

## **Frequently Asked Questions on Warrant Article 22, Open Space Acquisition Bond**

**What does the warrant article say?** The full text of the warrant article is:

### ARTICLE 22: Open Space Acquisition Bond

Shall the Town vote to raise and appropriate the sum of six million dollars (\$6,000,000.00) to purchase land and easements or other property interests within the Town of Amherst for conservation purposes, and to authorize the Board of Selectmen to issue bonds or notes up to six million dollars (\$6,000,000.00) in compliance with provisions of the Municipal Finance Act (RSA 33:1 et seq., as amended); provided, however, that notwithstanding anything herein to the contrary, the Town shall not issue more than two million dollars (\$2,000,000.00) of bonds or notes in any one fiscal year; to authorize the Selectmen to negotiate and determine the rate of interest thereon and the maturity and other terms thereof, and to take any other action they deem appropriate to effectuate the sale and/or issuance of said bonds or notes, however, no such bonds or notes shall be issued with a term of maturity of less than ten (10) years or more than twenty (20) years, furthermore, to authorize the Selectmen to acquire said property exercising their authority under RSA 41:14-a, and additionally to raise and appropriate the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) for the first year interest and costs. Land or property interests to be purchased with bond proceeds shall total not more than 800 acres and shall be acquired in the name of the Town as conservation land to be managed by the Conservation Commission pursuant to RSA 36-A:4, to protect and limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas. The authorization to borrow provided hereunder shall not lapse until June 30, 2026. (Tax impact = \$0.09) (3/5 Vote Required)

**What is this?** Faced with increasing development pressure and a desire by town residents to protect open space, water resources, and the rural aesthetic of the town, the Amherst Conservation Commission (ACC) has proposed a \$6 million bond warrant article to enable purchase and conservation of open space in town.

**How important is acquiring open space to maintaining the rural feel of Amherst?** The amount of protected open space in southern New Hampshire towns is strongly associated with the “rural feel” of each locality. The most recent data available provides a snapshot of Amherst in comparison to several of its neighbors:

|           |              |
|-----------|--------------|
| Bedford   | 8% conserved |
| Merrimack | 9%           |
| Amherst   | 14%          |
| Hollis    | 32%          |

Currently, Amherst “feels” like a town with more open space than the 14% figure, because there is a considerable amount of land that is *unprotected* open space. There is now considerable development pressure on such tracts. Allowing development without also preserving more open space will lead to a look and feel that is less rural and more like our neighbors who have protected less land.

**How does buying open space help protect water resources?** Maintaining open space allows natural recharge of groundwater to continue, reduces runoff and pollution compared to developed land, reduces local water demand from additional wells, and protects land overlying aquifers that are important future water supply sources for the town.

**How much does it cost?** Buying a \$2 million property (the max allowed in any year) is expected to increase property taxes on the average Amherst home by less than \$40. This is based on using a 20 year bond at 3% interest and current property tax rates and median house values. Actual interest rates at the NH Municipal Bond Bank sale on January 6, 2021, were 1.58% for a twenty year bond, and actual purchases in any year are likely to be under \$2 million, so our estimates should be conservative and the actual property tax increase should be somewhat less.

**How much land can be bought?** Prices of undeveloped land vary considerably based on unique factors such as location, how much of the parcel could be developed, and market conditions over time. We have analyzed sales of land in “current use” over the past ten years to gauge approximate cost per acre. Not surprisingly, cost per acre is trending higher rapidly, and sales in the last several years have been in the \$10 – 12 thousand per acre range. While we can’t be sure of the market conditions over the next several years, at the higher figure, approximately 500 acres could be purchased. To put this in perspective, in the past two years, five proposed developments in town have asked to put 300 homes on over 650 acres.

**Does the Board of Selectmen support this article?** Yes. The Board of Selectmen voted unanimously to support this article.

