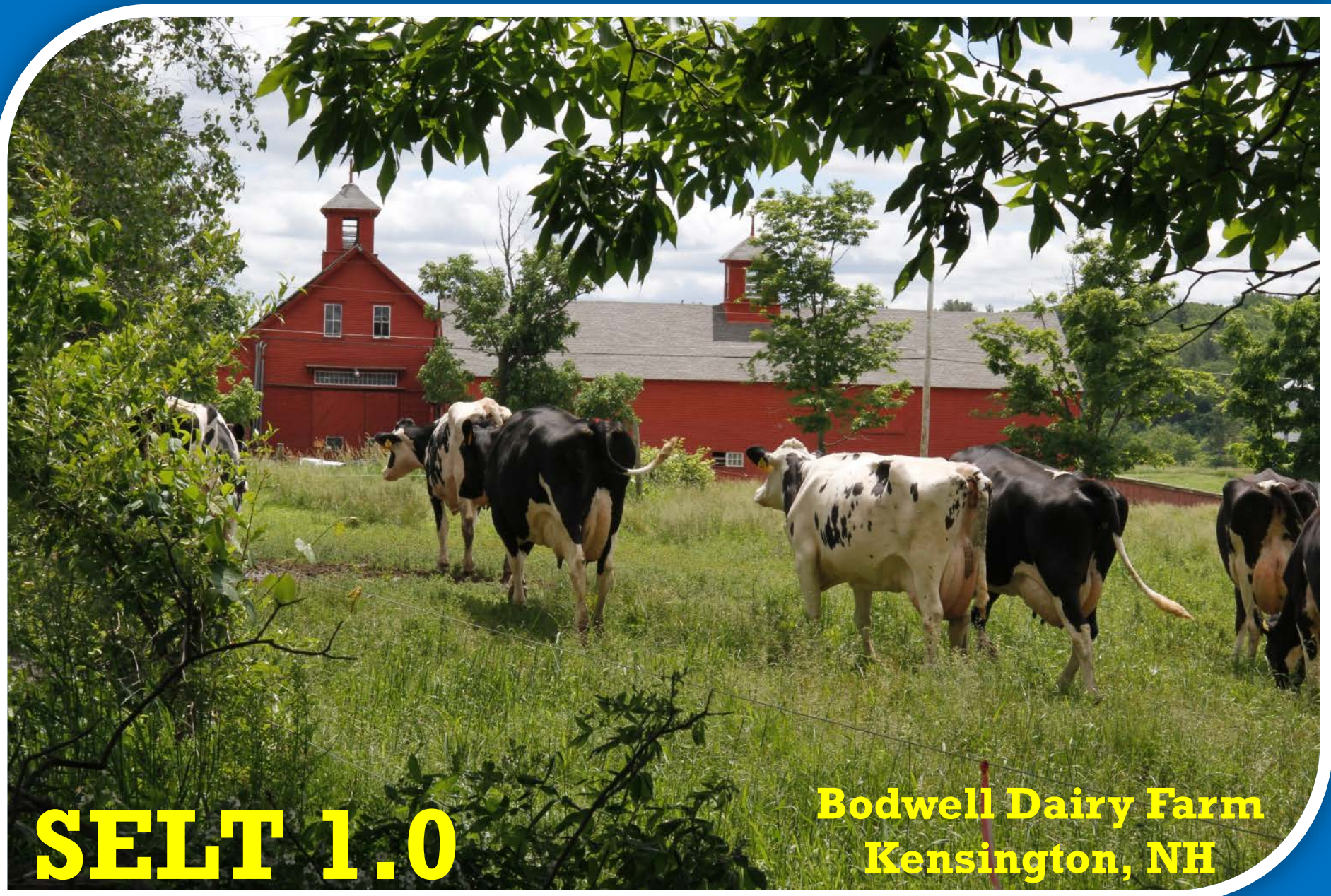


Exclusion Areas & Building Envelopes on Farmland Easements



**Bodwell Dairy Farm
Kensington, NH**



SELT 1.0

**Bodwell Dairy Farm
Kensington, NH**





Pros:

- **No enforcement in Exclusion Area**
 - **Less oversight/time for SELT**
 - **No use restrictions for farmers**
- **“Safe zone” for future, unforeseen needs**
 - **Additional residence, garage, etc**
- **Enhances flexibility to make a deal**

Considerations:

- **Farmland soils**
- **Appraised value**
- **Size/scale**
- **Succession plan**
- **Scenic/historic value**
- **Public access**

