



The Newsletter of the Francestown Land Trust, Inc.

Spring 2022

## Land Trusts and Conservation Easements: A Primer

### What is a Land Trust?

Land trusts, such as the Francestown Land Trust (3,084 acres protected), or land conservancies, such as the Piscataquog Land Conservancy (~9000 acres) are community supported, non-profit organizations that acquire land or conservation easements from willing land owners for the purpose of conserving certain conservation or agricultural values.

Land trusts act as stewards of their holdings and may take active measures to manage and/or restore the properties they own or conserve. Other land trusts active in our area include the Harris Center for Conservation Education (~24,000 acres), the Monadnock Conservancy (~22,000 acres), the Society for the Protection of New Hampshire Forests (~480,000 acres), the Northeast Wilderness Trust (~40,000 acres), and the New England Forestry Foundation (>1,000,000 acres).

Land trusts may be large organizations with paid staff and a national presence such as The Nature Conservancy (~22,000,000 acres), or operate with all-volunteer board and “staff” such as the FLT, or fall somewhere between these extremes. Land trusts may focus on specific conservation values or geographic areas, or be generalists with conservation plans that fit their mission.

Land trusts protect land by buying land outright, ‘fee simple’ ownership, or procuring conservation easements on parcels the landowners wish to protect.

### What is a Conservation Easement?

In general, an easement gives one the right to make certain specific uses of land owned by someone else. A classic easement is the right-of-way, which permits the crossing of someone else’s land. Easements can also be granted for rights, such as running an electrical power line across someone else’s land or a gas line beneath the ground.

A conservation easement is a voluntary legal agreement between a landowner and a land trust (or government agency) that permanently limits uses of the land to protect its conservation values. The right granted is to steward the land to protect those values.

Land placed under a conservation easement must be shown to have significant conservation values that provide public benefits, such as water quality, preservation of agricultural land, wildlife habitat, recreation, education, and historic preservation.

Easements are tailored to individual properties in accordance with the values to be protected. The landowner may claim certain “reserved rights” as long as they don’t impact the purpose of the easement. Most conservation easements are donated and can result in significant federal tax benefits if the donation meets the requirements of the law.

Land trusts weigh factors, such as the conservation value and availability of project funding, when deciding whether to purchase an easement. The role of the land trust after

being granted an easement is to steward the property in a manner consistent with the stated purpose of the easement. The trust monitors the parcel annually and takes any necessary legal action to enforce the easement.

Land trust fee-owned property and parcels with conservation easements continue to generate property and other tax income for the local municipality, while reducing the need for services that drive up the local tax burden. Land trusts also bring money into the community through grants from private and government funding sources.

Nationwide, land trusts have conserved over 60 million acres, preserving biodiversity through habitat protections and wildlife corridors, mitigating the effects of climate change, saving agricultural land from development and sustaining local food production, safeguarding water quality for drinking water sources, and providing public access for multiple types of recreation.

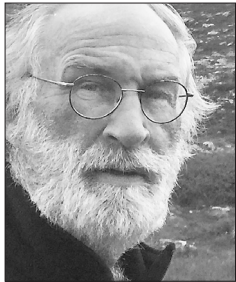
### We Can Help

If you are interested in protecting your land, the FLT ([info@francestownlandtrust.org](mailto:info@francestownlandtrust.org)) is here to help. Or visit the New Hampshire Land Trust Coalition ([nhltc.org](http://nhltc.org)) or the Land Trust Alliance ([landtrustalliance.org](http://landtrustalliance.org)) to find a land trust near you.

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*Larry Ames, Chair of the Francestown Land Trust*

## A Letter from the Chair



May 2022

Dear Friends and  
Neighbors of  
the Francestown  
Land Trust,

Over the past few decades I've had a number of occasions to venture into the realm of our system of land ownership. I've delivered plats, deeds, and easements to be recorded at the Hillsborough County Registry. I've used plats to find my way around during monitoring visits. And I've dealt with the nitty-gritty of buying and selling real property. I've seen deeds that refer to long-gone ephemera and surveys of the same property line that differ in their numerical details. Sometimes I've wondered: Can anyone really know exactly what land they own?

