulnerable to development. The three parcels in question provide a connective tissue between the Grater Woods and Pond Parish areas, which together total over 1,000 acres of conservation land. The three Curran parcels together total 178 acres of that overall area. These parcels are ranked among the highest priority habitat in the state of New Hampshire for conservation. These rank so highly due to being a large unfragmented area of forest and because of the mosaic of ecosystems present in this unfragmented area providing the

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habitat features necessary to support a wide range of species. If this area becomes fragmented, the Town will lose the ability to conserve existing species in the area, such as moose. This area also holds a lot of recreation potential, with dozens of miles of existing trails in the Pond Parish area. The Curran property provides an important connection between two established conservation areas.

Mr. Curran originally submitted a development proposal to the Planning Board for a 43-house subdivision. This would utilize about all of the buildable area on the sites. This proposal has completed the design review process and has been submitted for final approval of the subdivision. This was scheduled for review by the Planning Board at its meeting next week but has since been continued to allow for this acquisition. The area to the east side of this property in Merrimack has been heavily used by people for recreation and enjoyment of nature. This property fits into the acquisition matrix as being highly vulnerable and highly irreplaceable, in terms of being one of two areas in Town that can really support the full range of native wildlife. The cost of this acquisition is \$5.4M. The initial asking price was \$11M. The ACC conducted a series of independent appraisals and received figures between \$4.9M-\$5.7M. The cost of the acquisition comes out to a price of \$30,000 per acre and a price per building lot of \$126,000. The 178-acre purchase will be spread over three fiscal years. The ACC's goal is to minimize the impact to the taxpayer of any acquisition and so the ACC has been working closely with the Town and the Board of Selectmen on the best way to issue bonds over three fiscal years. Warrant Article 22 requires 10–20-year terms on the bonds, with \$2M maximum per year. The bonds will be structured to qualify as tax exempt borrowing to obtain favorable interest rates. The intention is to provide refinancing opportunities to take advantage of potential future interest rate decreases. The ACC is expected to fund \$600,000 from the Conservation Fund, used to reduce the taxpayer impact. A purchase and sale agreement to acquire the property was executed on March 31st, and the hope is to close the deal before the end of June.

Rob Clemens explained that the proposed purchase, as outlined in the purchase and sale agreement, is to acquire Lot 6-2 first. This is the southernmost parcel. This includes an option to purchase Lot 6-9 next and Lot 6-7 last. This gives the owner some assurance that the intention is to follow through and buy the remaining parcels due to the limitation of \$2M per year. Lot 6-2 is proposed to be purchased and closed on by June 30, 2023. Lot 6-9 would be purchased before July 31, 2023. Lot 6-7 would be purchased by July 31, 2024. The Town is still determining how best to mix ACC monies and bond monies to optimize the taxpayers' interest. Per RSA, the ACC needs to hold a public hearing to be able to spend monies from the Conservation Fund. Likewise, for the Town to purchase property, it also must undergo a review process, including reviews by the ACC, Heritage Commission, Planning Board, and then two public hearings held by the Board of Selectmen. There is a contingency within the purchase and sale agreement to conduct an environmental assessment of the property. This has already been completed and there were no issues found. Also, the titles for all three parcels are being reviewed by attorneys for the Town. This is a great opportunity for the Town and for conservation land and open space in Amherst.

Rich Hart stated that the Curran parcels connect to a collection of cross-country ski trails that were created by a Souhegan High School student a few years back. It may be a good idea to

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consider these existing trails in the future of this property. Rob Clemens noted that there are a lot of existing trails on the property, many of which will probably be converted to ACC-managed trails. It is yet unclear what the trail connectivity across the wetlands in this area might be.

John Harvey asked if there are any formal or informal restrictions on access starting now. Rob Clemens stated that Mr. Curran has been quite generous with his use of the property in the past. It has never been posted. It is as yet unclear what work can be done on Lot 6-2 once it is purchased.

There were no additional public comments at this time.

Will Ludt, Heritage Commission, stated that it would be nice for the public to understand the tax impact for each of the three years of purchase. Rob Clemens stated that this will be affected by the financing approach that the Board of Selectmen ultimately settles on. This will be reviewed as part of the public hearing process. Jared Hardner stated that the estimated tax impact per taxpayer was presented with the warrant article. This needs to be recalculated due to changing interest rates and the possible structure of the purchase. Peter Lyon stated that these numbers will be displayed in detail at each of the Board of Selectmen's two public hearings.

