

HOLLIS CONSERVATION COMMISSION

Minutes of Public Hearing to Expend Funds

January 31, 2019

Approved February 6, 2019

Members Present: Tom Dufresne, Thomas Davies, Jonathan Bruneau, Mark Post,
Alternate Members: Cheryl Quaine, Karen Bridgeo, Laura Bianco, Joseph Connelly
Members Absent: LeeAnn Wolff, Cathy Hoffman, David Connor, Paul Edmunds
Staff: Connie Cain

The Public Hearing was called to order by T. Dufresne, Chair, at 7:03 pm.

T. Dufresne appointed to following alternates to vote in the absence of regular members:

L. Bianco to vote in the absence of Cathy Hoffman;
J. Connelly to vote in the absence of LeeAnn Wolff, and
K. Bridgeo to vote in the absence of David Connor.

T. Dufresne explained that the purpose of tonight's Public Hearing was to allow the public to provide input on the proposed purchase of the "Ernest Hardy Lot" MBLU 031-009, Baxter Road, in accordance with RSA 36-A, 5, II. For many years, the public has assumed that this property is part of the Town Forest, but it is not.

To identify the property and some of its features, a brief PowerPoint presentation was made by T. Dufresne. (See attached.) The HCC will be providing the majority of the purchase price of \$750,000, as follows:

\$450,000	HCC funding;
\$200,000	Town's Unassigned Fund Balance;
\$ 20,000	Town Forest Contribution;
<u>\$ 80,000</u>	General Taxation and/or Private Donations.
\$750,000	TOTAL

T. Dufresne stated that he has contacted both Pennichuck Water Works in Nashua and the Merrimack Village District to enquire whether either organization would be willing to contribute funding to the purchase of this property, as it is sited on the Pennichuck aquifer, but there has been no response to his enquiries.

T. Dufresne opened the meeting for public comments at 7:10 pm.

Peter Baker, Buttonwood Drive

Mr. Baker spoke in support of the purchase as a conservation project and to protect the property's conservation qualities. He asked how the property would be protected; T. Dufresne explained that if the property purchase is approved at Town Meeting, the property will become part of the Town Forest for management purposes only, with deeded conservation restrictions. Mr. Baker asked how the HCC would benefit from a potential timber harvest; T. Dufresne explained that if the HCC causes a timber harvest to be performed on one of its properties, any profit from the harvest goes to the Town's General Fund. If the Town Forest performs a timber harvest on a Town Forest property, the Forest Committee retains the profit. However, the HCC will have the final authority on how the property is managed, and if a timber harvest should occur on the property.

Mr. Baker asked if the draft deed language will be available by Town Meeting; T. Dufresne did not think it would be. At this time, the deed restriction language has yet to be determined; it is unknown if the involvement of a third-party, such as the Nichols-Smith Land Trust, would be needed to monitor the property, as well as other items. The HCC will own 100% of the property. Mr. Baker would like to see no third-party involvement, as he felt that between the Forest Committee and the HCC, they should be able to monitor. He would also like to see the purpose or the reason for the property purchase written into the property deed, and noted that deeds over the past 20 +/- years have not always stated the reason, and it was important to preserve that knowledge for future generations.

Craig Birch, Van Dyke Road

Mr. Birch, current Forest Committee and former HCC member, stated that he is in favor of the purchase. He provided some additional history of previous Town transactions for this property, as it was identified by the HCC in the early 1990's that it was an important property to protect. Unfortunately, nothing was able to be worked out with the owner at that time. He felt that it was important to protect the Parker Pond area, which is partially sited on this property. While the Forest Committee has agreed to manage the property for the HCC, the use of HCC funds for the purchase

means that the property can only be used for Conservation purposes. He also noted that to include the property with the Town Forest, a majority vote will be needed at Town Meeting after the purchase occurs.

T. Dufresne also noted that the Forest Committee has agreed to contribute \$20,000 towards the purchase, which is a significant amount of their fund balance of \$25,000 +/- . He wanted to note in the public record that Town agencies recognized the importance of protecting this property, and have agreed to work together to bring the property purchase forward.

Sherry Wyskiel, Wheeler Road

Ms. Wyskiel, co-Chair of the Trails Committee, also stated her support of the property purchase. She explained that the trail shown transversing the property is part of the trail system known as the "Big Loop." This trail has multiple entry points, and also has many smaller trails leading to and from the larger trail. The Trails Committee and the Nor'easters Snowmobile Club have been maintaining the trails on the property via an agreement with the property owner for a number of years. She felt it was an important purchase, as it maintains the trail connections throughout the entire Town.