These experiences have also made me think about what it means to "own" land. The Indigenous nations or tribes of North America had their own notions of land use. Whereas European land ownership centered around control, Indigenous concepts were based on stewardship. When Europeans came to North America, they usually disregarded traditional land tenure and simply seized land.

Today we say control of land is the right of the owner within limits set by federal, state and local regulations. But what are the responsibilities of land ownership? That's a question each land owner must answer for themselves.

In this issue, we look at three "case studies" of land owners in Francestown who decided to protect their land with a conservation easement. As you will read, each had their own reasons, but all share a sense of responsibility to the land, to the community, and to future generations. We also include a "Primer" on Land Trusts and Conservation Easements in general that I hope you will find informative.

The values that the FLT seeks to protect through conservation easements include the quality of wildlife habitat, the best use of agricultural land, and the opportunity for low-impact recreational use. Our recent acquisitions highlight our commitment to preserving water quality for wildlife habitat, as well as human health and recreation; creating corridors for wildlife and human recreation; and protecting highly valued agricultural land.

As international struggles for control of land and recognition of boundaries escalate, and as we continue to struggle to control a virus that recognizes no boundaries, we thank you for your support in preserving and protecting access to open lands and special places in Francestown.

We will hold our annual meeting virtually, via ZOOM, on Thursday, June 9. We hope you will join us online. Later in the summer, we hope to host an event where we will all be able to get back together, in-person.

In the meantime, I hope you find ways to get outside and enjoy the season, whether recreating, gardening, observing wildlife... or just chilling.

*Larry Ames, Chair of the Francestown Land Trust*

### FLT Annual Meeting

The Francestown Land Trust's board of directors has decided to conduct its 2022 Annual Meeting virtually via Zoom due to continuing community spread of COVID-19. The meeting will take place at 6:30PM on Thursday, June 9, 2022. Members will be sent an email invitation so that they may participate.

If you are a member (i.e., donated in the past year) and want to participate, but are not sure that we have your email on file, contact us at [info@francestownlandtrust.org](mailto:info@francestownlandtrust.org) and we'll get you on the list. This will be a business meeting only, to report to our members and elect a slate of directors. This process typically takes 20-30 minutes.

We are looking forward to hosting a gathering this Summer, details to come.



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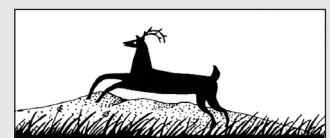
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**FRANCESTOWN  
LAND TRUST**

**Founded in 1986**



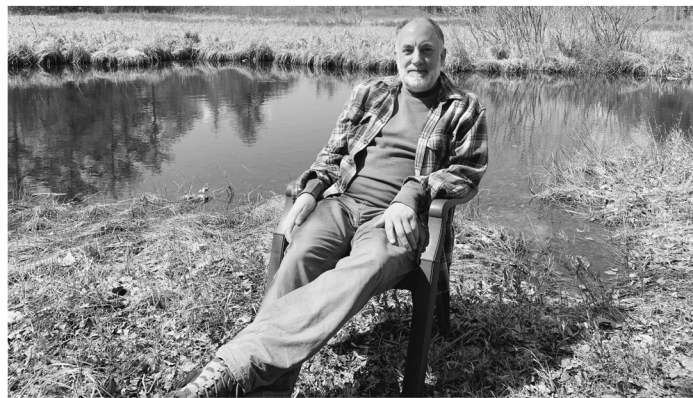
## Every Easement Tells a Story

*The Francestown Land Trust holds thirty-five conservation easements in town, varying in size from a few acres to over two hundred acres. Most of these easements have been donated. Landowners have different reasons for granting conservation easements and each land parcel may have a number of different attributes to protect.*

*Here are three “case studies” that illustrate why different land owners decided to grant Conservation Easements to the FLT. The Abbottville Farm easement keeps valuable agricultural land in production, the Sanderson easement preserves wilderness along Collins Brook, and the St. Jean easement protects an important corridor between Shattuck Pond and Crotched Mountain.*



A young Bob Abbott with his 4-H cow.



