

HOLLIS CONSERVATION COMMISSION

Minutes of Public Meeting

June 16, 2021

Approved July 21, 2021

Regular Members: Tom Dufresne, Thomas Davies, Mark Post, Paul Edmunds, Jonathan Bruneau;
Alternate Members: Laura Bianco, Karen Bridgeo, James Plummer.
BOS Ex-Officio: Peter Band
Staff: Connie Cain
Attendees: Michael Quinlan, Lorin Rydstrom, Craig Birch, Peter Smith and Brandon Rackliff for Beaver Brook Association;
Peter Baker, Bernadette McQuilkin, Joseph Garruba, and other unidentified members of the public.

The meeting was called to order at 7:00 pm.

PUBLIC HEARING – Rogers Properties

In accordance with RSA 36-A:5 and RSA 675:7, the Hollis Conservation Commission is conducting this Public Hearing for the purpose of obtaining public input regarding the expenditure of \$150,000 of conservation funds for an executory interest in the properties identified as Hollis Map-Block 022-033, 022-034, and 022-038, owned by Joseph Rogers. This land is located on Rocky Pond Road in Hollis, New Hampshire.

T. Dufresne explained that Joseph Rogers, grandson of Harry H and Helen D (nee Worcester) Bell, proposed to donate 3 parcels of land on the south side of Rocky Pond Road to Beaver Brook Association (BBA) in conjunction with a conservation easement purchase by BBA on other properties owned by a family member. In return for the \$150,000 funding from the HCC, BBA will be giving the HCC an Executory Interest in the three parcels.

T. Dufresne gave a brief PowerPoint presentation on the three properties and the location. He informed those attending that the HCC had been part of a site visit conducted by BBA, and the largest of the three properties was very flat and easily developable in his opinion. The Nichols-Smith Land Trust was also represented during the site visit.

T. Dufresne opened up the meeting for questions or comments from the public.

Peter Baker, 40 Buttonwood Drive, stated that he is in favor of the project, but had a few questions on the transaction:

- 1.) Joseph Rogers was to donate the parcels referenced to BBA; T. Dufresne answered yes.
- 2.) BBA will give a Conservation Easement to the Nichols-Smith Land Trust (NSLT); yes. T. Dufresne noted that BBA is using the same Conservation Easement template as that used by both the HCC and BBA for the Whaleback Properties in 2011 that P. Baker was involved in.
- 3.) Executory Interest will be given to the HCC for the \$150,000 in funds from the HCC; T. Dufresne answered yes.
- 4.) Will NSLT receive any funds from BBA towards their endowment fund? M. Quinlan of BBA spoke to this question, and stated that BBA will be making a donation to that fund, although the amount has not been determined. NSLT will be the Conservation Easement holder and will also monitor the property for any breaches or violations of the easement terms. P. Baker noted that as part of the Woodmont West procurement process, the Selectboard at that time would only agree to a \$10,000 endowment to NSLT. He did not feel that this level of donation would be enough to cover monitoring or breaches in perpetuity. He hopes that BBA will consider more than this amount.
- 5.) Would BBA retain any building or development rights? M. Quinlan again responded, stating that there were no "hold outs." The Conservation Easement will state no building or development of the property will occur, along with other appropriate language.
- 6.) Was a survey done for the property? C. Birch of BBA answered, stating that the majority of the shared bounds on the property had been surveyed over the past 10-20 years. As the bounds were able to be established via those surveys, BBA did not feel it necessary. The bounds were able to be found as shown on the various plans of the area, and those are on file at BBA offices.
- 7.) How was land donation to be valued for a Federal Tax Credit for Joseph Rogers? M. Quinlan stated that it was not the concern or responsibility of BBA, that was between Joseph Rogers and his advisors.

(L. Rydstrom arrived at 7:15 pm; J. Plummer at approximately the same time.)

Bernadette McQuilkin, 225 Rocky Pond Road, stated that she is an abutter to the parcels, and is in favor of the proposal. She thanked both BBA and the HCC for their work towards conservation and protection of the natural resources of Hollis, and felt that the protection of these lands added to the Town's beauty due to the efforts of both organizations. She hoped

that both organizations would be able to continue to jointly work on future endeavors to the benefit of the public. She volunteered her services to both organizations as a former educator if the need arose in the future.

Joseph Garruba, 28 Winchester Drive, thanked BBA, the HCC, and Joseph Rogers for their efforts in making this conservation effort come to fruition. He noted that without 100% of the Land Use Change Tax (LUCT) going to the HCC as it is now, this may not have happened. He wanted to make sure that the Selectboard was aware that any change to the LUCT division from the present allocation would be “dead on arrival.”