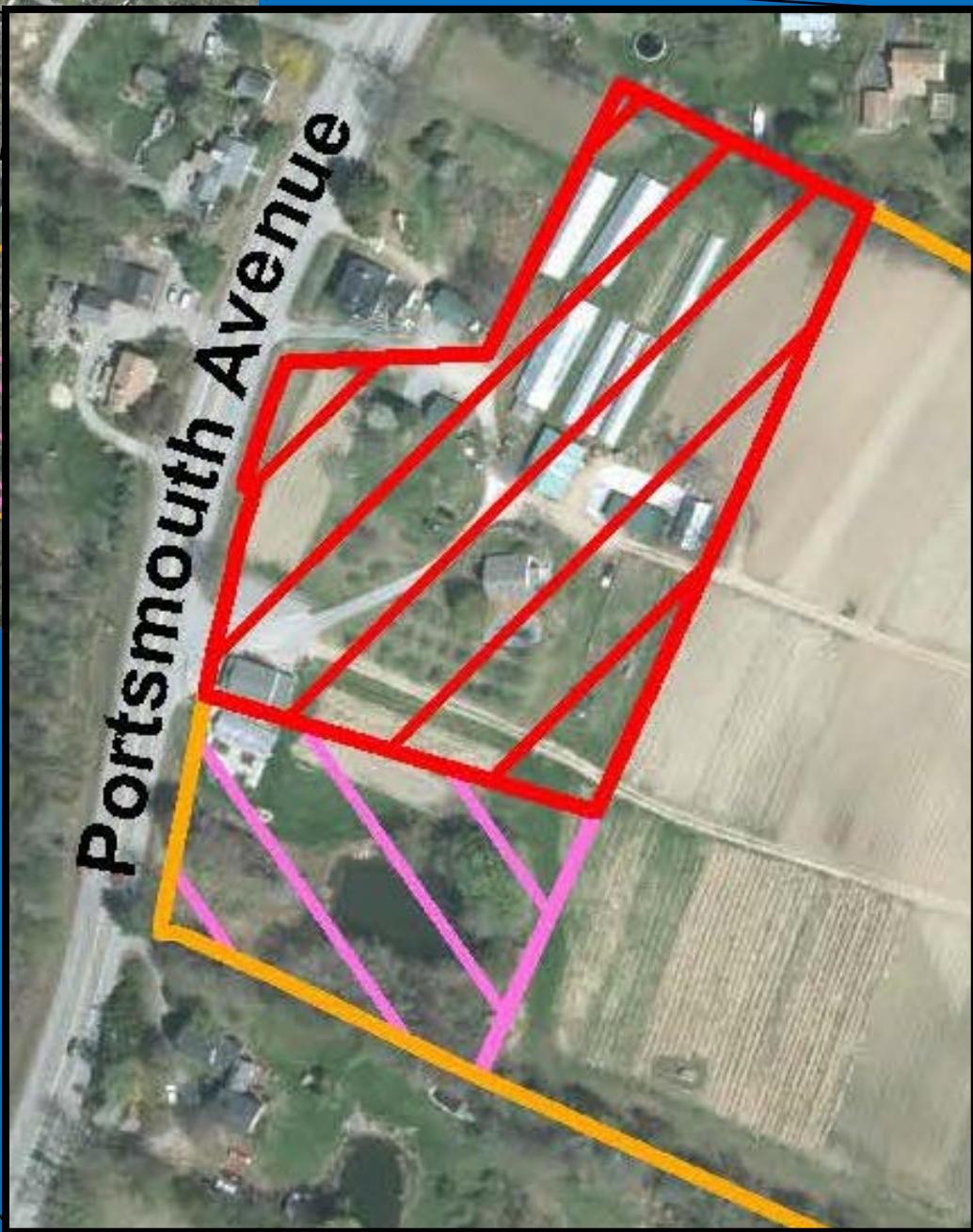
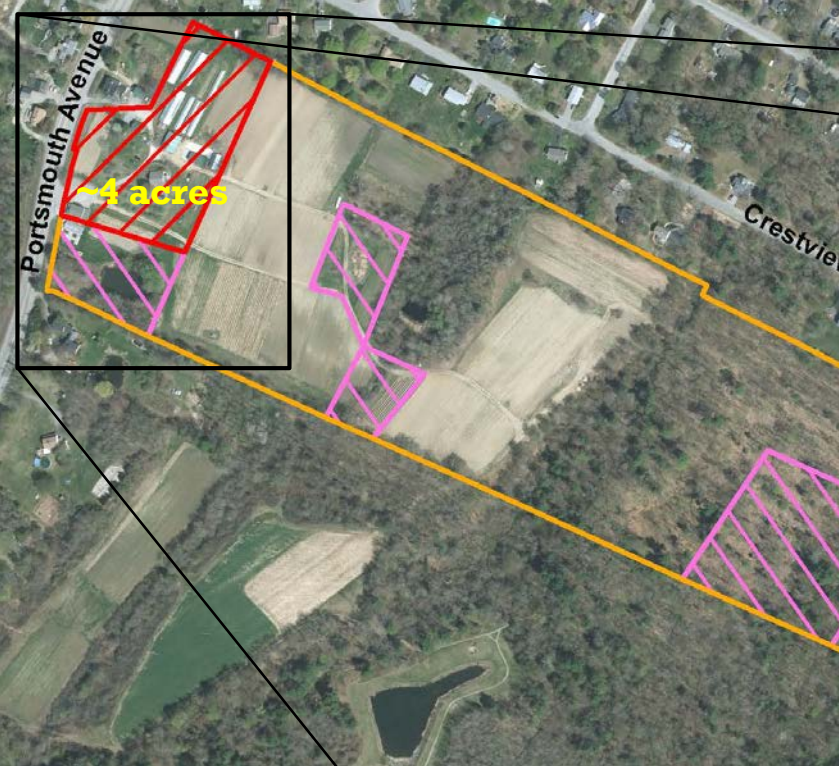
**What if the excluded area is sold?
No more farmer housing.....ever?**





SELT 2.0

**Barker's Farm
Stratham, NH**





Deed Restriction Conveyed on Excluded Area – For the benefit and in aid of the ALE granted hereby and running therewith, the Grantor hereby also grants to the Grantee the right to enforce the following Restriction with respect to the Excluded Area:

(1) The Excluded Area shall not be divided, subdivided or separately conveyed from the Protected Property.

(2) Division, subdivision, or separate conveyance wholly within the boundaries of the Excluded Area is prohibited.