George Sanderson shares the landscape.

and pigs, in addition to taking care of the cattle. When he was a teenager, Bob and a friend started a business raising sheep for lamb and the wool. Donny remembers carrying lunch out to his grandfather in the hay fields, when he was barely old enough to walk.

After Bob graduated from the Thompson School of Agriculture at the University of New Hampshire, he pursued a career in retail management with Woodcraft Supply, which tapped into another interest of his: woodworking. By then, most of the family farmland had been sold but, in the mid-1960's, he started to slowly buy back as much of the land as he could, calling it Abbottville Farm. He built his house there and today owns 45 acres of prime farmland beside his home on the Second

family, as well as for the town.”

Francestown Land Trust Project Manager, Greg Neilley, agrees. “By remaining in active agricultural use, Abbottville Farm helps preserve the rural landscape that is our heritage and that town residents so highly valued in the last conservation plan.”

The FLT acquired this easement in December of 2019 with help from LCHIP and a USDA/NRCS Agricultural Lands Easement grant. It was a difficult easement to bring to fruition because it needed to satisfy the wishes of the landowner, along with meeting the requirements of ALE and LCHIP. It was the FLT's first time working with the USDA for funding and a learning experience for all involved.

### ■ Farm Easement: The Right Thing to Do

*Elizabeth Lavallee & Larry Ames*

Robert (Bob) and Donald (Donny) Abbott know a lot about past and present farming in this community, and they are proud of their family's role in this important part of our town's identity.

The brothers grew up in the house next to the Nutting dairy farm, which was owned by their grandparents, Edmund and Dell Nutting. In its prime, their grandparents' farm spanned 750 acres of pastures and forest in Francestown, including Red House Road, Cross Road, and additional acreage on the other side of the Second NH Turnpike South. The Nutting's farm milked up to 120 cows at a time, selling the milk to HP Hood. Bob and Donny were active in 4-H and raised a variety of farm animals including sheep

NH Turnpike South.

In late December of 2019, Bob placed 40 acres of his land in a conservation easement with the Francestown Land Trust. He had been approached by a land developer and that made him realize how much he wanted his family's fields and forests to be preserved as farmland. Donny hays the fields there and grazes his beef cattle on 17 acres of pasture during the fall months. Bob says of his brother, “He's a hard worker and he wants to do it.”

Bob's wishes are reflected in the stated purposes of the Agricultural Land Easement: protection of agricultural use, conservation of open space, and the preservation of scenic views.

“When I look back, it wasn't easy for me to come up with the payments to buy back the land, but it was well worth it,” he says. “It was the right thing to do for my

### ■ Sanderson Easement: A Special Place for Today and Tomorrow

*Larry Ames*

George Sanderson grew up in the suburbs of Boston. After high school he settled in the greater Boston area with a job in software development. Like many Massachusetts suburbanites, he vacationed and recreated in New Hampshire. In the 1990s, he reached a point in his life when the crowded MetroWest no longer fit his lifestyle and he decided to look for land in New Hampshire.

At the time—long before Zillow—real estate databases were not generally available for the public to browse. As a software engineer, however, George was able to access the MLS database and then write code to convert it to a more user-friendly form. One day, he came across a property with

**Easements Continued on page 4**

## Easements *Continued from page 3*

a lot size listed as 7,000,000 square feet! Could this be erroneous data? Not at all, it was the 167-acre Wiley Homestead on Old County Road North in Frankestown.