Rob Clemens stated that a joint meeting of the Heritage Commission and the Planning Board has been scheduled for next Wednesday. After that, there will be two public hearings by the Board of Selectmen scheduled for late April and early May. The ACC will take a formal vote of recommendation for purchase and approval of monies to be spent from the Conservation Fund.

Will Ludt stated that the Heritage Commission meeting tomorrow will discuss the potential historic resources on the Curran property. Rob Clemens stated that he shared a copy of an archaeological/cultural research report that Mr. Curran previously had completed with the Heritage Commission.

Jared Hardner moved to recommend the Board of Selectmen approve the acquisition of Curran parcels 6-2, 6-7, and 6-9 totaling 178 acres for a price of \$5.4M per the purchase and sale agreement executed on March 31, 2023. Seconded by John Harvey.

Vote: 6-0-0; motion approved.

Jared Hardner moved to authorize the expenditure of \$600,000 from the Conservation Fund to use towards purchase of Curran parcels 6-2, 6-7, and 6-9 totaling 178 acres per the terms of the purchase and sale agreement executed March 31, 2023. Seconded by Frank Montesanto.

Vote: 6-0-0; motion approved.

5. ACC Officer Elections

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Rob Clemens noted that he will not be running for Chair again this year. Also, due to Bill Widmer's health complications, he does not plan to run again for the Treasurer's position. Mark Bender has offered to take over the Treasurer's position.

**John Harvey nominated Jared Hardner as Chair, Rob Clemens as Vice Chair and Mark Bender as Treasurer. Seconded by Frank Montesanto.
Vote: 5-0-0; motion approved.**

Rob Clemens noted that John Harvey and Rich Hart have decided to step back into alternate positions. Steve Lutz and Christian Littlefield have expressed interest in moving to full members. These items will be considered by the Board of Selectmen at their next meeting. Also, Frank Montesanto, Rich Hart, Christian Littlefield, and Jared Hardner will be reappointed at the Board of Selectmen's meeting.

6. Other Business

Robin Nahill, Lynch Farm Road, thanked the Commission for its work on the Curran acquisition.

John Harvey discussed updates to the nature stewards' program, including a couple of people along Stearns who will help to plant berry bushes in certain areas.

Rob Clemens explained that a request was received through the ACC website from a farmer who lives near the Scott fields and would like the opportunity to farm them, if possible. He asked if these fields should be utilized in this way and under what terms. Rich Hart stated that the consideration should include maintenance of the soil health of the property and invasives on the property. Jared Hardner stated that, if this property is going to be leased, an expression of interest process should be considered. Christian Littlefield stated that a spreadsheet including all fields leased and considered for leasing should be created.

Jared Hardner stated that he would like to create a list of each Commissioner and their associated responsibilities. He would then like each Commissioner to create a descriptive list of duties for the responsibility and an annual plan of recurring and special project responsibilities. The Commission can then hear updates on each of these areas at each meeting.

Steve Lutz stated that he accepted a tent at the Amherst Garden Club plant sale to promote the ACC. Jared Hardner stated that he would meet with Steve Lutz next week to discuss this event.

Rob Clemens stated that Bill Widmer spoke with Eric Slosek, DPW Director, regarding the electronic sign for Clean-Up Day. Bill Widmer would like to see if another sign could be rented to advertise the event. Steve Lutz suggested asking the Souhegan High School if this could be posted on their electronic sign.

Lee Gilman noted that on May 9th, 9am-11am there will be an Upland Invasive Plant Identification workshop in Goffstown. Registration is through the UNH Cooperative Extension.

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221 Rich Hart stated that the Wood Ministry is seeking hard wood around Town for collection if
222 anyone knows of any.

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224 Christian Littlefield stated that the edge mowing at Lindabury Orchard will address any native
225 species and the buffer. The mowing will be completed within the next few weeks. Also,
226 regarding the bridge at Bragdon, this work should be completed within the next few months.

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228 **7. Adjourn**

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230 **John Harvey moved to adjourn at 8:15pm. Seconded by Frank Montesanto.**

231 **Vote: 6-0-0; motion approved.**

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233 **The meeting adjourned at 8:15pm.**

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236 *Respectfully submitted,*

237 *Kristan Patenaude*

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239 *Minutes approved: May 10, 2023*