

TOWN OF AMHERST
Conservation Commission

April 24, 2023

APPROVED

In attendance: Jared Hardner - Chair, Rob Clemens, Rich Hart (alternate), John Harvey (alternate), Frank Montesanto, Christian Littlefield, Steve Lutz, Lee Gilman [6:45pm], Mark Bender

Chair Jared Hardner called the public hearing to order at 6:30 pm. This was a joint meeting with the Board of Selectmen.

John Harvey sat for Mark Bender, who recused himself from this item.

TOPICS

1. Public Hearing per RSA 36-A:5 to consider the Acquisition of the Curran Property (Lots 6-2, 6-7 and 6-9)

Chairman Lyon noted that the Conservation Commission is in attendance for this joint public hearing. He then read the notice for this 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 several properties by the Town to be held and controlled by the Conservation Commission. The Town is considering the purchase of the following three parcels with corresponding owners of record and expected closing dates: Tax Map 6 Lot 2 Kevin G. Curran, closing no later than June 30, 2023; Tax Map 6 Lot 9 Kevin G. and Claudine B. Curran, closing no later than July 31, 2023; and Tax Map 6 Lot 7 Kevin G. Curran, closing no later than July 31, 2024. These three parcels are all part of a single plan of conservation, a single purchase and sale agreement with the sellers, 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 all three lots. All interested citizens have been invited to attend this meeting.

Chairman Lyon noted that there will be two public hearings this evening, and an additional public hearing on May 8, 2023 to satisfy RSA 41:14-a. He asked Conservation Commission Chair, Jared Hardner to present on this item.

*A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Stoughton to enter into a Public Hearing Pursuant to NH RSA 36-A:5, and 41:14-a.
Voting: 4-0-0; motion carried unanimously.*

Rob Clemens moved to enter into a Public Hearing, per RSA 36-A:5. Seconded by Frank Montesanto.

Vote: 6-0-0; motion approved.

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Jared Hardner stated that the purpose of this hearing is to discuss the acquisition of Curran parcels 6-2, 6-7, and 6-9. This acquisition was part of a plan that has been set in motion per the Town's Master Plan and Master Planning process. During the Master Plan process, a Town-wide survey was completed, in which the residents of Amherst overwhelmingly showed support for conservation in Town. Residents identified as the number one priority for the Master Plan, the protection of water resources, and the number two priority as preservation of the rural aesthetic of Amherst. Protection of water resources is closely linked with land conservation within watersheds, which is essential for the protection of water quality, quantity, and flow regime. Overall, 91% of residents stated that Amherst should protect open space and natural resources. Following that process, the ACC developed Warrant Article 22 in 2021, which was voted on overwhelmingly on June 8, 2021, with 1,437 votes in favor. This provided the Town the authority to raise \$6M for the acquisition of developable land to be conserved. This borrowing is to occur over time, not to exceed \$2M in any given fiscal year. In order to work on the identification of optimal properties for acquisition, an Open Space Advisory Committee was formed, which involved representation from the Planning Board, ACC, Board of Selectmen, and citizens at large. This was a subcommittee of the Board of Selectmen, for the purpose of advising the ACC and the Board on evaluations and recommendations of property interests proposed for purchase under Article 22.

The subcommittee created acquisition criteria following from the Amherst Conservation Plan, which was approved by the Board of Selectmen in 2019. This Plan created a framework to evaluate properties based on their ecological irreplaceability, as well as their vulnerability. This looked for areas that cannot be replaced if lost, and areas that are in need of some sort of acquisition or other type of intervention to protect them. There are properties of high ecological value in Town that are not vulnerable because they are protected for other reasons. There are various resources used to evaluate the irreplaceability of lands, with one of the most significant being the New Hampshire Wildlife Action Plan. The subcommittee also looked at the effects of development on water resources in Town as part of the irreplaceability criteria. The criteria was distributed as a document through the vote for Article 22, providing a list of the different ways to identify properties for conservation.

Lee Gilman entered the meeting.

Once Article 22 passed, a screening process reviewed 58 candidate properties, which included all undeveloped properties in Town. One set of properties that quickly rose to the top of the list, were those owned by Kevin Curran, lots 6-2, 6-7, and 6-9. These lots sit between the Pond Parish conservation area and the Grater Woods conservation area. Together these properties add up to 178 acres. If these lots were lost to development, the Town would lose a very large contiguous open space, which is important for conservation on a variety of levels. This is reflected in the New Hampshire Wildlife Action Plan, which prioritizes all land in the State of New Hampshire according to its conservation priority. These parcels are noted as having the highest value in the State of New Hampshire for conservation and the highest value in the region. These parcels sit between two very large, conserved areas and, if conserved, would result in one very large, conserved area. In total, approximately 1,200 acres would be conserved in this area. To put this

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another way, approximately 1,200 acres could potentially be fragmented. The Town would then lose the viability of that habitat for some of the most iconic species, such as moose. A large open space such as this, containing a mosaic of different habitat types, is increasingly rare in this part of southern New Hampshire. It is one of two areas in Amherst, the other being Joe English, that can sustain species of this size and diversity. These parcels also contain recreation potential. There are trails on the Pond Parish side and the Grater Woods side. Trails connecting these two parcels would provide a really nice opportunity for people to enjoy the greater landscape.