On first visit, he fell in love with the property and purchased it in December of 1997. After moving in, his appreciation for the uniqueness of this special parcel of land grew. He and his family enjoyed exploring the dense hemlock forests, beaver ponds, and shores of Collins Brook on foot, snowshoes, skis, and even by canoe.

Years later, George and his wife grew apart and decided to go their separate ways. Although the divorce was amicable and his wife was supportive of his retaining ownership of the property, he began to consider the long-term future of the land.

He researched conservation easement as a possible solution for holding on to the land, compensating his ex-wife, and guaranteeing that the land would be preserved in its natural state. Realizing that a first step would be an appraisal of the property, he contacted a number of appraisers and one of them led him to the Frankestown Land Trust. The FLT was able to purchase the easement with a grant from the Russell Foundation in October 2008.

The purpose of the easement “is to preserve and protect in perpetuity the open space condition and the Conservation Values of the Property for the public benefit.” It protects:

- Various forest types, south-facing slopes, ponds, floodplains, vernal pools, and wetlands that provide a wide diversity of cover and food sources for wildlife, classified by New Hampshire Fish & Game as “Significant Wildlife Habitat”
- Connectivity to adjacent protected land and scenic vistas viewed from a Town-designated scenic road
- 2,500+ feet of frontage on either side of Collins Brook, which flows into the South Branch of the Piscataquog

River; and numerous vernal pools, floodplains and other wetland areas that provide important habitat and water retention and filtering services to the Piscataquog River watershed

George was instrumental in tailoring the terms of the easement, which allow him to manage the land with certain use



Biking on the St. Jean easement property.

restrictions. He practices sustainable forestry, maintains a system of trails for personal and public use, and allows hunting and fishing on his property, as well as permitting a snowmobile trail.

The FLT conservation easement allowed George to hold on to his land and protect it for future generations, so it will always be the land he fell in love with twenty-five years ago.

### ■ **St. Jean Easement: Why We Chose a Conservation Easement**

*By Jim and Cindy St. Jean*

In 2019, we purchased a very visible but undeveloped 33.5-acre piece of property in Frankestown, fulfilling a long-held dream

of conserving and preserving a piece of property with historical and recreational value in our town. The very same hour we closed on the property we placed a permanent conservation easement on it in partnership with FLT. We purchased this property with the express goal of conserving it and making this resource available to our community.

Several factors came together in our conservation of the property. Interestingly, one of those key pieces was the decision by the Frankestown Conservation Commission to designate the Fisher Hill Town Forest as available for development of bike-friendly trails. Many towns in our area have bicycle-friendly trail networks, and although Frankestown has extensive hiking trails, there were minimal biking trails. Being avid mountain bikers, we are aware how fast this sport is growing, with many fellow residents enjoying biking recreation. We also recognized that given the small size of the Fisher Hill forest (40 acres), additional land was going to be necessary to support a viable trail system.

The second key piece was financial. We were fortunate that a business transaction in 2019 created an opportunity to make a charitable contribution more financially impactful if we could complete it in 2019. A charitable contribution is one tool that can help reduce your tax burden in certain circumstances, helping to lessen the net cost of making the land purchase in our case.

The final component was the property itself, which we fell in love with. This property was right next to the town forest, perfect for trails, with multiple historical features, and over 3,000 feet of frontage on Route 47, which helps preserve the visual character of our town. It was a great choice for conservation, as it helped fill in a “green corridor” between the Crotched Mountain Town Forest and the Shattuck Pond Town Forest. The Fisher Hill Town Forest was already a tiny island

**Easements** *Continued on page 6*



## Thank you to all our previous year's donors!

The Francestown Land Trust is dependent upon, and deeply appreciative of, community support. Whether you are a Francestown resident, a neighbor in the region, or you just have a special place in your heart for our town and its wild places, we would like to express our gratitude to all who have supported us during this past year:

Beverly Abbott  
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 Harry Woodbury  
 Robert & Patricia Zeamans

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\*In Honor of Bob & Linda Lindgren  
 \*\*In Memory of George Cilley, Sr.



