

JOINT HOLLIS CONSERVATION & AGRICULTURAL COMMISSIONS WORKING GROUP

Minutes of Meeting

November 20, 2017

Rough Draft

Members Present: Mark Post & Dan Harmon, Agricultural Commission; Jonathan Bruneau & Cheryl Quaine, Conservation Commission

Meeting was called to order at 3:37 pm.

REVIEW OF AGENDA ITEMS

- 1.) Working Group Charter and Tasks;
- 2.) Farm Lease Review;
- 3.) Minutes.

Staff Note: The following abbreviations have been used in this document – BOS = Hollis Board of Selectmen; HCC = Hollis Conservation Commission; AG = Hollis Agricultural Commission, NRCS = US Dept. of Agriculture, Natural Resources Conservation Service; NRPC = Nashua Regional Planning Commission; RFP = Request for Bid.

WORKING GROUP PURPOSE & TASKS

D. Harmon created the purpose and task list, which was based on the one-year agricultural lease requirements. M. Post only saw one item for further review; the criteria for scoring under “Request for Bid.” He did not believe that a documented process for leasing Town land for future use had been used previously. D. Harmon felt that creating this document would provide an explanation of the process undertaken for this lease, and would be available if needed in the future. D. Harmon suggested that a bullet list be drawn up to show what items/changes the workgroup will want to include before the actual Stefanowicz Farm lease document is written/submitted. Some items will need BOS input or approval prior to Town Attorney review, such as public access and subleasing. M. Post thought that C. Quaine may lead review on the lease itself, along with inclusion of new Food Safety Laws.

Discussion of the following items commenced:

Working with Town Counsel, develop and obtain approval of a Master Lease document - J. Bruneau asked if this item is as baseline for other documents or other properties? M. Post felt no, but will be required for the multi-year lease. D. Harmon explained that he had been specifically attempting to address subleasing and other items with this bullet; until the multi-year bids have been received, it wouldn't be possible to determine if this section is necessary. J. Bruneau felt that a master lease template, without specifics on the parcel(s), would be a better avenue to resolve any possible subleasing issues. M. Post stated that C. Quaine is working on a draft lease document, unknown at this time if this draft will be considered a Master Lease Template or if it will be specific to this property. J. Bruneau believed this bullet should not include the word “develop”.

Agricultural Use Assessment – no substantive changes felt necessary, but future use of the house and site may impact the agricultural use of the property. J. Bruneau felt that agricultural and public access may become a major issue, as the main access to leased area is via the driveway to the house. It was also unknown if a change in access would alter the NRCS' plan for the property. Discussion of field locations and NRCS reports. The Hollis Trail Commission had previously stated that they feel there is not much public use of the property; members disagreed and stated that public use has been witnessed many times. M. Post thought that a plot plan for the property, illustrating the potential public access points, be included as part of the house site recommendation to be provided to the BOS. Members may also want to touch base with Laura Bianco of the HCC for further input as she lives across street from house. J. Bruneau and D. Harmon will work on a plot plan.

Baseline Inventory – to be created for the leased property at the minimum. J. Bruneau stated that he had requested the GPS coordinates from Randy Haight of Meridian Land Services via Connie Cain, but they have not been received to date. He will follow up with her on this request.

Master Lease document – C. Quaine asked if this bullet was specifically listed for potential subleasing; no. D. Harmon that there had been a sublease document created for Woodmont West that could be utilized if needed. C. Quaine asked if this group would be the correct Town entity to draw up a sublease document; M. Post stated yes, or the BOS would have one created. D. Harmon noted that the current Woodmont West document allows subleasing, but requires that the lessee receive BOS approval prior to entering into a sublease. D. Harmon will email the sublease document to C. Quaine.

Draft Lease Document – M. Post asked if members had reviewed draft previously emailed. As part of the initial review, C. Quaine has modified the following 2 sections.