Pamela Hicks, 8 Maple Knoll Drive, felt that it was important to preserve land, especially with the recent increase in development throughout Town. It was vitally important to continue to preserve and protect the remaining land in Hollis, and she could not stress this to the Selectboard enough.

With no further comments or questions, T. Dufresne thanked all present for coming forward with comments and concerns. He thanked BBA members for their efforts on making this project a reality. C. Birch stated that M. Quinlan did 90% of the work to push this forward; M. Quinlan wished to acknowledge Joseph Rogers for his donation, and ensuring that Rocky Pond and the area is protected and for caring enough about the community to make such a sizeable donation. All those present agreed.

P. Band noted that important issues were raised, including the recent discussions of reducing the 100% LUCT allocation to the HCC. He is diametrically opposed to reversing the current allocation, and notes that while some Selectboard members may not feel the same way as he does, this collaboration proves that the public may not be of the same opinion as his colleagues. He respectfully disagrees with the Board member(s) who feel that the allocation should be changed, and he will stand against any reduction. He asked that the public show their support for the LUCT allocation and the HCC's protection of natural resources by informing the Selectboard during the public comment portion of the Selectboard meetings or by sending a letter to the Board expressing their support.

The public question/comment portion of the Public Hearing concluded at 7:25 pm. The majority of the public attendees left at this time.

PROPOSED ZONING AMENDMENT – Joseph Garruba

“Proposed Zoning Amendment Moving Open Space Requirements from Subdivision Regulation to Zoning Ordinance” is the title of the PowerPoint presentation by J. Garruba. (See the attached presentation.) He feels that the current Subdivision Regulation language has a “loophole” which developers have been taking advantage of, and how they have been able to utilize this “loophole” to the developers’ advantage.

J. Garruba gave the current language and the proposed language changes for the ordinance. The main changes to the ordinance are to Section XX, 5a, Density, (i), where he stated the wording “house lots” should be changed to “dwelling units.” He felt that this wording better defined how many actual units would be allowed, and it would require developers to set aside additional Open Space land. The other major change is changing the wording under this section from “may” to “shall” consult with the Recreation and Conservation Commissions to the suitability of the proposed open space.” This would require that both Commissions be consulted prior to a plan approval.

J. Garruba stated the Town has 3 methods available to amend or revise Subdivision Regulations and Zoning Ordinances. These are:

- 1.) The Planning Board can recommend proposed changes to Ordinance via Town Vote;
- 2.) By Petition. Citizen petitions can be added to the ballot with the required signatures and other legalities met.
- 3.) By request of the Selectboard.

Via these 3 methods, definitions and language could be revised; J. Garruba opined that the PB would not be in favor of recommending this proposal. T. Davies cautioned that the State regulations should be reviewed for limits or legal ramifications. J. Garruba noted that subdivision regulations completely under PB control. P. Band asked about the word “deferential;” he would prefer to see a different word used, as some people will not be aware of the actual definition and may take it the wrong way. There was some discussion on the definition; P. Band asked that J. Garruba be careful with wording. T. Davies suggested using “shall respectfully consider” instead of “shall be deferential”. The HCC and PB have always had a good working relationship and he does not want to see this change.

Both P. Edmunds and T. Dufresne felt that State Regulations may also govern rules; these should be reviewed to ensure no violation of the law will occur with the proposed wording change. J. Garruba stated that he is asking the HCC for assistance in presenting this language to the PB. T. Dufresne responded that the HCC is an advisory committee only, and cannot require the PB to change rules or ordinances. The Selectboard and PB are the only bodies that can recommend

ordinance or rules changes. P. Band suggested that J. Garruba present the proposed changes to the Selectboard, and provide a legitimate reason to bring this forward. T. Dufresne noted that Bill Moseley, PB Chair, has gone out of his way to ensure that the HCC has been apprised of cases and other matters that may require HCC participation or further action. In the past, the PB has always positively received HCC recommendations for the benefit of the Town and the public. He is not aware of any HOSPD where the approval was redacted due to issues with the ordinances or regulations, but the Workforce Housing and Condominium laws have been more recently enacted.

J. Garruba was asked what he would like from the HCC; he stated that the best outcome to further his proposal was a HCC vote on the matter. T. Dufresne felt that a vote was not necessary in the HCC's role as an advisory committee, but would poll members and provide a sense of the meeting in a letter to the PB and the Selectboard. J. Garruba thanked the HCC for their time and consideration. J. Garruba left the meeting at 8:00 pm.