## Joan Hanchett Nature Series

### Otterly engaging!

Were you one of the 70+ attendees at Susie Spikol's "Are You a Wanna-Be Otter?" presentation at the *Joan Hanchett Nature Series* last Fall? If not, you missed an 'otterly' informative and engaging lecture—with captivating photos, stories, and even a stuffed otter—as only Susie can provide.

Here are some of the fascinating things we learned:

- The North American Otter belongs to the Mustelidae family and is known for its long body and short legs, the musky scent marker it leaves on its rounds, and, if you've been so lucky as to observe otters 'tobogganing,' its playful side. Otters are related to other mammals you are familiar with—think weasels, mink and fisher. But otters are water lovers and amazingly adapted to 'anything water.'
- They eat a smorgasbord of aquatic; fish, crayfish, turtles, snakes, small amphipods, reptiles, large invertebrates, and even small mammals!
- They are enviously adapted for swimming under water. They can swim up to eight miles per hour, dive as deep as 60 feet, and hold their breath for up to five minutes! They use a valve in



Presenter Susie Spikol.

their nose as a nose plug, a second eyelid that slides down over their eyes like goggles, whiskers to sense vibrations from fish, webbed hind feet as superb paddles, and a long stout tail as a steering wheel—wow!

- Their water-resistant coat is made of two types of hairs, top guard hairs layered underneath with buttery soft hair. Their fur is dark on top and light below, which renders them more camouflaged in water, the better to not be seen.
- Otters are active year-round, slowing their heart rate down to adjust for colder water temperatures. And they have been known to shack-up with beavers in their lodges to keep warm! How can you not admire their ingenuity? Winter is actually a super time to view otters, especially along the ice melt fringes of waterways.

Local otters are out and about our waterways right now, too. So, keep an eye out for an enchanting encounter!

*The Joan Hanchett Nature Series is a free program for adults and children of all ages. It is sponsored by Francestown Land Trust, George Holmes Bixby Memorial Library, Francestown News, and the Francestown Conservation Commission.*

Hannah Proctor

### Easements *Continued from page 4*

in between the two. Filling in this green corridor had long been a conservation goal in order to provide connectivity for both wildlife and recreational uses.

In our case, recreation led directly to conservation. By recognizing a community need—in this case the need for bicycle-friendly trails—and allowing for them on the Fisher Hill Forest, the FLT created an opportunity for us to further enhance and leverage this decision for greater community benefit. We are very thankful to the FLT for recognizing the win-win opportunity in this case through the partnership of conservation and recreation.

Conserved land is very important to preserve the rural character of our town, protect natural resources, and to keep our tax rates low. We believe that when people have opportunities to enjoy the benefits of conserved land, to connect conservation with recreation, it enhances appreciation of our conserved resources. And, as demonstrated in our case, it has helped to create great new win-win scenarios in our community.

**"There is something infinitely healing in the repeated refrains of nature."**

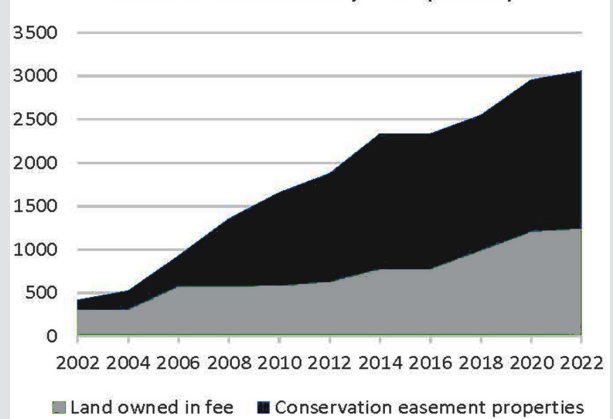
— Rachel Carson

Currently, FLT owns 22 properties totaling 1,247 acres, including the Rand Brook Forest and Schott Brennan Falls Reserve. All land owned by FLT is open for public use. In addition,



FLT holds conservation easements on 35 privately owned properties, helping to protect an additional 1,812 acres. With one Executory Interest, FLT helps to protect a total area of 3,084 acres.