Deed Restriction

Pros:

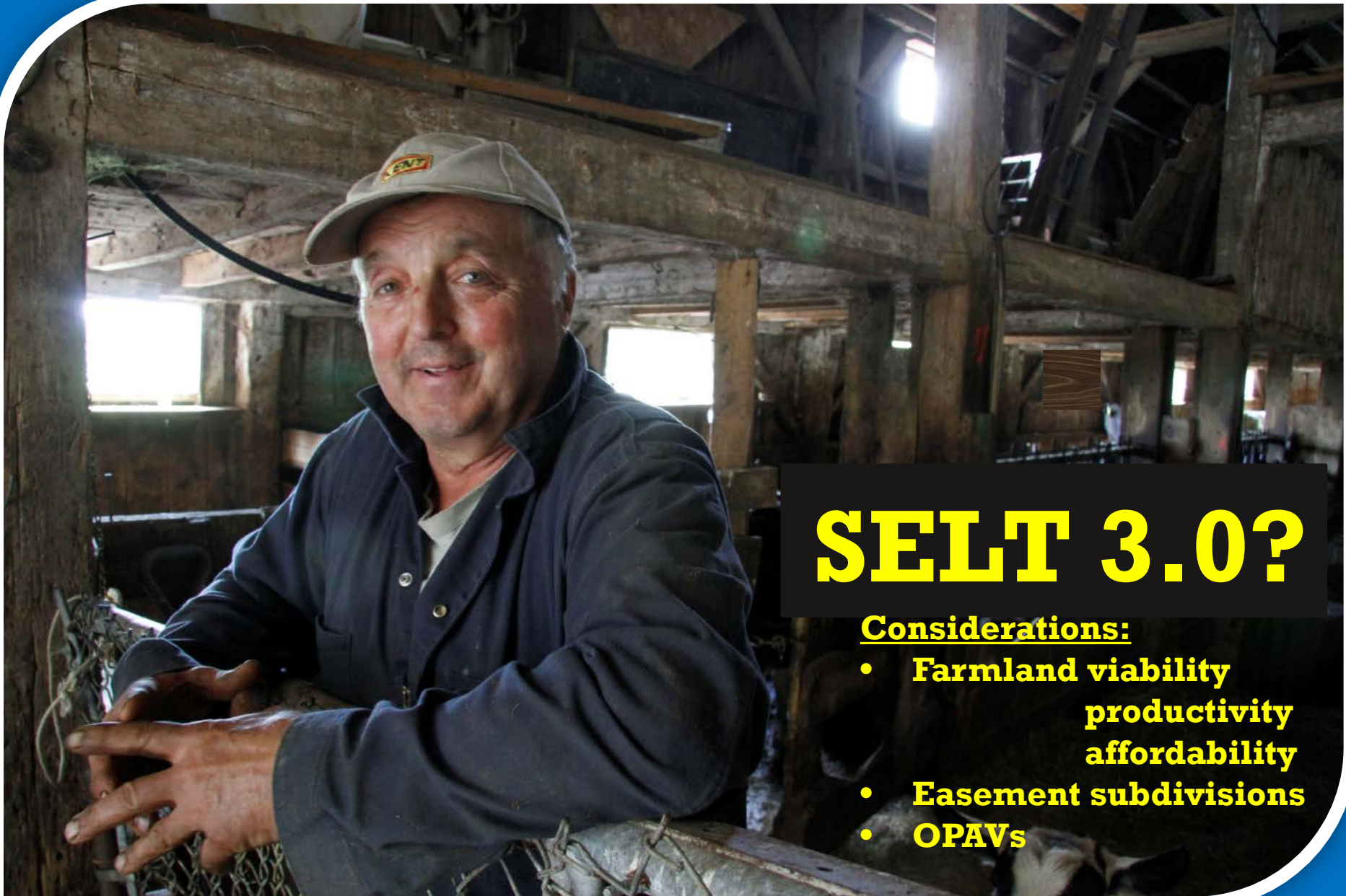
- Guarantees farmer housing
- May improve long term viability

Cons:

- May obstruct certain sales
 - Neighboring farmer
 - Larger farm operation
- Farmhouse size/value
- May restrict future flexibility

Considerations:

- Farm size/type
- Succession (no subdivision)
- Ag past/present/future



SELT 3.0?

Considerations:

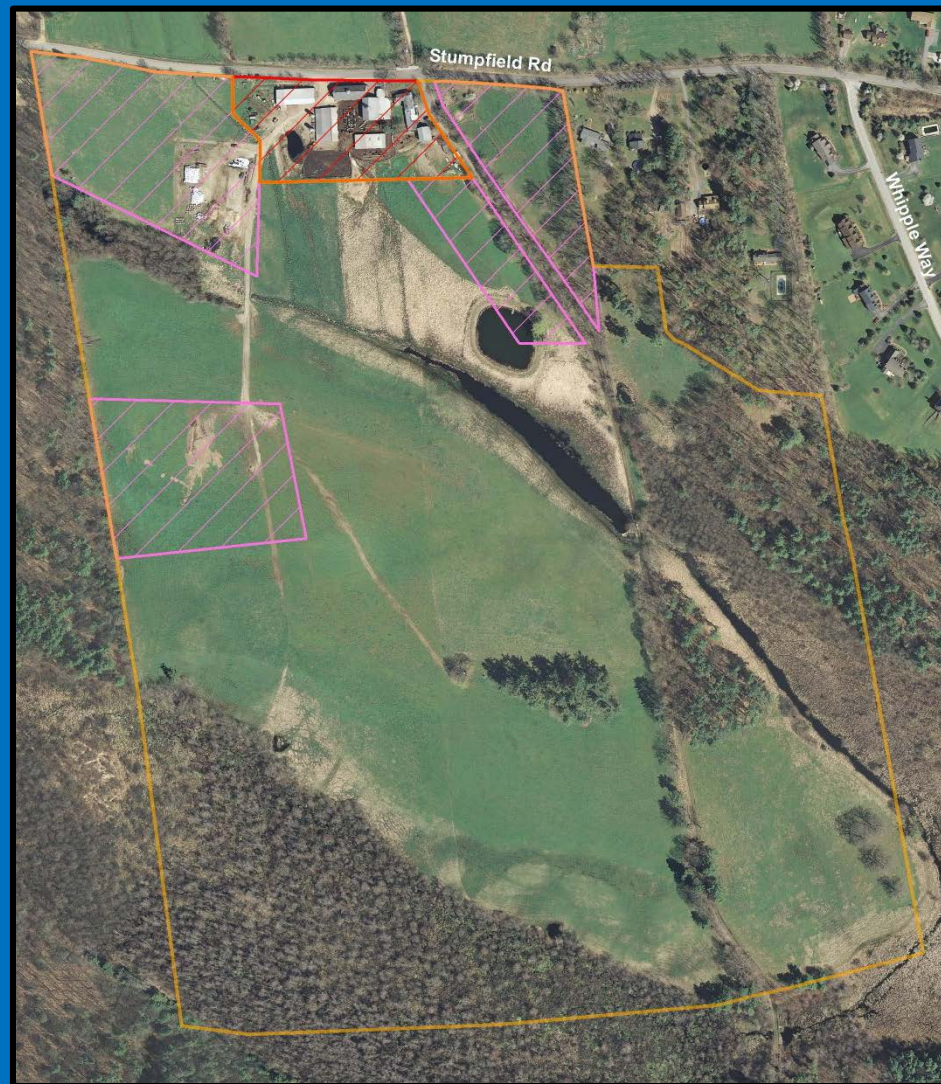
- **Farmland viability
productivity
affordability**
- **Easement subdivisions**
- **OPAVs**

Questions?





A quick note on ALE Building Envelopes.....



Considerations:

- **NRCS recommends 10-15% total ALE area**
- **May be adjusted with Grantee & Chief of NRCS approval**
- **Never increase in size**
- **“Must provide equal or greater protection of ag use and future viability...”**



Vermont Land Trust Exclusions vs. Building Envelopes and Alternatives

Vermont Land Trust

- Established in 1977
- Hold Conservation Restrictions on over 2,300 parcels of land
- Including over 900 farms



Where does VLT wish to invest our organizational energy?

- Protecting important agricultural soils
- Supporting Viable farm operation
- Addressing water quality issues
- Promoting conservation of significant natural communities
- Building relationships within the farm community
- Conserving scenic values



Location, Location, Location

- Surrounded by other farmland - history of farmers swapping fields
- Isolated farm unit
- Pros and cons to each



Balancing Long Term Protection with Future Flexibility

- **Designating Farmstead Complex**
 - Establishes an agreed upon area where ag or forestry structures can be built
 - Approval function to expand
- **Sole Discretion Future Farm Labor Housing**
 - Landowner has a right to ask
 - Easement holders consider based on farm business operation, demonstration of need, resource considerations
 - Size limitation





HEARTWOOD FABLE COLLECTIVE FARM

PRICES

SUMMER SQUASH/ZUCCHINI \$2/#
CUCUMBER \$2/#
FENNEL \$3/each
CABBAGE \$1.50/#
CARROTS \$3/bu
BEETS \$3/bu
TOMATOES \$2/bu

GARLIC
SCAPES

1 Fill A 45

LETTUCE \$2/each
KALE \$3/bu
CHARD \$3/bu
BROCCOLI \$4/#
CAULIFLOWER \$4/#
NEW POTATOES \$4/#

Sample Share

\$400
1/4 bu BEETS
1/4 bu CARROTS
1/4 bu ZUCCHINI
1/4 bu CUCUMBER

400000

400000

400000

400000

12 44 50 W

12 44 50 W

12 44 50 W

12 44 50 W

12 44 50 W

12 44 50 W

12 44 50 W

12 44 50 W

NICHOLS RD (Rt 4)

