

Banks/Shmid property repurposing proposal

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To: Board Members <boardmembers@wearenh.gov>

Cc: Conservation <conservation@wearenh.gov>; Marc Phillips <[REDACTED]>; Ray Lemay <[REDACTED]>; Naomi Bolton <nbolton@wearenh.gov>

 3 attachments (7 MB)

Ian McSweeney presentation of BOS minutes re Banks-Shmid.pdf; OPTION TO PURCHASE Banks-Shmid.pdf; Town of Weare Zoning proposal re Banks-Shmid.pdf;

Dear Board members,

Please review the attached information provided by town resident Ian McSweeney, a land-preservation specialist formerly of the Russell Foundation, documenting key aspects of the town's purchase of the property designated lot 123 of tax map 408, known from purchase as the Banks/Shmid property. Ian initially brought the potential land purchase and preservation by conservation easement to the attention of multiple town entities and was the prime mover in the multistep purchase process. He spoke during our October 18th meeting this fall (please take the time to review the YouTube video, if you haven't already) in response to Denise Purington's proposal for taking the property hay field for sports complex development.

The documents provided and Ian's testimony at our meeting show that the land the Parks and Recreation Commission wants (the hay field) was purchased to be put under a conservation easement. In fact, it was even transferred by lot line adjustment for that expressed purpose. Please read Mr. McSweeney's application to ZBA and note the map at the end of the purchase and sale agreement showing the green-shaded area to be moved to the conservation lot for the preservation of agricultural lands. There is no doubt as to the purpose of ZBA's action.

The town entities involved in working through the easement language should have included the Town Administrator, Board of Selectmen, and Conservation Commission, but the warrant language solely entrusts the Board of Selectmen with the responsibility for completing the easement. SPNHF spoke with the Conservation Commission after the purchase and then spoke with the Town Administrator. After that, a proposed easement was never shared with the Society for the Protection of NH Forests (SPNHF). Nor was the Conservation Commission ever asked to work on the easement. In fact, the Town Administrator told SPNHF not to involve the Conservation Commission. Clearly, the entity authorized by the town vote to convey the easement didn't complete the job. I don't know why this was the case, but clearly this is unfinished business, and the Conservation Commission would support moving ahead and getting it done as intended.

Prior to discussions this summer between the Board of Selectmen and the Parks and Recreation Commission, during which Parks and Recreation was apparently offered the hay

field for conversion to a sports complex, the Conservation Commission was never given a chance to weigh in. At a joint meeting with BOS in April of this year, we made it clear that this is a conservation property and we have a vested interest in its management. Even though we put up \$180,000 from the Conservation Fund toward the purchase of the property (which also confers upon us a responsibility for its proper management for conservation), we were kept out of the dialogue. We were not invited to the site walk attended by Parks and Recreation and BOS. This is not an example of working together in the town's common interest. The Mildred Hall Trust added \$155,000 to the purchase towards preserving the land, and the seller lowered the sales price by \$60,000 to have the hay field preserved for agriculture. That was the agreement. The future sports field interest was to be in the anticipated reclaimed gravel pit, in keeping with the Bolton Field model.

It was a multi-use purchase that brought everyone (CC, BOS, Agriculture Commission, trust funds, recreational interests, Russell Foundation, Society for the Protection of NH Forests, etc.) together in support of improving the town. Essentially, the town voted the final piece of the puzzle, the \$200K to secure the gravel pit resource with the synergistic post-extraction recreational field development of the reclaimed gravel pit and some surrounding supporting acreage. Conservation and partners were looking to preserve the hay field and the woods that slope to the south up towards Mount William. As you know or could surmise, in regard to real estate, we can only use the Conservation Fund to purchase conservation lands. We can't use it to purchase ballfields, just like we couldn't use it to purchase land for a new town office building or fire station or school. That would be a misappropriation of funds.

Please don't encourage the breaking of the purchasing agreement. There have to be other options. The CC doesn't manage land for development, and we don't have anything tailor-made for a sports complex, even if we could offer such. Agricultural lands are a rare and precious commodity. We would do well to keep the only town-owned land in active agricultural use, even if that's not the vocally expressed opinion around town these days. Maybe the townspeople would want to get behind the purchase of some land for the expressed purpose of building the desired unifying sports complex, as has been done to address other town needs.

I hope you each have time to review the attached information so that you can make your decision regarding the Parks and Recreation Commission's request with a fuller understanding of what's involved. I'd be glad to discuss any of this individually or by group should you so wish. Also, if you would please confirm receipt of this email, I would very much appreciate it. I do believe that we can more effectively benefit our town when we work together.

Respectfully,

Andy Fulton

Weare Conservation Commission Chairman