- 1.) Section 6, renamed “Conservation Practices and Food Safety”. Changes to the Federal Food Safety Laws that will impact any potential lease agreement were added to the end of this section. D. Harmon asked about the requirement for posting signs; he stated that an earlier section the lease stated Lessor is responsible, another section states the Lessee is responsible. Lessor/Lessee identifiers will need to be double-checked and corrected, if and where necessary; somewhat confusing at the moment. Sign posting timing could potentially be an issue during sensitive times of the year. M. Post not in favor of allowing lessee to designate public access corridor, D. Harmon felt that the BOS would designate the public access corridor, and lessee will post if and when necessary.
- 2.) Section 9, renamed to “Liability, Insurance, and Bonds;” C. Quaine could not find any executed leases online, they are considered private documents. Her research indicated that most governmental leases addressed compliance issues via a requirement of a Performance or Surety bond, and the bond amount was generally given as \$2500 or 25% of the lease payment. These bonds would be established at the onset of the lease, and be maintained throughout the course of the lease. C. Quaine felt that the Town could create language for a bond, with a requirement that the lessee would replenish any bond funds used to ensure that the bond amount remain at the same level throughout the lease period. M. Post and C. Quaine clarified that the surety bond would only be used for non-compliance issues, for example if fences are not maintained as required in the lease agreement, and the Town must repair, the funds used to repair the fence would come out of the bond fund and the Town would not have to go through a legal struggle to recoup any Town funds used for the repair. M. Post felt that a small bond amount that would be replenished, if and when used, rather than a larger bond amount that may or may not be replenished by the lessee, would be preferable. A brief discussion of non-compliance issues that have been experienced by other leased properties occurred.

D. Harmon noted that C. Quaine had also added language to address the lessee’s failure/breach of terms of the contract (Section 3, Paragraph 5). J. Bruneau thought that the “Willful neglect” in Section 2, Paragraph 8, also addresses these items. M. Post felt that the language contained in Section 9 better addresses non-compliance issues that may arise, and a surety bond would be the correct vehicle. C. Quaine asked if the bond should be reviewed every year or every 3 years. M. Post felt that should be done as part of the annual review process; hopefully it will not be an issue. D. Harmon asked what the difference is between a bond and an escrow. Discussion of types of accounts; members felt that the Town Attorney should be consulted on which should be utilized for this purposes. M. Post noted that per the Finance Office, any escrow accounts must be closed by the end of the year. Bonding may be the better option.

Request for Bid Document – M. Post noted that this item includes the RFP requirements and criteria for scoring bids. D. Harmon felt that this requirement is more than a document, it’s the whole package. M. Post agreed, and said he refers to it as a “packet.” The packet includes the RFP, a copy of the master lease document, baseline inventory, the plot plan, along with other documents and information. The RFP itself is the list of all requirements that must be submitted in order to consider the bid complete; the lack of any of the required documents/items may render the bid incomplete. M. Post felt that the hardest item to complete will be the scoring criteria, and that document will be more complex than the RFP. He volunteered to create a draft scoring criteria list, but also felt the Agricultural Commission could provide additional recommendations, such as what is the best use of the property? J. Bruneau asked if scoring on fiscal information is to be considered, yes; how much weight will be given to the fiscal information required has yet to be determined. M. Post will be meeting with the Town Attorney and Tom Dufresne of the HCC next week to discuss the wetlands area; he will ask for some guidelines/recommendations on what can be requested from a potential lessee, such as credit reports, background information, police record, etc. M. Post will create a scoring criteria draft, and if members could forward any relevant information, he would appreciate. C. Quaine explained how scoring works for her professionally, with points given to meeting certain criteria. M. Post will address with the Town Attorney as well.

Required Tasks, Prepare RFP, advertise and solicit bids, etc. – There are some legal requirements, such as holding an educational/informational meeting on the property and/or lease requirements, as well as others. Submission and acceptance of bids must be open to any person wishing to bid on the property. M. Post volunteered to create a document, giving a list of the requirements. A brief discussion of legal requirements and potential bidders outside of the immediate area ensued. The main goal of the lease is to keep the property in agricultural use. D. Harmon felt that the Rural Character Ordinance should be specifically addressed, as conforming to that ordinance is a requirement. Discussion of potential compliance issues, all members felt that Town ordinances must be adhered to, but the most important should have a specific reference in the RFP. C. Cain had previously emailed a copy of the Bayrd Conservation Easement document and plan out to members, these documents contained language regarding public access, C. Quaine also thought this is where she had seen language regarding ordinance compliance.

118 Deliverables will be submitted after the fact. The one open issue in regards to Stefanowicz Farm is being addressed
119 with the BOS; Town Administration has completed the one-year lease process and is moving forward. M. Post asked
120 how the annual lease review process was created; D. Harmon stated it was as part of the Woodmont West lease, and
121 is one of the requirements.
122

123 **PLOT PLAN**

124 D. Harmon discussed the plot plans for the property; he wanted to make sure that members understand the land and
125 features a little better. On a plot plan he presented, Nartoff Road and the property boundaries are shown, the farm
126 house area is also delineated, and some of the abutting properties. Soil quality is shown as certain zones and colors
127 on the map; agricultural soils and slopes are further delineated and defined. Discussion of areas and soil types. J.
128 Bruneau asked if map would be part of RFP packet; D. Harmon said it will be included in bid packet as part of
129 agricultural assessment. J. Bruneau asked if any more map information will be included; no. Bidders can go NRPC's
130 website to obtain aerial map copies, and the USDA also has soil survey maps on their website. J. Bruneau concerned
131 that bidders may not know that information is available, felt links should be included. D. Harmon stated that bidders
132 are required to have their plans reviewed by the NRCS prior to bid submission; he felt that all this would be reviewed
133 prior to Town submission and review.
134