Farmstead
Complex
±12.0 acres

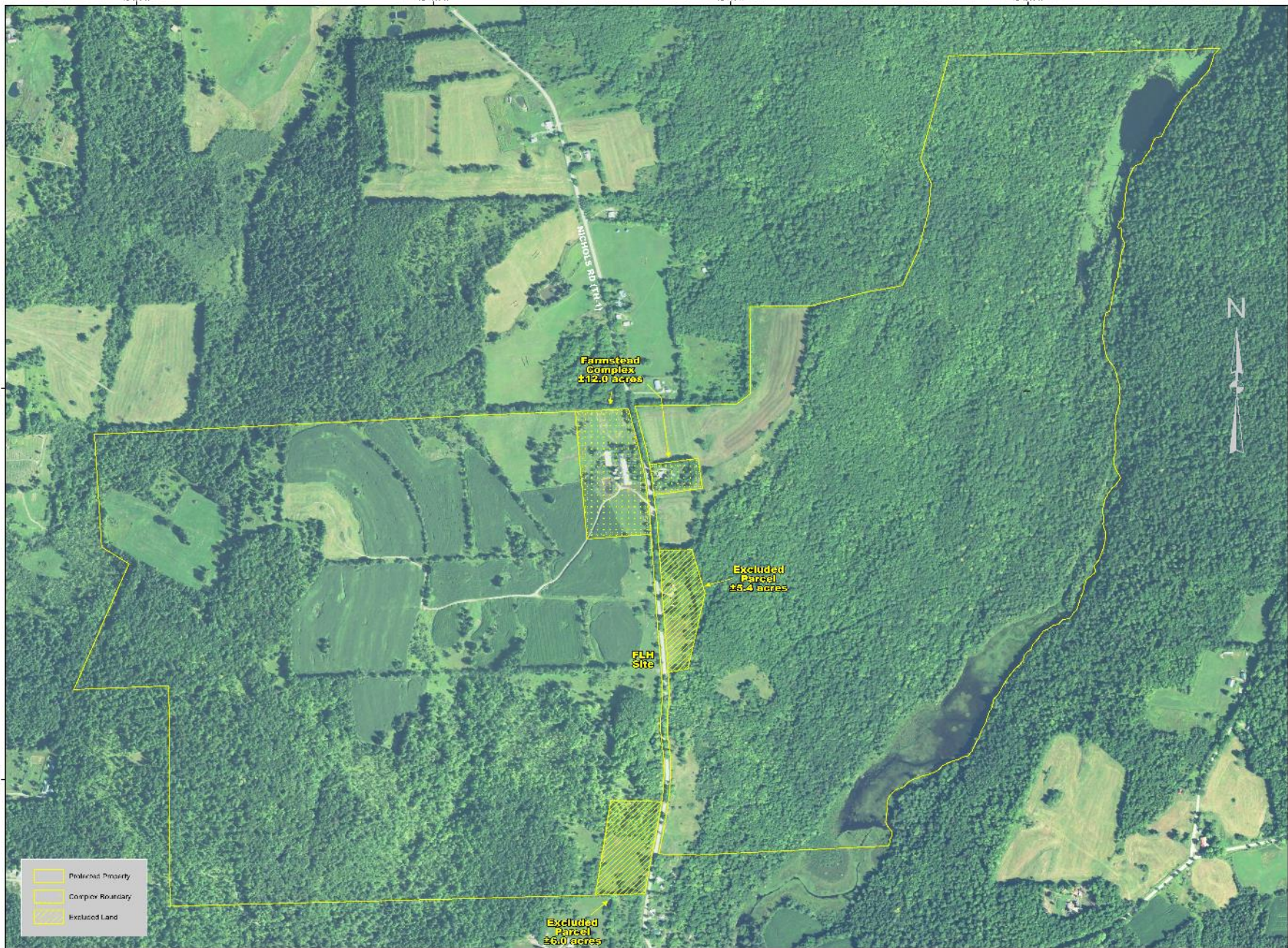
Excluded
Parcel
25.4 acres

FLH
Site

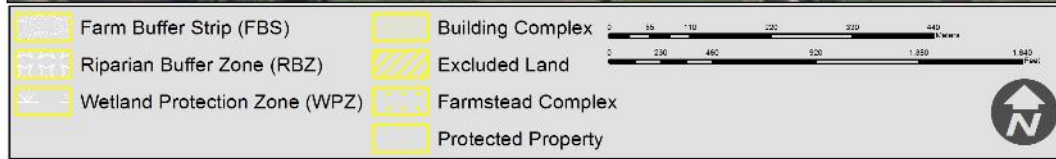
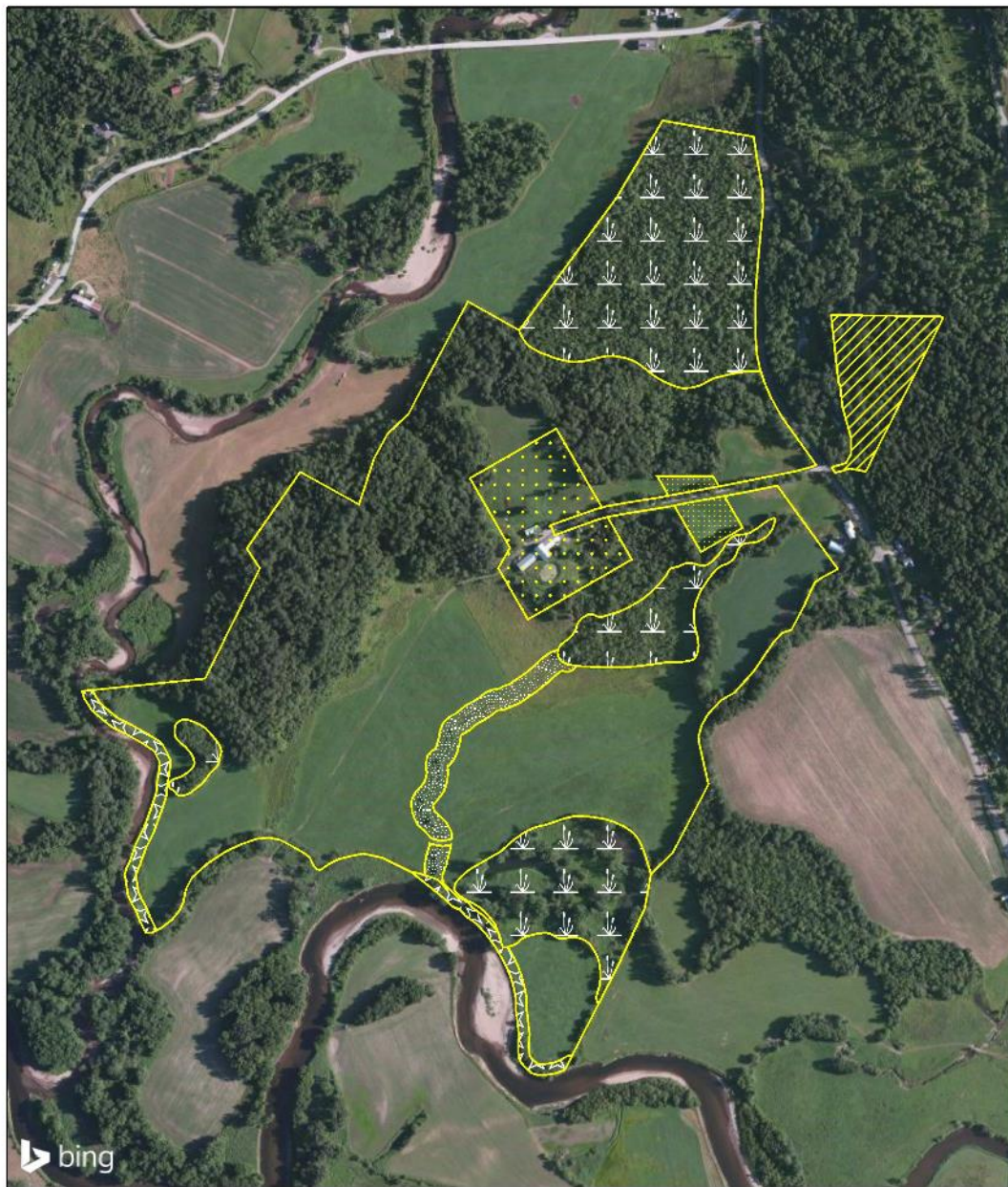
Excluded
Parcel
26.0 acres

