

# Open Space Committee Minutes - 03/20/2008

## Hopkinton Open Space Committee

March 20, 2008

### Minutes

Slusser Center at 7:00 p.m.

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Attendance – Bill Chapin, Ron Klemarczyk, Don Lane, Bryan Pellerin, Dijit Taylor, Susan Zankel (OSC members), Kristin Claire (realtor), Erick & Sue Leadbeater (landowners),  
~Howard Moffat (Rotary group attorney), Mark Zankel (5RCT)  
~Jim Zeppieri (Rotary group), invited guests

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Gould Hill – Discussion Topics

Conservation Easement

Mark provided a handout “Conservation Easement Questions and Answers” then talked the group through the basic parts of the 5RCT model easement, which is customized in several places to fit the natural resources and desired future uses of each property that 5RCT conserves.~

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Purposes section defines the natural resource values to be protected by the conservation easement. It typically has 3 – 5 elements and is the foundation for the use limitations and reserved rights, and usually includes a link to supporting public documents like the town’s master plan.

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Use Limitations section defines what the landowner can’t do or can do only with limitations.~ Agriculture is defined similarly to

the state definition of agriculture. Agricultural activities are allowed but must follow Best Management Practices (“BMPs”) and a written management plan created with approval of NRCS, UNH Cooperative Extension or other accepted authority.~ Subdivision and separate conveyance of the land are usually not allowed.~ New buildings are generally not allowed, except those that are “ancillary” to and needed for agriculture or non-commercial recreation.~ There are provisions to insure the conservation of the natural resources of the land, but agriculture and forestry are allowed.~ Signs and billboard are prohibited or the size is limited, and there are clauses concerning waste and rights of way.~

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Reserved rights section defines the things that can happen on the land covered by the conservation easement and is customized to address the needs of each individual property.~ Parking areas for farm stand, garage and hoop houses are typically allowable under a 5RCT conservation easement.~

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Sections of “legal boiler plate” are designed to fit applicable state laws, provide needed access to the property for monitoring, signs, dispute resolution. These pieces do not change from one conservation easement to the next.~

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Conservation easements can sometimes be amended, but it is difficult, so the agreed upon language should address as many of the foreseeable issues as possible.

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Sue Leadbeater reminds that the farm has 3 important elements, the orchard, history and education.~ Don’t think of just the apple trees.

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Mark observes that 5RCt has no expertise in historic preservation but that the New Hampshire Preservation

Alliance does, and that NHPA holds a historic easement on the appearance of the barn at Dimond Hill.

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Jim discusses his vision for the future use of the farm, including the hope to develop agri-tourism including a possible future bed and breakfast.~ Pros and cons of sites for this are considered.~ Mark observes that residential lots are rare in 5RCT easements.~~ Much discussion of the impact and best way to handle such a facility, including as an exclusion area or as a right to withdraw a lot in the future for such a use.~ The appraisers need to have some information about this in order to complete the appraisal.~

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Howard points out that protecting open space with a conservation easement is fairly straightforward.~ Crafting a conservation easement that both protects open space and allows for sustainable agriculture is much more difficult.~ Limitations on use should be the least possible.

~A conservation easement is meant to last forever, so we need to take a very long view of the appropriate uses and restrictions.~ A series of components of the conservation easement that will need more detailed consideration in the working group are identified:

~~~~~ Diversification to different crops

~~~~~ Farm animals

~~~~~ Alternative energy (there is an unused windmill on the site at present)

~~~~~ View maintenance

~~~~~ Public access

~~~~~ Herbicides and pesticides (although the 5RCT model easement normally ~~~~ allows for this as an unstated right under management plan and BMPs, it might be helpful to state overtly that it is allowable)

~~~~~ Community connection

~~~~~ Who will own the conservation easement?

~~~~~ "Picker's cottage" is presently owned by different (Leadbeater family) entity than the underlying land

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## Appraisal

Much disappointment that the appraisal is not complete as of this date, when the contract said it would be. It is critically important to meet with the appraisers as soon as possible and provide them with updated information about which land is to be included in the proposed sale, which areas will be exclusions or possible future withdrawals.~ If the conservation easement is to cover land owned by the 2 different owners (the new Rotary-group-created entity and the Leadbeater's) the stewardship and monitoring is more complex.~ Group agrees that Erick & Jim, with some input from experts Jim has been working with at UNH Cooperative Extension, have the best understanding of the land and current and near-term future farm needs to propose some areas and lines for the appraiser.~ They set a date to work on this over the weekend.~ A meeting with the appraiser is proposed for Tuesday, March 25, 2008, 10 a.m. at Orr & Reno.~ Representatives from all groups to attend.~

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## Timing Issues

Rotary group is eager to move forward quickly so shares can be sold before and during the harvest season.~

Environmental Assessment is usually done after the P&S but before the closing.~

Survey is needed and is likely to cost \$8000 - \$10,000, depending on how complex it is, with exclusion areas or lot line changes.~~ Kevin McEneaney, a licensed surveyor with familiarity with conservation projects is interested in doing the job but wants to know when to expect to schedule the time to do so.~ A proposal is made that the cost be split 3 ways.~ This is agreeable to Rotary group and to Leadbeaters.~ OSC to ask Conservation Commission if they will be willing to front more money for this project once there is a signed agreement with the landowner.~

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## Next Steps

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Everyone attending this meeting is encouraged to review the current working draft of time line and get comments and suggestions back to Howard.~

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Jim has scheduled meeting with Board of Selectmen for Monday, March 24, 2008.~ Dijit to attend with Jim to represent the OSC.

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A group including representatives from each party will meet with the appraiser on Tuesday, March 25 at 10 a.m. at Orr& Reno.~ Erick & Jim to do more work on need for and size of exclusion areas before then.~ Susan and Bryan to represent OSC.

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A group including representatives from each party will meet with Ellie Kastanopolous on April 1 at the Leadbeater's home at 8:30 a.m.~ Howard will set an agenda for the meeting, which will include both conversations with Ellie about what role Equity Trust might play in the project, other ideas she may have for the project however it fits with the mission of Equity Trust.~ Everyone is encouraged to become familiar with the vision and activities of Equity Trust via their website prior to the meeting.~ Susan and Bryan to represent OSC.

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Howard to arrange further meetings of the working group so that more progress can be made faster.~ It will be important for representatives of all groups to be able to attend meetings of the working group to continue the good will that currently exists among all the entities involved.

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New meeting night for OSC – Wednesdays.~ Next meeting to be Wednesday, April 9, 2008.~ Logistics?

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Meeting adjourned at 9:40.

Respectfully submitted, Dijit Taylor, Recorder