135 Survey has been completed prior to the transfer to the Town. J. Bruneau is still attempting to obtain GPS data from
136 Meridian Land Services, but this has not been forthcoming. Discussion of previous site visit made by J. Bruneau and D.
137 Harmon; a logging road had been found that could potentially provide access for lessee. Further review and discussion
138 of maps and aerial photographs commenced. M. Post had recently been made aware of possible maple trees outside
139 of delineated farm lease area; HCC will have to review and approve tapping use of that area before any further
140 consideration can be given. M. Post will discuss with Tom Dufresne, HCC Chair. J. Bruneau felt already discussed at
141 HCC Meeting; thought discussion outcome was that lines and other equipment would limit public access and for this
142 reason, would not be allowed. Some additional discussion about maple syrup tapping in forested area and location(s);
143 M. Post will also discuss with potential bidder for more detailed plans and locations.
144

145 D. Harmon also reviewed the house lot area to determine if a conforming lot could be subdivided to include the house
146 and a suitable house lot. Based on maps, it appears that the land which the house is sited upon contains agriculturally
147 poor soil and is sloped in the house lot area. Using the stone wall to the south of the house and the power line easement
148 to the north as potential boundaries, he was able to establish a potential house lot. Using these boundaries, the house
149 lot area would comprise of approximately 4.5 +/- acres. If the BOS were to authorize the subdivision, and sale of the
150 house lot, would the farmer lessee be able to co-exist with the home owner? With a lot of this size, it should allay any
151 concerns on the matter. D. Harmon felt that this could be presented to HCC and BOS for further review. Discussion of
152 wetlands in that section and possible inclusion with the house lot.
153

154 D. Harmon what are the legal steps to create a conforming house lot. J. Bruneau felt as long as the proposed lot meets
155 the Town requirements for acreage, frontage, etc., the lot should be approved. J. Bruneau will speak to Cathy Hoffman
156 at next HCC meeting for further information. House lots must meet the existing minimum requirements, but can be
157 larger than the minimum. M. Post had heard that there was some interest in moving the riding ring from Nichols Field
158 to this property; no further details are available at this time. The BOS will need to determine what uses will occur on
159 the lot, whether it be recreational, agricultural, conservation, or a combination of all three, along with a determination
160 on the fate of the house. C. Quaine felt it would be important to find out if horse activity on the property would impact
161 farming or water quality; the HCC and/or BOS will need to investigate the impact. Further discussion of potential uses
162 other than agriculture. D. Harmon would like to have answers sooner rather than later. D. Harmon further noted that
163 if the BOS decide to sell the house, road access for the lease area and public access would have to be provided. J.
164 Bruneau stated there are two other access points south of discussed location. This will need to be investigated further
165 depending on the BOS decision. D. Harmon would like to investigate having a separate house lease and see if anyone
166 interested. M. Post stated that he is almost positive that the Selectmen having no interest in leasing house out,
167

168 **Action Items:**

- 169 1.) Deliverables not necessary at this time; think of as building the bid packet.
- 170 2.) C. Quaine to work on potential lease document.
- 171 3.) M. Post to work on RFP document, and scoring criteria.
172

173 D. Harmon felt needed data from Meridian, once received, will be easier to determine the next course of action. J.
174 Bruneau stated that with the data, he would be able to create an actual plan of property; D. Harmon thought he and J.
175 Bruneau should revisit site and conduct a site walk of the upper fields.

176 Next meeting date discussed; J. Bruneau suggested mid-December. Wednesday, December 13th, Thursday, December
177 14th or Friday, December 15th are options for the next meeting, based on members schedules. M. Post will check room
178 availability and with C. Cain on her schedule.
179

180 **MINUTES**

181 M. Post motioned to accept the minutes of the public meeting of November 2, 2017 as written, seconded by J. Bruneau.
182 All members in favor, none opposed, and the minutes were approved 4-0-0.
183

184 M. Post motioned to accept the minutes of the non-public meeting of November 2, 2017 as written and keep sealed,
185 seconded by J. Bruneau. All members in favor, none opposed, and the minutes were approved 4-0-0.
186

187 **ADJOURNMENT**

188 M. Post motioned to adjourn the meeting; seconded by D. Harmon. All members in favor, none opposed; the motion
189 carried and the meeting was adjourned at 5:20 pm.
190

191 Respectfully submitted,
192 Connie Cain
193 Staff