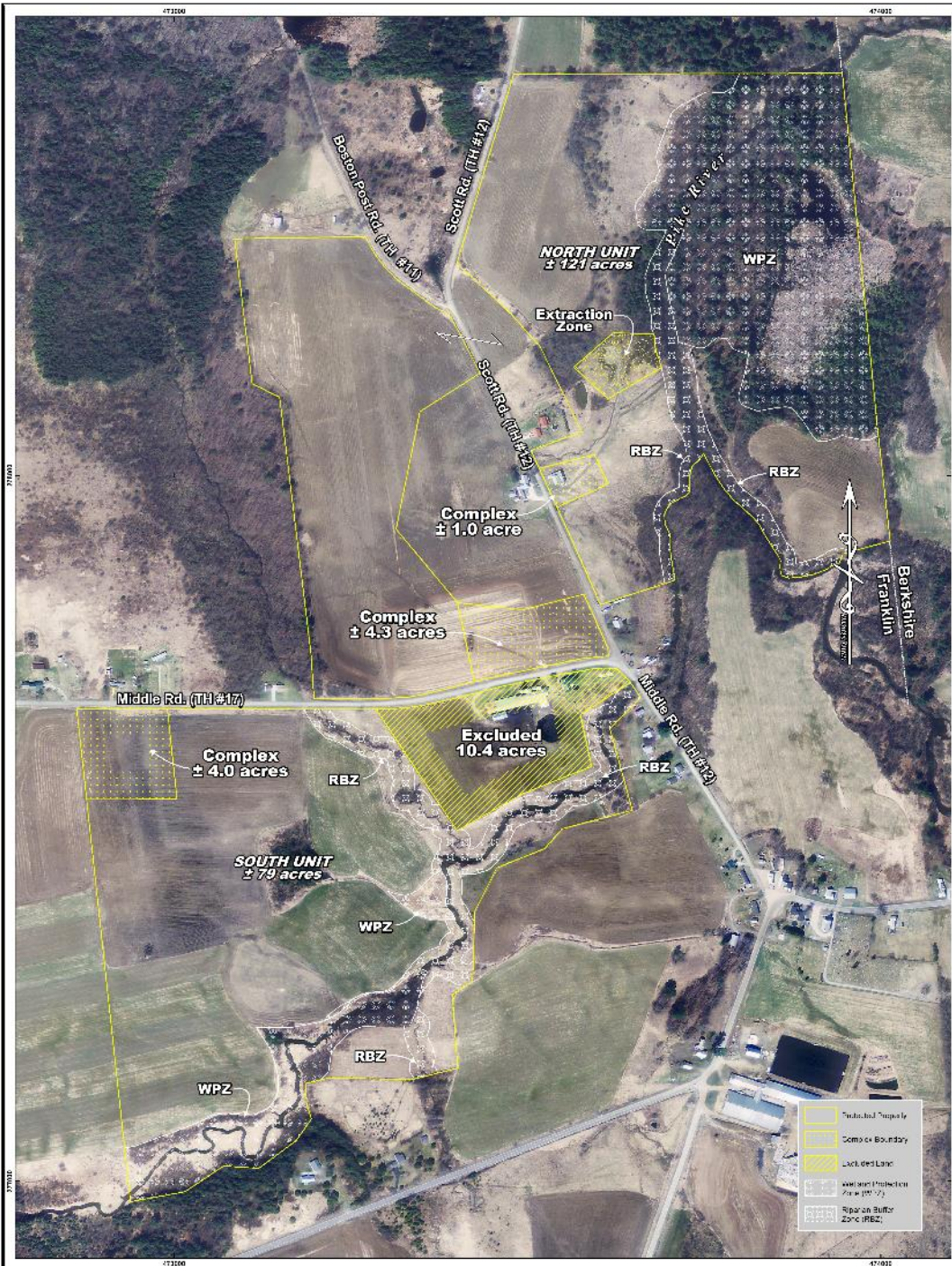


- Protected Property
- Complex Boundary
- Excluded Land











Farmstead Complex
± 5.0 acres

	Protected Property
	Complex Boundary
	Public Access

Public Access
(1/4 rod along river)

