**TOWN OF EAST KINGSTON BOARD OF SELECTMEN**

**PUBLIC HEARING ON ACQUISITION OF A PROPOSED CONSERVATION EASEMENT**

October 2, 2023

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| Town Offices24 Depot RoadEast Kingston, New Hampshire6:00PM | Robert Caron, ChairJoseph Cacciatore, Vice Chair Robert Nigrello |

Board Members present: Robert Caron – Chair, Joseph Cacciatore – Vice Chair, and Robert Nigrello.

Others Present: Town Administrator Grace Ruelle, Police Chief Michael LePage, Conservation Commission member Vicki Brown, Conservation Commission Chair Dennis Quintal, and Police Lieutenant Clayton Jervis.

Chairman Caron opened the public hearing at 6:14pm on the proposed conservation easement of MBL# 17-03-02, located at 48 Giles Road Rear in East Kingston and owned by the Mueggler Agricultural Trust. This public hearing is required under the provisions of RSA 36-A:5, II and RSA 675:7. The proposed easement would be held by the Southeast Land Trust of New Hampshire (SELT) with the Town of East Kingston holding an Executory Interest. The total contribution towards the acquisition of the Conservation Easement is proposed to be $100,000 which would come from a Town of East Kingston’s Bond, contingent on SELT signing a binding Purchase & Sales Agreement with the landowner and raising the additional funds needed to complete the project.

Conservation Commission Chair Dennis Quintal presented the conservation easement proposal noting the property is located on the northeast corner of town with frontage in both Exeter and Kensington (no frontage in East Kingston), consisting of 72 acres with both wetlands and uplands, and accessible from Powder Mill Road in Exeter. He stated the property in Exeter and Kensington had been excavated over the years to create a field, and there is a trail system throughout. The land in East Kingston remains wooded. The Conservation Commission undertook a site walk a few weeks ago and inquired with the Planning Board vice chair on the potential for development of the property. Additionally, an appraisal was conducted. Funding for the easement would include: $100k – E. Kingston, $100k – Kensington, $100k – Exeter, $500k – DES, and $25k – SWP. East Kingston’s funds would come from the conservation easement monies approved at the March town meeting (up to $4 million bond). The timing for the release of grant monies wouldn’t be until mid to late summer 2024. This public hearing is being held to ascertain public feedback and garner the support of the Board of Selectmen.

Other conservation easements in town include Furnald easement, Bodwell easement, and Smith easement. Conservation Commission Chair Quintal then spoke to the cost of development versus keeping the property undeveloped. The appraisal showed the potential of upwards of 22 house lots on the East Kingston parcel; however, there is no access to the parcel from within the town boundaries.

Discussion ensued on the actual potential of building lots due to a state statute concerning scattered and premature subdivision which would prohibit the development of properties that could not be accessed from within the town bounds and that the town had prevailed in an earlier case where a landowner tried to develop property in East Kingston that could only be accessed through the Town of Kingston. Should this be the case, then the actual conservation easement value would drop significantly. The question rose as to why the town would purchase development rights of a property that could not be developed.

Conservation Commission member Vicky Brown spoke to the towns of Kensington and Exeter having already received letters of support from their Selectboards. Exeter’s interest in preserving the land lies with its location along Great Brook and the Exeter River. Kensington wants to preserve the land to make it contiguous with existing conservation land. Additionally, the owner indicated they were open to using the East Kingston portion for trails to connect to the trail system in Kensington.

Conservation Commission Chair Quintal noted that when the excavation of the property was done years ago to create fields, the town boundary was removed and, despite requests over the years to put it back in place, has still not been installed. The owner has indicated they will do so. It is now up to the Board to determine whether they would support the proposal, or they could continue the public hearing to get more information about the development potential of the property.

Mr. Nigrello spoke to getting the municipal bound reset, of being in favor of trail systems, wanting to get more information regarding the scattered and premature subdivision provisions, and getting input from town residents before making a decision to spend town money (bond) on this.

Responding to board inquiry, Conservation Commission Chair Quintal stated the remaining funds (approximately $200k) from the first conservation easement bond (2003) has been earmarked for the Carter property on South Road. The $4 million bond from the March 2023 ballot has not yet been accessed. He then spoke of other development barriers to the property due to lack of access to the parcel – the railroad tracks and an abutting parcel already under conservation easement.

Chairman Caron suggested the board ascertain more information on the development potential of the property and solicit feedback from the town by way of posting to the town’s website. It was noted the grant monies were not guaranteed; they would still need to apply for them.

Conservation Commission Chair Quintal then spoke about the appraisal noting he was not sure how it was calculated. Vice Chair Cacciatore noted each lot was calculated at 1/3 its market value.

Discussion ensued on the lack of a yield plan, that the evaluation of the proposal by the Planning Board vice chairman was conceptual only and not an official Planning Board determination, that it’s likely the grant monies would not be approved unless all three towns signed on to the proposal, that the property may not be developable and therefore not necessary to secure a conservation easement. Board members agreed that had the property in question been located in prime developable land in town, they wouldn’t hesitate to support a conservation easement; however, at this point, there were too many unknowns to make a determination for support.

**MOTION: Chairman Caron motioned to continue the public hearing to November 13, 2023 at 6pm to ascertain more information, including Planning Board input on a yield plan; seconded by Vice Chair Cacciatore. The motion passed 3-0-0****.**

**MOTION: Chairman Caron motioned to close the public hearing and adjourn the meeting; seconded by Mr. Nigrello. The motion passed 3-0-0.**

The public hearing ended at 6:51pm.

Minutes prepared by Catherine Belcher.

Approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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| Joseph Cacciatore |  | Robert A. Caron |  | Robert L. Nigrello |