Land Protected by FLT (acres)







*Frogs and salamanders and toads and new ts, Oh no! Oh yes!!*

*So, is a frog a reptile or an amphibian? How about a snake? Or a salamander?*

Okay, so you do know that salamanders are amphibians and turtles are reptiles, right?

But if you got asked to dig a little deeper and list a few notable differences between amphibians and reptiles, could you? What characteristics do they have in common? How about naming some from each group that are right here, in our own ‘back yard?’

In March, the *Joan Hanchett Nature Series* featured animals with “scales, scutes, and skins.” Shelby Morelli from NH Audubon shared her knowledge of New Hampshire’s amphibians and reptiles with the aid of a PowerPoint presentation and some live, creeping critters.

*Did you know that both reptiles and amphibians can be collectively referred to as “herps,” from the Greek root herpet-, meaning “creeping?” Did you know that there are 39 herp species in New Hampshire?*

While many reptiles and amphibians are distinctive, a few are difficult to tell apart, and some are rare. They do share some similarities, however. They are both vertebrates (with backbones) and both ectothermic, or cold-blooded, animals, which means their body temperature relies on the temperature of their habitat. Both hatch from eggs and both are known for their excellent eyesight, which helps them hunt prey.

*And for inquiring minds... Did you know that both can be found on every continent in the world except Antarctica—although only reptiles live in the world’s oceans and seas?*

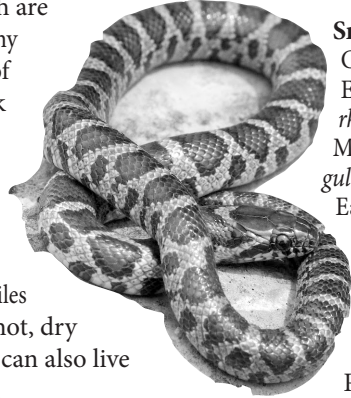
There are a host of differences between amphibians and reptiles as you might expect, and here are a few of them.

• **Their relationship with water is different.**

Amphibians need water in their habitat because, although they spend time on land, they live in water in their larval stage, laying eggs and hatching (think tadpoles and frogs). Amphibians breathe with gills in water and then grow lungs as they age on land. Reptiles, on the other hand, do not need water for any specific phase of their development, although they do often live

near water and spend time in water.

• **The function of their skin is very different.** The skin of amphibians is soft, smooth, maybe warty, moist and sometimes sticky; laden with mucous glands. It is porous, so they are very sensitive to toxins and other pollutants, particularly in water. Their presence in an area is a sign of good water quality. Reptiles are able to protect themselves from these same pollutants because toxins can’t penetrate their skin, which has scales or modified scales (think snakes) or scutes, which are thickened bony plates made of keratin (think turtles), and tends to be dry. The differences in their skin is also why reptiles can survive in hot, dry climates and can also live in salt water.



• **They reproduce differently.** While both hatch from eggs, the eggs are quite different. Reptiles reproduce via internal fertilization and their eggs are coated with a leathery or brittle coating. Reptile eggs hatch on land (or are kept in the body until ready to hatch). The hatchlings are miniature versions of the full-sized animals. In contrast, amphibian eggs are transparent, have a soft gelatinous mass surrounding them, and are usually found in water or damp areas. The animals that hatch from them must then go through stages of metamorphosis.

• **They have different modes of defense.**

Reptiles have nails, some have fangs and venom, and their scales can act as an armor to physically protect their body. Amphibians don’t have nails, but they can bite and some have toxic skin secretions.

