

Minutes of Community Preservation Committee, August 1, 2011

Present: CPC members—Janet Chayes Chair, Malcolm Course, Eve Endicott, David Barten; Open Space Committee—Tony Borton, Bruce Brown; Conservation Commission—Peter Jeswald, Diane Poland; invited participants—Rich Hubbard, Franklin Land Trust (FLT) and Jack Lochhead, Friends of the South River. In addition Marilyn McArthur and Jacqueline Gens there to present pre-application for project of Protecting the Old Grammar School.

River Farmland

The meeting began at 4:10 pm. The first agenda item was an up-date on the status of two land preservation projects: the Totman Farm APR and the APR for two adjoining land parcels, parts of the old Herzig farm, totaling 7.3 acres. Rich Hubbard, Director of the FLT, spoke about both. He said the State had just approved an APR on 199 acres of Lee Totman's land. Conway's required contribution (probably via the CPA) would be \$45,750 (payable to him upon Town Meeting approval).

Rich reported that the State also just said that the two building lots (part of the Herzig Farm) totaling 7.3 acres do not constitute a viable farming property and therefore no APR would be awarded. These lots are an important part of Natural Roots Farm, which David Fisher leases for his CSA. One lot is owned by Marjory Love; the other by Randy and Vanessa Williams. An APR would only be approved by the State if the two properties were combined with the Elwell farm property.

Rich said the effort to protect the Love and Williams properties had just become more complicated this same day because the Purchase & Sale agreements between the FLT and the owners had just expired. The lawyers for both parties knowing of the State's own delay in getting information to Rich had with the owners' consent granted an extension of the P&S agreements until mid September, this being the latest possible date.

An extensive discussion followed about how the properties could be protected. The status of the Elwell APR application was a complicating factor. The conclusion was that Elwell's would not subscribe either to joining properties.

Therefore, Rich suggested a Plan B to protect these two properties. Here the FLT would take a loan and purchase the two properties, doing so knowing that this transaction would increase the actual cost of buying the land from \$130,000 (without any closing costs) to perhaps \$157,000, given interest on the loan, payment of real estate taxes, closing costs and money paid to record the deed transfers. The FLT would only pursue this transaction with the assurance from the CPC that they would recommend preservation funds to Town Meeting. The FTL would only be an intermediary, not a permanent landowner.

Discussion then centered on how to reduce the cost of purchasing these two properties. One solution proposed was for the CPC to buy the two properties outright. The Town could apply its own APR and sell the properties at agricultural value or lease them, the town in the latter case administering the land through the Con Com. The question was put to David F. as to whether he was prepared to buy the land at agricultural value now estimated at \$22,000, or if not were there backers who could help do so. David said that while he was interested in preserving the properties and continue using them for animal hay and pasture, he has a six-year lease with the Elwell's on the land he farms. As for actually owning the two properties he wanted to council with others before giving an answer.

Jack Lochhead, former Selectman, said that the most viable option might be for the town to own the land. He asked Rich: if the Town owns the two properties and puts an APR on them would the State buy the APR from it. The answer was, no! Jack also thought that if the Town purchased the two properties and placed an APR on them and then offered them for sale or lease at agricultural value, that the offering would have to be open to all farmers any where, not just in Conway.

Peter Jeswald said that the Con Com would be prepared to administer the properties, this kind of management being part of its legal mandate. There was discussion of potential language about environmentally sensitive agriculture so that future farmers might not use certain products next to the river.

Discussion turned to alternative ways of reducing the cost of purchasing the properties through grants. Diane Poland mentioned that she and Janet had been working on a grant application for help in purchasing the Meerbergen property when there was still a chance they might be willing to sell it. One could revive the grant application, but it would be a year before awards were announced and money available. Rich thought that there was a State program that helped small towns purchase land. He would look into the matter.

Jack pointed to the need for action, because the Williamses seem ready to sell to a prospective buyer when the P+S extension ends. At this point in time, both lots would be able to be sold as building lots with the real possibility that there would not just be the Meerbergen house, but two others which could be built, and should Ron Sweet raze the barn on his lot and clean the property up that a house could be placed on his land.

The four members of the CPC were then asked to give their views, the question asked being: Would they support using CPA funds to preserve the two properties? They unanimously agreed that the land should be preserved for agricultural purposes, and that the matter of purchasing the properties using CPA funds should be placed before the Town at a special meeting being planned for October. However, because the P+S's had been extended only to mid-September, the meeting would have to be held no later than mid-September.

Old Grammer School Preservation

Marilyn McArthur and Jacqueline Gens distributed a Pre-Proposal Information Form for essential work to preserve the Old Grammar School on School House Road, now owned the Dzogchen Community of America to teach Tibetan practices. The request is an est. \$22,000 to repair the roof, porches, foundation; for tree removal and for a septic evaluation. Marilyn as a member of the Deerfield CPA Committee and Historic Commission is versed in protecting old school buildings, and had volunteered to help the Dzogchen Community protect the old grammar school through getting historic landmark status. The Community is shifting its activities to urban areas like Florence and Northampton. But there was still some wish to maintain the school building, especially by those people who had moved to Conway to be near it. Jacqueline said she was one of these, and had taken it upon herself to see if CPA funds could help because their funding has diminished.

If money could not be generated that would support the structure and the activities in it, the school building would have to be sold. And that in fact, it had been offered for sale to members of the world-wide Community, in an attempt to find a sympathetic member who would own the building but place it in the service of those who still wanted to use it. Should a buyer not emerge, then it might be sold on the open market.

Why the intent to get historic status for the building, if it might be sold? Marilyn said the Community was concerned that the historic building be preserved given its historical place in the Town, and historical landmark status would require that a new owner could only make changes to the interior of the building, not the exterior. It was suggested that the ladies meet with the Conway Historic Commission, given the Community's intent to seek historic status for the building, and see if they supported preservation work on it.

The next CPC meeting was set for Monday, August 15, 2011 at 3:00 pm in the common room of the Town Hall.

The meeting was adjourned at 6:15 pm.

Respectfully submitted,

David Barten, Secretary

