

TOWN OF NEW LONDON
CONSERVATION COMMISSION
JULY 16, 2008

PRESENT: Les Norman (Chairman), Laura Alexander, Dan Allen, Bob Brown, Dale Conly, Emma Crane, Robert Crane, Terry Dancy, Vicki Koron, Peter Stanley.

ALSO: Mark Kaplan (Selectman), Larry Ballin (Selectman), Eric Shultz.

Les Norman opened the meeting at 1 p.m., and the Commission addressed eight areas of business.

1. **Schultz Property**

Les Norman reminded the Commission that the Town's tax map reflects that this property consists of 90 acres, and that at Town Meeting, voters approved appropriating money from the Conservation Land Capital Reserve to purchase approximately 60 acres. The survey, however, has revealed that that the Town's map is incorrect, and that the entire parcel is 60 acres, and the parcel being purchased is only 45 acres

Mark Kaplan said he asked Jessie Levine to bring this to the attention of Town Counsel, particularly the question of whether or not what was done at Town meeting is legal, in light of the new survey information. Town Counsel has responded that it is legal to go ahead with this, but his letter also said it would not be out of keeping for the Conservation Commission to reopen dialog with the seller. The Selectmen are here today to ascertain what the Conservation Commission's feeling is about this.

Les Norman referred to the letter from Bart Mayer, and read an excerpt from it. Mark Kaplan said that as Selectman, he does not intend to negotiate with the seller. He is simply saying that the Conservation Commission does have an opportunity to reopen negotiations, if it feels the Town would be better served, and if it feels that by so doing, the Commission would be watching out for the taxpayers' dollars.

Terry Dancy pointed out two viewpoints on the question. On the one hand, the Conservation Commission's biggest argument for making this purchase was that it would be paying a fair price per acre for that backland, and since they are not getting what they thought they would, it would be reasonable to open a discussion on reducing the price. On the other hand, the Town is still acquiring a wonderful piece of land to couple with what it already owns on Clark Pond. In that respect, they are getting what they wanted; it's just the size that is different.

Les Norman reminded everyone that the Schultz's have been paying property taxes on the larger (erroneous) number of acres for years. Mark Kaplan said if the Commission wants to bring that into the discussion, okay, but he does not think that is an argument here. Mr. Shultz can go back the current year plus one year to seek reimbursement for the overpayment.

Larry Ballin said that in the end, the final decision will rest with the Board of Selectmen, with advice from the Conservation Commission. Mark Kaplan said that's right, if there is a change.

Bob Brown said he is a strong supporter of this purchase. He said the Conservation Commission knew it was getting approximately 60 acres. He asked what the definition of "approximate" is. Would it allow a difference of 10 or 15 percent? He does not think "approximate" would mean a difference of as much as 25 percent. It would seem the questions are: Can the parcel be made bigger? Or, can the price be reduced?

Dan Allen cautioned that if the Conservation Commission seeks reduction in price for this land, Mr. Schultz could likely seek reimbursement of his overpayment on taxes. Larry Ballin asked how much that would be. Eric Schultz said it comes to \$3000. Larry Ballin suggested that number could be considered if the Conservation Commission chooses to renegotiate the price.

Les Norman said the question for the Conservation Commission as a body is, Does it want to enter negotiations with the Schultz's?

Dale Conly commented that this is a real dilemma. Mark Kaplan agreed, and pointed out that this is like all errors, and avoiding them is the reason we should do our homework ahead of time. A dilemma is created when we are not thorough.

Larry Ballin suggested that perhaps it would be best to go back to the appraiser. Or, he asked, is the Conservation Commission willing to stand by that number. Mark Kaplan pointed out that the original appraisal was for \$4000 per acre. The question is, will the appraiser stay with the original total number (\$240,000), or will she multiply \$4000 by the correct number of acres as revealed in recent survey (that is, \$4000 x 44.9 acres).

Peter Stanley reminded the Commission that from the get-go, it (the Commission) made clear to the Schultz's that the Town can only pay what the land is worth. The Conservation Commission gave the Schultz's a list of acceptable appraisers. Now, we have to get the answer to the question of what the land is worth. He said the idea of going back to the appraiser might be a good one. He added that in speaking to the Town's assessor informally on this question, he learned that typically when a parcel is smaller (that is, fewer acres) the dollar value per acre is higher. He recommended the Conservation Commission factor that into its consideration. He noted that in that informal discussion, the Town assessor did not specify a price for this parcel.

Mark Kaplan said then perhaps Larry Ballin makes a good point. Larry Ballin said the Town would not be looking for a 25% reduction in price, but the price needs to be fair. It is a question of fairness to the taxpayers. Terry Dancy agreed, the Conservation Commission did speak publicly on that concept of this being a fair price for this land.