**Does the Ways and Means Committee support this article?** Yes. Ways and Means voted 4-3 to support this article.

**What were the concerns of the Ways and Means minority?** The three minority members stated three different concerns: That studies should be done to explore fully the costs and benefits of acquiring open space, that the article could result in tax impacts in two successive years, and that the article is a “want” rather than a “need.”

We are grateful for the support of the majority of Ways and Means members. After the Ways and Means minority views were published, the ACC identified studies of eleven New Hampshire communities compiled by American Farmland Trust concluding that residential development increases expenses for schools, police, and fire protection more than the tax revenue it brings

in, while preserved open space uses few town services.<sup>1</sup> In effect, new residential development created from open space increases the tax burden on existing homeowners.

While studies are supportive of the ongoing cost/benefit relationship of open space compared to development, the unquantified benefits of preserving the rural aesthetic of Amherst, maintaining the water quality protection provided by open space, and the scenic and recreational value of open space, are all essential justifications for this warrant article. We trust voters will weigh these benefits, the existing studies, and recognize that the current development pressure in Amherst makes prompt action on this warrant article important.

**Isn't this too much with all the other expenses we're voting on this year?** We understand the other important needs of the town and schools, and the tough decisions we need to make in every budget cycle. We have worked hard to keep the costs of this warrant article low – and to limit the potential amount of year-to-year variation - while still being able to protect open space, water resources, and rural feel of the town. Preserving open space is an important tool in slowing the development that increases demands on all our resources – roads, water, safety and schools – and in preserving homeowner property values. We trust the voters to see the benefits this article brings to all the town's residents, and to gauge those benefits against the relatively modest costs.

**How will the land we buy be selected?** First and most importantly, the current owners must be willing to sell. The ACC has developed and approved a detailed set of criteria for use in acquiring conservation land, attached to these FAQs. The land must protect wildlife habitat or water resources, public access must be allowed, and the land must be under threat of development, among other criteria. Public input on each proposed purchase will be taken at several stages, and the ACC welcomes residents who wish to become involved in locating and analyzing proposed purchases.

**Can this be used to protect agricultural land?** Yes, most farmland and agricultural land would qualify for purchase under this article.

**How will we assure we don't overpay?** In addition to the benchmarks provided by our study of historical sales prices of "current use" land, each proposed purchase requires an independent appraisal. With public hearings and reviews by the ACC, Planning Board, and Board of Selectmen, we expect the price and all other details of each proposed purchase to be carefully examined.

**Do landowners have a choice on whether to sell or not?** Yes. Sales will only occur with willing sellers. Eminent domain cannot be used to acquire conservation property.

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<sup>1</sup> [https://s30428.pcdn.co/wp-content/uploads/sites/2/2019/09/Cost\\_of\\_Community\\_Services\\_Studies\\_AFT\\_FIC\\_201609.pdf](https://s30428.pcdn.co/wp-content/uploads/sites/2/2019/09/Cost_of_Community_Services_Studies_AFT_FIC_201609.pdf), accessed May 1, 2021.

**Is a full purchase the only way to protect open space?** Not at all. Under the warrant article the town can acquire conservation easements or other protective property interests. Additionally, the town can work with other conservation entities to share the costs and ownership of open space. We intend to explore all such opportunities.

**What will be done with the land we buy?** Because the warrant article requires the land to be conservation property, the land will be permanently protected from development. The land will be managed by the ACC, as are the other conservation areas in town. Public access is a requirement for any land purchased under the warrant article. We anticipate new properties will offer opportunities to expand the 30+ miles of trails already managed by the ACC, consistent with protection of wildlife habitats and water resources.

**Are you trying to shut down all development in town?** No. Amherst is a desirable location to live and we can expect development to continue. This warrant article will permit us to protect a small but important portion of the undeveloped land in town. Our goal is to provide a balance to development we know will occur, by protecting the natural and water resources of the town and preserving of the rural look and feel of Amherst.

**Will this stop any of the developments currently proposed in town?** We cannot interfere with properties already under an agreement with a developer. Our focus is on acquiring properties from owners who are free to sell and who are interested in allowing the town to protect the open space they own, permanently, for a fair price.