Public Access
(1/4 rod along river)

Githon River

Sinclair Rd. (TH #35)

Rocky Rd. (TH #33)

Sinclair Rd. (TH #35)

North Arrow

To Exclude or Not To Exclude: Exclusion Areas vs. Building Envelopes within the Easement

Sowing the Seeds of Stewardship in Agricultural Conservation Easements

New Hampshire Land Trust Coalition
Fall Workshop
September 27, 2018

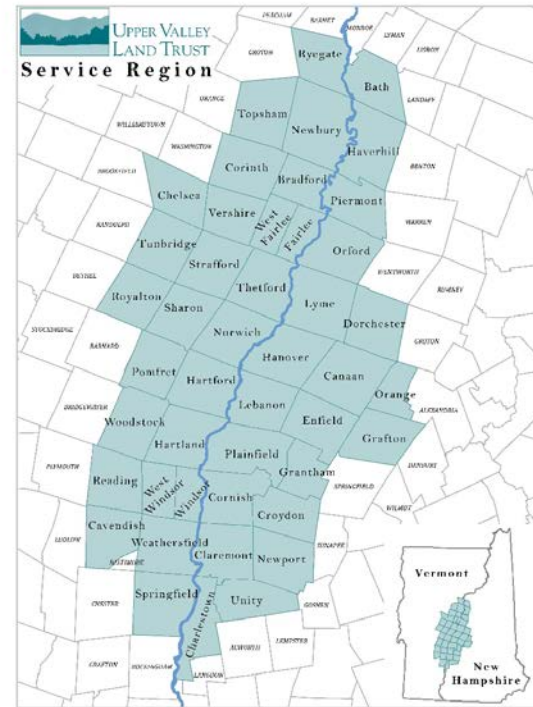
Megan Chapman, Conservation Project Manager



Upper Valley Land Trust

Since 1985, helping the people of the Upper Valley conserve the places they love.

- 500+ Conservation easements
- 19 Conservation Areas owned by UVLT
- 50+ Trails totaling more than 200 miles
- 9 Connecticut River campsites
- 53,000 Acres conserved
- 2500+ Hours of service contributed by volunteers last year



September 27,
2018

Rich Soil . . . Strong Roots

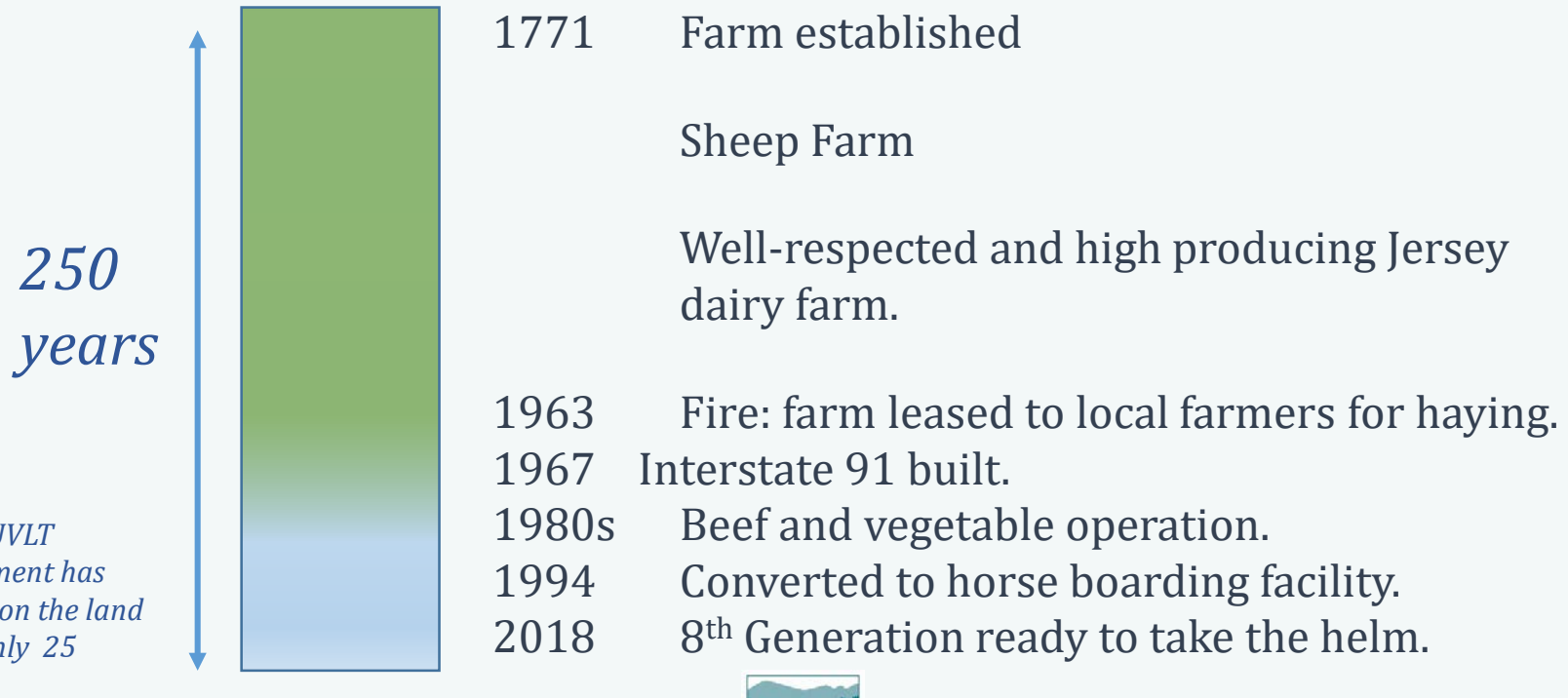
The Connecticut River Valley has some of the richest farmland in the world and farming has shaped the region's cultural heritage, as well as our natural environment. UVLT strives to preserve this way of life through the protection of important farmland. Approximately 40% of the projects UVLT has done to date have included some type of farmland and we currently hold conservation agreements on more than 60 working farms and thousands of acres of prime farmland.