Bob Brown moved that the Conservation Commission first contact the appraiser, and secondly, re-enter with the landowner, negotiations that will be based on the determined (by the appraiser with new survey information) value of the land. Laura Alexander seconded. No further discussion. Motion unanimously approved.

Dale Conly asked if the Conservation Commission should get a second appraisal this time. Mark Kaplan said he feels we should. That would give everyone the ability to say that due diligence was exercised. Laura Alexander asked how much a second appraisal would cost. Peter Stanley said the Commission paid \$1200 for the first appraisal and that was a bargain. The second would be closer to \$2000. He added that the Land Trust only gets one appraisal. That's standard. Laura Alexander questioned whether any savings by having the price reduced based on the smaller number of acres, would be cancelled out by the cost of a second appraisal.

Eric Schultz said his concern is timing. He has made some personal commitments based on the understanding that the Town would be purchasing the land this summer. He referred to the date on the purchase and sales agreement. Dan Allen asked if a cash advance, earnest money, would be possible. Larry Ballin said that would be problematic if after the new appraisal, the owner decides not to sell after all.

Terry Dancy said, again, we are not talking about a 25% reduction in price, and he referred to Peter Stanley's point, that the smaller the parcel, the higher the per acre value. With that in mind, he suggested the Commission would not be justified in spending a lot to get a second appraisal. Dale Conly said, however, since Town Meeting, there has been discussion among the Conservation Commission and Selectmen about getting second opinions. He asked if that applies to this case, or is that for the future. Terry Dancy said he would favor just going back to the first appraiser in this case.

Larry Ballin asked if it would be worth while considering asking for a review by the Appraisal Board. Eric Schultz asked how long that would take. Larry Ballin said he did not know, but speculated that it would not take too long. Vicki Koron said that Board would not come up with a number though; the Commission will still have to go back to the appraiser for the number. Peter Stanley agreed, the Board would only determine if due diligence was exercised, and added that the appraisal firm that was used for this is an excellent one.

He asked if Eric Schultz would be willing to suggest a number just to move the process along. Eric Schultz said that he and his wife have considered this dilemma, though until today, he did not know that typically the value per acre is higher for smaller parcels than larger. That's new information to him. He said in their discussions, he and his wife agreed that they would like to contribute to the Town in ways that they themselves choose— Recreation Department, Outing Club, for example. He said they would be willing to accept \$220,000 for the 44.9 acres. He also referred to the emotional element that exists here. This land was his great-grandmother's, and though he could have developed some of it, he has chosen not to do that.

Les Norman said if one does the math based on the former appraisal and the new survey information, the price would be \$215,000. He noted that \$220,000 is not that far off that. He suggested the Commission go forward and contact Katrina Hill who did the first appraisal. Terry Dancy expressed appreciation to the Schultz's for their thoughts on this, and he added that the Conservation Commission also feels some emotional draw to this land, and they understand Eric Schultz's point.

Vicki Koron asked if the Commission can meet again on this. Peter Stanley said the Schultz's would like to close this by the end of July. He said Norm Bernaiche suggested a number of about \$200,000, and the Schultz's number is \$220,000, so perhaps they could settle on a number somewhere in between. He said there is no more acreage to add to the sale, as the Schultz's wish to retain their current use and home lot. Terry Dancy asked if a special meeting could be scheduled. Peter Stanley recommended this be resolved as quickly as possible. Les Norman suggested that Peter Stanley call Katrina Hill on Monday, and set a time when she, Peter Stanley and he (Les) could get together on this.

2. Minutes-June 18, 2008

Dale Conly moved to accept. Laura Alexander seconded. No further discussion. Motion unanimously approved.

3. Dedication of the Cook Conservation Land

The Commission agreed on Saturday October 18 for this, in the morning. Les Norman said they have the signs.

4. Minimum Impact Wetlands Applications

Les Norman reported receipt of four. On a parcel that abuts the entrance to the transfer station, owner wishes to construct a new driveway (for safety reasons) that will cross a wetland. The older driveway will be reclaimed. The second involves a temporary filling of a wet area to allow owner to cross it while constructing a small outbuilding. The third and fourth applications are for properties on Pleasant Lake, and he reported that neither application states that this work will be done during the lake draw-down. The second of these, the Coles', does not include a mention of protective devices put into place. Peter Stanley will contact these applicants regarding these omissions.

5. Trails

Dan Allen reported that they have continued work on the left loop at the Bog. There remain three sections to be done.

He said they have replaced boards on the walk from Pleasant Street to the area behind the school. Bob Brown had the supplies, and the bog wheel, as discussed at the last meeting, and he reported that that worked well. Next week, they will work on the bridge there.