These properties have been proposed for a 43-house subdivision plan. This plan has completed the design review process and has been submitted for a final application for approval to the Planning Board. This was scheduled for review by the Planning Board last week but was continued allowing for the discussion of this acquisition. If this area is not conserved, it will be lost, and well over 1,000 acres will be fragmented. Based on all the information, it is easy for the ACC to conclude that this area sits well within the quadrant of the framework for priority for action. Conservation of this area will have a lasting benefit for nature, recreation, and the rural aesthetic of this Town in perpetuity. The cost of this deal is \$5.4M. The initial asking price was \$11M. The ACC worked with the seller for a period of approximately nine months to come to the price of \$5.4M. Independent appraisals of the property showed the value estimated to be between \$4.9M-\$5.7M. The offer price compares very favorably with other recent developments in Town. The purchase will be spread over three fiscal years, as Article 22 gives the ACC the authority to raise \$2M per year. The financing of the Warrant Article requires 10–20-year terms on the bonds to be issued, with the \$2M maximum per year. The RSA limits borrowing alternatives so the Board of Selectmen and the Town have been working diligently to come up with a way to structure this purchase in a way that would minimize the tax consequences for Amherst residents, one of which is to qualify the financing as tax exempt to obtain the most favorable interest rates. The intention is to provide refinancing opportunities to permit future consolidation and take advantage of any decreases in interest rates in the future. The ACC is expected to fund \$600,000 from the Conservation Fund to also reduce taxpayer impact. Financing alternatives are being assessed assiduously by the Board of Selectmen and Town staff to minimize tax impact. Current quotes, with no prepayment penalty, would be somewhere in the range of 4.21%-4.75% for a 10-year loan, and 5% for a 20-year loan.

An environmental assessment of the property has been completed and there are no issues. The ACC held a public meeting on April 12, 2023, where this acquisition was discussed. The Planning Board held a public meeting on April 19, 2023, where this was discussed. The Heritage Commission held a joint meeting at that time. There are two public hearings this evening, as required by law. Another meeting will be held on May 8th, and the Board of Selectmen will make their decision about the acquisition of the property on May 15th. The closing needs to occur no later than June 30, 2023. A Purchase and Sale agreement was executed on March 31, 2023. The acquisition is contingent on the successful completion of this process.

Selectman Stoughton stated that the Town is getting quotes for a variety of loan terms, each with its own interest rates and payment schedules. The Town could decide to borrow the least amount of money by taking advantage of the ACC's \$600,000 to pay some of the upfront cost of the

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property. It could try to minimize the amount of interest the Town ultimately pays by seeking the shortest-term loan and the lowest interest rate. These are items that have the greatest impact on the tax rate. The Town could also decide to stretch this out over 20 years so that the people who live here over that time period are benefiting from being able to use and preserve this property. These options will be managed in the same way as the Board has managed road bonds in the past. The Town has a number of road bonds that will be retired in the next few years, so the Town could structure the acquisition so that its payments begin and ramp up at the same time the road bond payments ramp down. After taking public input during the public hearings, these will be items for the Board to discuss.

Board of Selectmen Chair Lyon asked for public comment. He noted that there was no public comment at this time. He stated that the Board will not render an opinion until after the public hearings are complete.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Stoughton to exit the Public Hearing.

Voting: 4-0-0; motion carried unanimously.

Rob Clemens moved to exit the Public Hearing. Seconded by Frank Montesanto.

Vote: 7-0-0; motion approved.

Rob Clemens moved, under the authority of RSA 36-A:5 and as executed in the Purchase and Sale agreement as posted on the Town website and dated March 31, 2023, that the Conservation Commission unanimously recommend this acquisition to the Board of Selectmen. Seconded by John Harvey.

Vote: 7-0-0; motion approved.

Frank Montesanto moved to expend \$600,000 from the Conservation Fund, based on the input received tonight, for this acquisition. Seconded by Rob Clemens.

Vote: 7-0-0; motion approved.

Chairman Lyon stated that the Board of Selectmen is now in receipt of recommendations from the ACC, Planning Board, and the Heritage Commission recommending this purchase. The Board will have one last hearing on May 8, 2023, and the Board will vote on this item on May 15, 2023.

2. Adjourn

The Conservation Commission adjourned its meeting at 6:55pm.

*Respectfully submitted,
Kristan Patenaude
Minutes approved: May 10, 2023*