**Why are the bonds between ten- and twenty-year duration?** Several reasons. First, to spread the tax impact over a relatively long period of time. Second, so that the cost is borne more equitably between those who live in town now and those who move here in the future. And finally, third, to take advantage of the current historically low interest rates.



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## **Selection Criteria and Checklist for Conservation Acquisitions**

|                     |  |
|---------------------|--|
| Land Owner(s)       |  |
| Map and Lot numbers |  |
| Acreage             |  |
| Adjacent road(s)    |  |

Additional discussion of these criteria is contained in the Conservation Plan for Amherst, New Hampshire (January 2019).

### **I. Protection of Irreplaceable Natural Resources**

To qualify for selection a property must meet one of the following criteria:

\_\_\_\_\_ **Wildlife Habitat**

The property contains or supports significant wildlife habitat<sup>1</sup>, or protects Threatened, Endangered, or species of Special Concern<sup>2</sup>, or exemplary natural plant communities.

\_\_\_\_\_ **Water Resources**

The property overlies highly transmissive aquifers or contains important aquifer recharge areas, significant natural surface waters (lakes, ponds, major streams and rivers), or other lands important to the protection of our water resources (including both water quantity and quality).

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<sup>1</sup> Defined as areas categorized in the NH Wildlife Action Plan as Highest Ranked Habitat in New Hampshire, Highest Ranked Habitat in the Biological Region, or Supporting Landscapes. Map available at: <https://www.wildlife.state.nh.us/maps/wap/amherst&x11scoring.pdf>.

<sup>2</sup> For more information, see <https://www.wildlife.state.nh.us/nongame/endangered-list.html> and [https://www2.des.state.nh.us/nhb\\_datacheck/signin.aspx](https://www2.des.state.nh.us/nhb_datacheck/signin.aspx).

- \_\_\_\_\_ Land Connectivity  
The property expands or adds to other conserved land (public or private) or serves as a “beachhead” for obtaining larger conservation parcels in the future.

## II. Contribution to Amherst’s Rural Aesthetic

The following additional desirable features support the potential purchase of an identified property.

- \_\_\_\_\_ Recreational and Educational Value  
The property is suitable for non-motorized recreational trails or contains significant natural or historical features with educational value.
- \_\_\_\_\_ Working Lands  
The property is in active agricultural or forest management use or protects large un-fragmented blocks of forest which could be managed.
- \_\_\_\_\_ Geographic Diversity  
The property is located in an area of town that lacks current conservation areas reasonably available to residents.
- \_\_\_\_\_ Other  
The property protects the town's rural character and natural resources in other ways (describe).

## III. Vulnerability

To be considered for purchase the property must not be currently conserved and must be under threat of development, as indicated by one or more of the following qualities:

- \_\_\_\_\_ The property has a significant percentage of developable land (areas that are not steep slopes, wetlands, or within a floodplain).
- \_\_\_\_\_ The property has convenient access to existing roads.
- \_\_\_\_\_ The property has in the past been proposed for development or is in an area where significant development has occurred or is proposed.
- \_\_\_\_\_ The property is the subject of current interest for potential sale for development.

## IV. Disqualification

The property will not be acquired if any of the following is true.

- \_\_\_\_\_ The property is too small or isolated from other current or potential conservation properties to provide meaningful conservation value.
- \_\_\_\_\_ The property is likely to be contaminated with hazardous materials and cleanup is not feasible.
- \_\_\_\_\_ There is reason to believe that the land/easement would be unusually difficult to manage or to have proper stewardship of the land.
- \_\_\_\_\_ The landowner insists on provisions that limit reasonable public access to the land.
- \_\_\_\_\_ The landowner insists on other provisions that unacceptably diminish the property's primary conservation or public values or the town's ability to enforce an easement and or manage the land.
- \_\_\_\_\_ Other disqualifying issues exist (identify) \_\_\_\_\_.

Completed by \_\_\_\_\_

Date \_\_\_\_\_