Dan Allen said he has been assured by the Road Agent that the Public Works department will be able to remove the old car that sits on the Messer Pond trail.

Bob Brown asked if the invoice from Cote & Reney has been received. Les Norman said yes. Bob Brown said he got two quotes, but only Cote & Reney submitted their numbers in writing. The cost was fifty cents per board foot of native hemlock, and \$10 for delivery. The Commission agreed that that is a good price.

Bob Brown said they have more work to do on that Pleasant Street trail, and he asked if they can spend about another \$300. Les Norman said yes, go ahead, but he again expressed concern that the Conservation Commission has been spending an arm and a leg on surveys.

Peter Stanley said Clark lookout needs cutting either in fall or early spring. He said he will go up and do the mowing, but the slope going down the hill needs weed whacking every other year.

Dan Allen said Ruth White has reported that the overlook at Low Plain also is overgrown, and includes some invasives. Commissioners agreed that would probably be mostly knotweed. Peter Stanley said the Town usually mows Low Plain, but has not gotten to it yet this year. Bob Crane reported that there is another area of knotweed at the Mountain Road end of the Davis Path. Peter Stanley said the best solution for that is to use Round-Up just before the first frost. He said he could do that, but he could not do so during his working hours as a Town employee.

6. **Budget**

Les Norman said they must submit their proposed 2009 budget by September. He distributed copies of the 2007 and 2008 budgets for purposes of discussion. Dan Allen asked if the \$400 budgeted in 2007 for knotweed control was ever spent. Commission members reminded him that he spent that in the Round-up/plastic cover experiment at Crocketts Corner.

Peter Stanley asked if the Conservation Commission wants to get started on the objective of placing easements on some of the Town owned lands. Conservation Commission members agreed that the Town owns many parcels that have no permanent protection on them. To name a few: the Clark property, the portion of the Phillips Preserve near the interstate, half of Low Plain, He said it will cost between \$4000 and \$5000 per easement, and he suggested the Commission might want to start putting money away for that purpose. Les Norman agreed, the Conservation would be remiss to not assure conservation of Town owned land.

Laura Alexander asked if they can do some this year, and state that it is part of an on-going process. Terry Dancy asked if there is any balance in the Survey fund this year. Les Norman said no. There was suggestion that \$2000 be put into the budget for purpose of beginning the process of placing easements on Town-owned land.

Les Norman recommended proceeding in a more cut-and-dry fashion; that is, budgeting for the completion of an easement process on one particular parcel (one that they know will be easy to get passed) and that would serve to raise the issue before the Town. He suggested the Commission clear that hurdle first.

Emma Crane asked how much has been spent on trail maintenance so far this year. Bob Brown and Dan Allen said, so far this summer, roughly \$1000, and that has been for supplies. Both agreed that \$1000 should be added to that line item for next year, bringing it to \$3000.

Terry Dancy asked how much should be allocated for surveys in preparation for placing the easements. Laura Alexander suggested they speak to Beth at ASLPT. An easement would involve more than a survey. There would be legal and other costs.

7. Master Plan

Dan Allen submitted his draft narrative for the chapter on Hiking Trails with an accompanying spread sheet of those trails showing lengths and elevations. He recommended that the Kidder Brook Trail, the Langenau Forest spur, and the Morgan Pond (Perley Road) Trails be deleted from this list, as they are not in New London, and New London does not maintain them.

Terry Dancy said he needs to confirm some dates for Chapter 6.

Otherwise, Les Norman confirmed that all bases have been covered, and that every section has been assigned.

8. Any Other Business

- Peter Stanley submitted an additional thought regarding the Schultz appraisal. That is, if the appraiser must go back and re-compute her numbers, there may be an additional fee for her work.
- Terry Dancy referred to the beaver dam near Sunapee Lake that has been previously discussed. Peter Stanley said the beaver pipe there was plugged resulting in the overflow during recent storms. They have cleared the plug, and he said the landowner there has agreed to keep it cleared.
- Laura Alexander reported that ASLPT has scheduled a workshop on Protecting Rural Character through Conservation, Zoning and Planning, for November 13 from 6 to 8 p.m. at the new middle school
- Peter Stanley reported that there has been one confirmed, and one possible, violation of the new Shoreland Protection Act that went into effect this month. He will follow up.

- Terry Dancy reported on potential sale of, and change in use of, the Point in Elkins.
- Report that the heron is still at the nest at Low Plain.
- Report that the baby loon on Pleasant Lake has been lost.

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The meeting adjourned at 2:30 p.m.

Respectfully submitted,

Sarah A. Denz

Recording Secretary. .