PUBLIC HEARING VOTE TO EXPEND FUNDS

With no additional public comment or input on the proposed expenditure, the public hearing was brought to a close, *T. Dufresne motioned to close the Public Hearing; seconded by P. Edmunds. All members in favor, none opposed or abstained and the motion was carried by a vote of 8-0-0. The Public Hearing portion of the meeting closed at 8:01 pm.*

T. Dufresne motioned to approve the expenditure of \$150,000 to Beaver Brook Association in exchange for an Executory Interest in the properties known collectively as the "Rogers Properties" on the south side of Rocky Pond Road, known as MBLU 023-033, 023-034 and 023-038; seconded by P. Edmunds. Voting in favor of the expenditure were T. Dufresne, M. Post, P. Edmunds, L. Bianco, K. Bridgeo, J. Plummer; none opposed, and T. Davies abstained. Based on the vote, the motion to expend funds was approved by a vote of 7-0-1.

T. Dufresne will contact Chrissy Herrera, Assistant Town Administrator, to be placed on the Selectboard's meeting agenda on June 21, 2021 to inform the Selectboard of the vote and to ask that the Selectboard approve the expenditure as required by law. A letter thanking Joseph Rogers for his generous donation will be drafted by K. Bridgeo and sent via email for review and approval.

BOARD & COMMITTEE UPDATES

Planning Board – Tom Dufresne

A Planning Board update should be available at the July 21, 2021 meeting.

As part of the Ducal Development subdivision off of Howe Lane, the developer proposed putting a Conservation Easement to the Town on the Open Space portion of the development, the open space is about 25 acres and runs behind the house sites. It is not contiguous to other HCC properties, but is to the Shipley Drive Open Space. This will allow a more open wildlife corridor and allows public access across the open space, so that trail use may continue without issues. Randy Haight of Meridian Land Services submitted a copy of the Conservation Easement document earlier today, but not all HCC members have been able to read fully; T. Dufresne felt that the language was pretty standard for a Conservation Easement. The next Planning Board meeting is July 20th, the next HCC meeting is July 21st.

T. Davies motioned that after the HCC has had a chance to assess the document individually, and if the consensus is that nothing onerous is found, that the HCC approve the Conservation Easement document as written, prior to the next PB meeting. As there was no second to the motion, the motion failed. Further action will be taken at the next meeting. The consensus of the HCC was to approve the Conservation Easement upon review by the HCC.

Selectboard – Peter Band

P. Edmunds stated that he supported P. Band's statement regarding the LUCT funding during the public hearing. P. Band suggested that HCC members and supporters of keeping the LUCT revenues as 100% to the HCC attend Selectboard meetings to express their support during the public comment session at the beginning of the meeting.

Treasurer's Report – Thom Davies

As of the end of May 2021, the account balance was given as \$1,514,409.58; when consideration for the \$10,000 Stewardship Reserve is considered, the available cash balance is \$1,504,409.58.

NEW OR CONTINUING BUSINESS

WORCESTER CONSOLIDATION LOT – Rocky Pond Road, MBLU 029-033 and others

T. Dufresne stated that Craig Birch conducted a boundary survey and marking of the Worcester Consolidation Lots recently, due to the ongoing subdivision known as Federal Hill Estates. This was to ensure that the boundaries were clearly marked so there would be no issues in the future. Craig Birch has submitted a bill in the amount of \$1349.70 for the survey and marking.

T. Davies motioned to approve the expenditure of \$1349.70 for the work detailed above; seconded by P. Edmunds.

All members in favor, none opposed or abstained and the motion was carried by a vote of 8-0-0.

C. Cain will submit to the Finance Office for payment.

T. Dufresne stated that Jim Oehler and Craig Birch are creating a Town Forest Management Report. In that process, they have found that a number of unauthorized trails have been created; Jim Oehler will be calculating the miles of trails, and this will be an enforcement issue that the Forest Committee will need to address.

FUTURE EXPENDITURES

M. Post felt that the HCC could better communicate information to the public when expending funds. A brief discussion of the Land Use Change Tax (LUCT) funds received and how they are used occurred. A financial analysis and narrative on purchases should be done for public education, and that the LUCT received can only be used for specific items. The current housing market was briefly discussed as well. M. Post will do a quick analysis of purchases and bring forward at the next meeting.