In 2000, UVLT became the first land trust in the nation to be awarded a Federal Farm Protection Program (FPP) grant from the Natural Resources Conservation Service to protect farmland in Lyme.



September 27,
2018

What's a farm? Perpetuity and adaptation in agriculture



To Exclude or Not To Exclude? It Depends!!!

From the start, UVLT has considered each and every conservation transaction as a unique situation, requiring a balance between present conditions and future considerations. Our answer to whether or not to include homes and other structures in conservation easements has always depended on the situation of the landowner, the requirements of the funding agency, and the potential stewardship implications.

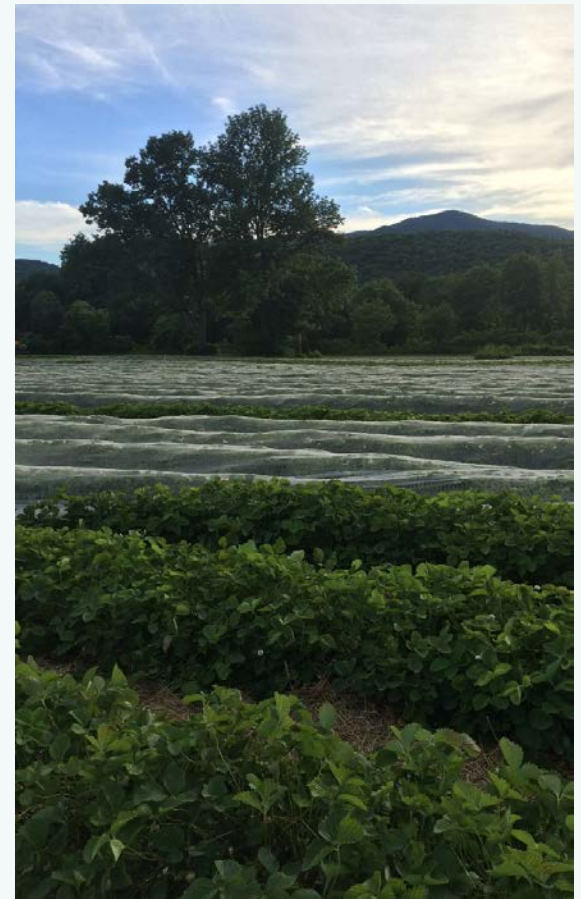


September 27,
2018

Recent Example #1

Edgewater Farm at the Putnam Homestead, Cornish, NH

- 67 acres with 22 acres of prime soil and nearly 900 feet of Connecticut River shoreline
- Land owned by the Putnam Family since original land grant and sold to the Sprague family of Edgewater Farm in 2012
- Large, historic colonial house and 1.25 acres EXCLUDED from CE
- 1 acre BARN COMPLEX created for future agricultural buildings



September 27,
2018

Recent Example #2

Haynes Dairy Farm, Claremont, NH

- 85 acres of rolling meadows and pastureland and just under 70 acres of forest
- Organic dairy, milk sold to Organic Valley
- Farmers ready to retire, looking for new generation to take over
- House and 1.70 acres EXCLUDED from CE
- 8.7 acre BARN COMPLEX created to surround current structures and for future agricultural buildings



September 27,
2018

Recent Example #3

New Hope Farm, Thetford, VT

- 45 acres with 28 acres of prime soil and over 900 feet of Connecticut River shoreline
- 60+ head Holstein dairy farm
- 1.5 acre Farmstead Complex includes house, barns, outbuildings, utilities, and right to build farm labor housing



Recent Example #4

Blackmount Farm, N. Haverhill, NH

- 175.75 acres with 119 acres of farmland, including prime, statewide and locally important soil
- Farmers retiring and contemplating land transition to next generation
- 6.59 acres Excluded Area, includes house and all agricultural structures, not subdividable



September 27,
2018

Options:

- **Excluded Area; 100%** unrestricted (surveyed)
- **Excluded Area; unrestricted** but un-subdividable (surveyed)
- **Homestead Area; unrestricted,** but un-subdividable
- **Barn Complex; unrestricted** but un-subdividable
- **Barn Complex; restricted**
- **Farmstead Complex; unrestricted** but un-subdividable
- **Farmstead Complex; restricted**



When to use? It depends!!