Anthony Stanizzi, South Merrimack Road

Mr. Stanizzi noted that he is familiar with the property, and feels that it is primarily used by pedestrians and snowmobile operators. He would like to see language included with the deed restrictions to prohibit the property from being used as an agricultural lease property due to public restrictions during sensitive times of the growing seasons. He felt it was best to leave the property as it is, and have the Forest Committee manage the property, so it can be used as recreational property only.

Joe Garruba, Winchester Drive

Mr. Garruba asked about the Warrant Article language for the property purchase; will it be specific as to the purpose of the purchase. T. Dufresne stated that he had only just received the Warrant Article draft earlier in the day, but it just addressed the purchase price and how the purchase would be funded. Mr. Garruba would like to have the Warrant Article language include that the property was purchased for Conservation and Recreation uses only. Mr. Garruba also asked if the Town had considered purchasing the property with Conservation funds solely. T. Dufresne responded that the HCC did not have the entire purchase price funds available, which is why the Town is funding a portion of the purchase. While the HCC fund balance has approximately \$700,000 at this time, \$100,000 is in reserve for the Howe Fields Conservation Easement, and additional funds have been earmarked for other projects. As per the presentation, there will be no bonding necessary for the purchase.

M. Post noted that the funds in the HCC account are restricted by RSA towards Conservation purchases and uses solely. He felt it was important that the Town residents vote on the purchase with any funding that might come from general taxation being limited to \$80,000; he noted that this gives current residents some "skin in the game," protecting a property which has a significance to the Town from many different aspects.

J. Garruba wished to briefly discuss the Warrant Article asking the Town to increase the Land Use Change Tax (LUCT) from 50% to the HCC to 75% to the HCC. While he has no issues with the HCC receiving the additional allocation, he asked why the HCC is not asking for 100% of the LUCT. T. Davies explained that after discussion and research, it was felt that requesting 75% of the LUCT was appropriate due to the cost of land in Town. Some additional discussion occurred in regards to the LUCT, including the LUCT recently issued for the Cobbett Lane 55+ Condominium Development.

T. Dufresne noted that this evening's meeting was not to address the LUCT Warrant Article, just the property purchase.

Peter Baker, Buttonwood Drive

Mr. Baker felt that any additional land purchases by the HCC, or the Town in general, should be to protect "prime parcels" such as this one. As the Town has approximately a third of its land in protection of some sort, he felt it was time to focus on a few remaining important properties. He stated that he did not support the proposed re-allocation of the LUCT; 50% should be enough for the HCC to do what it needs to do. Some additional discussion was held in regards to the proposed LUCT re-allocation.

Doug Sattler, Irene Drive

Mr. Sattler stated that he supports the purchase, and as a former member of the Nor'easter Snowmobile Club, he has spent many hours maintaining the trail on the property. Mr. Sattler asked if the purchase price of \$750,000 was all inclusive, and covered all the costs associated with the property purchase. T. Dufresne stated no, other costs, estimated

119 from \$25,000 to \$50,000, are not included, and will be paid from the HCC account. This includes closing costs, title
120 search, attorney fees, environmental studies, and other items necessary for the purchase.
121

122 Doug Cleveland, Hideaway Lane

123 Mr. Cleveland stated that he is in support of the purchase, and asked if there was just one Warrant Article proposed
124 for the Town Meeting. T. Dufresne stated yes, and the Warrant Article will give the breakdown of the purchase price
125 as stated. An additional brief discussion of the methods in which the LUCT can be used by the Town occurred.
126

127 With no additional public comments, T. Dufresne closed the public input portion of the hearing at 7:45 pm.
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129 A brief recess was held while members of the public departed.
130

131 **VOTE TO EXPEND CONSERVATION FUNDS**
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133 *T. Dufresne made the motion that the HCC approve the expenditure of \$450,000 for the purchase of the Ernest*
134 *Hardy Lot, identified as MBLU 031-009 of 75.90 acres, located on Baxter Road, pending the approval of the*
135 *Warrant Article at the 2019 Town Meeting to purchase the same; seconded by T. Davies.*
136

137 *Voting in favor were T. Dufresne, T. Davies, M. Post, J. Bruneau, L. Bianco, J. Connelly, K. Bridgeo and C. Quaine.*
138 *None voted against nor abstained. The motion carried, and the expenditure of \$450,000 for the purchase of the*
139 *said lot was approved, pending Town Meeting results, by a vote of 8-0-0.*
140

141 The results of this vote will be forwarded to both the Board of Selectmen and the Budget Committee.
142

143 **ADJOURNMENT**

144 *J. Bruneau made the motion to adjourn the Public Hearing; seconded by T. Davies. All members in favor, none*
145 *opposed or abstained, and the Public Hearing adjourned at 7:58 pm by a vote of 8-0-0.*
146

147 Respectfully submitted,
148 Connie Cain
149 Staff