STEFANOWICZ FARM HCC & AG-COM JOINT WORKING GROUP SUBCOMMITTEE

As per the June 2, 2021 HCC meeting, a Right-to-Know request was made by an abutter of the Stefanowicz Farm for all non-public minutes that dealt with the purchase and subsequent agricultural lease. As the subcommittee consisted of members of both the HCC and the Agricultural Commission, a vote needs to be taken by both commissions prior to the release of non-public minutes. M. Post stated that the Agricultural Commission voted to release the Subcommittee's Non-Public minutes at their June 10, 2021 meeting as follows:

October 12, 2016	October 26, 2016	October 31, 2016	November 15, 2016
November 29, 2016	December 19, 2016	January 11, 2017	February 16, 2017
March 31, 2017	September 25, 2017	November 2, 2017	December 14, 2017
January 17, 2018	January 25, 2018	February 26, 2018	July 22, 2019
August 26, 2019	September 13, 2019	October 3, 2019	October 21, 2019
June 30, 2020	July 15, 2020	August 6, 2020	August 19, 2020
September 10, 2020			

J. Bruneau has reviewed the non-public minutes on behalf of the HCC, and felt that no redactions were needed, and the non-public Working Group minutes as given could be released to the abutter.

J. Bruneau motioned to unseal and release the Stefanowicz Farm HCC & Agricultural Committee Joint Working Group Subcommittee non-public minutes as per the Right-To-Know request made to the Town Administrator's Office; seconded by M. Post. All members in favor, none opposed or abstained, and the motion carried by a vote of 8-0-0.

C. Cain will provide the minutes to the Town Administrator's office.

DISCRETIONARY EASEMENTS – Karen Bridgeo

K. Bridgeo was informed of the Town of Amherst Conservation Commission's efforts to grant Discretionary Easements under RSA 79-A, C for land that does not meet the requirements for Current Use under RSA 79-A, but still may be important to preserve and meet the requirements provided in the RSA. K. Bridgeo requested from further information from Amherst and they provided detail on their efforts and other information. K. Bridgeo felt that the HCC could benefit from reviewing vacant parcels in Town to see if they meet the requirements and would be important to preserve. The term of the easement is a maximum of 10 years, and can be renewed every 10 years as well. K. Bridgeo will forward the email and attachments to members; C. Cain will produce a list of potential properties for review. T. Davies felt this is an incredible option to preserve some of the smaller properties in Town.

HCC WEBSITE – Tom Dufresne

T. Dufresne informed members that the HCC website should be used more proactively to inform the public about upcoming meetings and purchases, the history of the HCC and properties, and other items or activities which may be important for the public to be aware of. In the past, people have been tasked with updating the website but as the HCC is a volunteer board, family and work generally take precedence. T. Dufresne asked J. Plummer if he would be willing to

240 take over the task of creating some content and working with Dawn Desaulniers, IT Director, to update the HCC website
241 and provide for more interaction with the public. Some suggestions for content included what the HCC has done over the
242 past 5-6 years, posting the management plans for those properties where they have been completed, history of the
243 properties which the HCC owns as well as others. J. Plummer will work on over the summer and provide drafts as
244 completed.

245
246 **SUMMER MEETING SCHEDULE**

247 Barring any unanticipated items that may arise, T. Dufresne proposed to cancel the first Wednesday of the month
248 meetings in July and August, as in keeping with previous years. The meeting dates would be July 21st and August 18th. The
249 regular meeting schedule would be resumed in September. Members agreed to cancel the first meeting dates in July and
250 August 2021 and meet as proposed.

251
252 **NON-PUBLIC SESSION**

253 *T. Dufresne motioned to enter into Non-Public session to discuss potential land acquisition under RSA 91-A:3, II (d);*
254 *seconded by K. Bridgeo. T. Dufresne polled the members, all those present voted to enter into Non-Public session by*
255 *a vote of 8-0-0. The HCC entered into Non-Public Session at 8:50 pm.*

256
257 **RETURN TO PUBLIC SESSION**

258 *T. Dufresne motioned to conclude the Non-Public session and to keep the minutes sealed until voted by the HCC to*
259 *release, seconded by T. Davies. T. Dufresne polled the members, all members voted to conclude the Non-Public session*
260 *and keep the minutes sealed by a vote of 8-0-0. The HCC concluded Non-Public Session at 9:05 pm.*

261
262 **MINUTES**

263 *T. Dufresne made the motion to accept the public minutes of the June 2, 2021 meeting with minor revisions; seconded*
264 *by M. Post. All members voted in favor, none opposed or abstained, and the minutes were approved by a vote of 8-0-*
265 *0.*

266
267 *T. Dufresne made the motion to accept the non-public minutes of the June 2, 2021 meeting with minor revisions, and*
268 *to keep them sealed until voted to release; seconded by M. Post. All members voted in favor, none opposed or*
269 *abstained, and the minutes were approved by a vote of 8-0-0.*

270
271 **ADJOURNMENT**

272 *T. Davies motioned to adjourn the meeting, seconded by M. Post. All members in favor, none opposed, and the motion*
273 *carried by a vote of 8-0-0. The meeting adjourned at 9:10 pm.*

274
275 Respectfully submitted,
276 Connie Cain
277 Staff