Here is the “List of Amphibians and Reptiles of New Hampshire”. The species that are marked with a \* are rare or very similar to other species. See how many you’ve seen locally or on trips

around the State of New Hampshire!

**Amphibians & Reptiles**

**Frogs & Toads**

- Bullfrog (*Rana catesbeiana*)
- Green frog (*Rana clamitans*)
- Mink frog\* (*Rana septentrionalis*)
- Northern leopard frog\* (*Rana pipiens*)
- Pickerel frog (*Rana palustris*)
- Wood frog (*Rana sylvatica*)
- Spring peeper (*Pseudacris crucifer*)
- Gray treefrog (*Hyla versicolor*)
- American toad (*Bufo americanus*)
- Fowler’s toad\* (*Bufo fowleri*)

**Snakes**

- Common garter snake (*Thamnophis sirtalis*)
- Eastern hognose snake\* (*Heterodon platirhinos*)
- Milk snake (young\*) (*Lampropeltis triangulum*)
- Eastern ribbon snake\* (*Thamnophis sauritus*)
- Smooth green snake (*Opheodrys vernalis*)
- Racer (young\*) (*Coluber constrictor*)
- Brown snake (*Storeria dekayi*)
- Redbelly snake (*Storeria orripitamaculata*)
- Ringneck snake (*Diadophis punctatus*)
- Northern water snake (*Nerodia sipedon*)
- Timber rattlesnake\* (*Crotalus horridus*)

**Salamanders**

- Eastern newt (*Notophthalmus viridescens*)
- Blue-spotted salamander\* (*Ambystoma laterale*)
- Jefferson salamander\* (*Ambystoma jeffersonianum*)
- Marbled salamander\* (*Ambystoma opacum*)
- Spotted salamander (*Ambystoma maculatum*)
- Four-toed salamander\* (*Hemidactylium scutatum*)
- Dusky salamander (*Desmognathus fuscus*)
- Spring salamander (*Gyrinophilus porphyriticus*)
- Two-lined salamander (*Eurycea bislineata*)
- Redback salamander (*Plethodon cinereus*)
- Slimy salamander\* (*Plethodon glutinosus*)

**Turtles**

- Common musk turtle (stinkpot)\* (*Sternotherus odoratus*)
- Blanding’s turtle\* (*Emydoidea blandingii*)
- Snapping turtle (*Chelydra serpentina*)
- Eastern box turtle\* (*Terrapene carolina*)
- Painted turtle (*Chrysemys picta*)
- Spotted turtle\* (*Clemmys guttata*)
- Wood turtle\* (*Glyptemys insculpta*)

Hannah Proctor



**FRANCESTOWN  
LAND TRUST**

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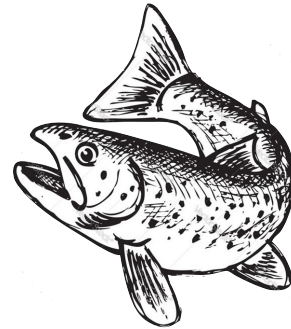
**So that's what a scute is!** Ryan Smart enjoys getting up close and personal at the *Joan Hanchett Nature Series* presentation "Scales, Scutes and Skins." A review appears on page 7.

**FLT Annual Meeting**

The Francestown Land Trust's board of directors will conduct its 2022 Annual Meeting virtually via Zoom. The meeting will take place at 6:30PM on Thursday, June 9, 2022. Complete details are on page 2.

**IN MEMORY OF  
GEORGE CILLEY, SR.**

**"TO ALL OF THOSE  
WHO THINK OF ME, BE  
HAPPY AS I FOLLOW  
THE STREAM, FOR I  
HAVE BEEN CALLED TO  
MY FISHING HOLE."**



**FRANCESTOWN LAND TRUST**

FLT has named our recently acquired property on Russell Station Road "The George Cilley, Sr. Memorial Forest".