

# HOLLIS CONSERVATION COMMISSION

Minutes of Meeting

February 6, 2019

Approved February 20, 2019

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

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

## **WETLANDS BUFFER IMPACT, 140 Pepperell Road, MBLU 003-026**

*Kevin Anderson, Meridian Land Services for Thomas & Kim Lawlor, property owners*

K. Anderson introduced himself and the Lawlor family to the HCC. The proposed subdivision plan is to subdivide the 20.0 acre parcel into one lot for the existing house and three new house lots for a total of four lots. Two of the three new lots will be transferred to family members, the remaining new lot will be retained by the Lawlor's. K. Anderson explained that there are 4 wet areas on the property, one along the driveway at the street, and three towards the rear of the lot, along with a proposed Stormwater recharge area.

The Lawlor's wished to keep the appearance of the property from the street the same as at present, and the plan has been created to minimize any disturbance along the street. The existing driveway will be utilized as a common driveway to the new lots. No vernal pools were located on the property, and there are no direct wetlands impact, only in the wetlands buffer areas of approximately 8500 square feet as indicated on the plan. All septic systems will be located within the building site areas shown. K. Anderson noted that the plan also identifies the location of the pignut hickory tree on the property, which is the largest in the State and has been received State recognition to that effect. This tree is in the buffer area, and will be well protected. In November 2018 the Planning Board held a site walk on the property which T. Dufresne attended. C. Hoffman noted that the plan is going for final approval at the next Planning Board meeting on February 19, 2019. K. Anderson stated that Town Engineer, Dennis Labombarde, has reviewed the proposal, and made a few minor changes.

T. Dufresne did not think that there would be any issues with the Rural Character ordinance with the proposed layout. J. Bruneau asked if there would be a note added to the plan to state that no further subdivision would take place; K. Anderson stated that the proposed subdivision is the most that would be supported on the property under present Town ordinances.

*T. Dufresne made a motion indicating that the HCC supports the proposed subdivision plan and the wetlands buffer impact for the Lawlor property at 140 Pepperell Road, MBLU 003-026; J. Connelly seconded. All those present voted in favor; none opposed and none abstained, and the motion carried by a vote of 11-0-0.*

T. Dufresne will send an email to Town Planner Mark Fougere indicating the vote and support of the plan by the HCC prior to the next Planning Board meeting on February 19, 2019.

(K. Anderson and the Lawlor Family departed at 7:17 pm.)

## **BOARD & COMMITTEE UPDATES**

None available at meeting time.

## **CONTINUING/NEW BUSINESS**

*Town Meeting Warrant Articles – T. Dufresne and P. Edmunds*

Both T. Dufresne and P. Edmunds attended the Budget Committee's Public Hearing on the Town Budget on Monday, February 4, 2019. Of importance to the HCC are the warrant articles for the Hardy Lot Purchase, the Land Use Change Tax (LUCT) split proposed increase, and the Howe Fields Conservation Easement. These items should be listed as Warrant Articles #2, 4, and 16 respectively.

At the Public Hearing, the Budget Committee voted to recommend Warrant Articles 2 and 16, but did not recommend Warrant Article #4, as they felt that the HCC did not need additional funding. The Board of Selectmen have recommended approval on all 3 articles. (Please refer to the 2-4-2019 Budget Committee minutes for more detail.)

A discussion about potential uses of LUCT revenue, how, when, and by who can use them occurred. Per RSA 36-A and 79-A, LUCT revenue received can only be used for conservation funds or be placed in the Town's General Fund, there

is no other provision. T. Davies felt that due to recent changes in Town ordinances, including the State determination that the building right system is illegal, there has been an increased amount in building over the past year and a half, and an increased number of acres being removed from Current Use. Changing the LUCT split will not impact the amount of property taxes each property owner pays, it will only impact the amount deposited to the Town's General Fund. T. Dufresne stated that some town residents will argue that the LUCT revenues are used to offset property taxes as part of the General Fund, and thus does contribute to the reduction of property taxes. This should be anticipated and addressed. M. Post felt that the strongest case to be made should not be the amount of money coming out of taxpayers' pockets; the connection should be made to remind people of how and why the LUCT is collected, from developers who are taking land out Rural Character and out of Current Use, and are paying for the right to do so. The natural consequence of this development is that the Town should be using the funds generated by the LUCT to replace the land coming out of Current Use with protected land. It makes no sense to do otherwise. This is the strongest point that should be made to the townspeople to increase the LUCT split. P. Edmunds agreed, and noted that in the last three surveys of townspeople, the number one concern is to preserve Rural Character and open spaces in the Town. T. Dufresne noted that while approximately a third of the Town is presently under some type of protection, it may not always be the case in the future. Town Forest land can be sold by a majority vote of the Townspeople, and not all Town land is protected. While Beaver Brook has permanent conservation easements on their properties, this does indicate that all land under similarly minded agencies is protected, and could be developed in the future. Developments in Town will continue to cost the Town money in infrastructure, such as roads, increased police and fire protection.

The Howe Fields Conservation Easement is for the same property at MBLU 026-026 & 026-080 which had been previously approved, but due to issues with the Federal Grant funding, the easement must be approved again at Town Meeting as the original article has since expired. There have been no changes to the previously agreed upon price, terms and conditions of the easement, just a new vote is required.

At Town Meeting, T. Dufresne will be presenting the Hardy Lot purchase presentation; T. Davies will present the LUCT proposed increase. As P. Edmunds will be out of Town for the meeting; T. Dufresne will also present the Howe Fields Conservation Easement. At the next HCC meeting on February 20, 2019, members will finalize the presentations for these items.

K. Bridgeo asked if having a table and information on the LUCT Warrant Article outside the auditorium at Town Meeting would be appropriate. M. Post felt that he could create a 1-page flyer for hand-out. T. Davies stated that this would have to be approved by the Moderator prior to Town Meeting. Draft flyer to be discussed at the next meeting.

A brief discussion in regards to how the HCC can advise the public wishing to make a donation towards the Hardy Lot land purchase occurred; staff will discuss with the Finance Office and will advise the HCC. Donations cannot be accepted until the land purchase is approved at Town Meeting.

#### *Pitarys Land Donation – T. Dufresne*

T. Dufresne updated members on the process. As part of the surveying process, it was discovered that the lot contains about 0.5 acres in Pepperell, Massachusetts. Atty. Tom Quinn has suggested that a land swap with a Pepperell MA abutter is a possibility, as the abutter owns a similarly sized property in Hollis; Atty. Quinn has contacted the owners via letter. Members will be updated on the progress at a future meeting.

#### *HB High School proposed Sports Field, NH DES Wetlands Bureau, Minimum Impact Dredge and Fill Application*

This application was received just prior to the close of business on February 6, 2019, so staff has not had the opportunity to review as of yet. Plans were reviewed, but as they do not contain much detail about the proposed changes, it is difficult to follow the proposal. Staff will scan and email to members for further review and it will be brought forward for discussion at the next meeting. (Staff Note: After the HCC meeting, it was discovered that this item is on the Planning Board agenda for February 19, 2019. CC)

#### *Woodmont West Agricultural Lease area – M. Post*

M. Post stated that the Trails Committee, the Agricultural Commission, and Adrien Lavoie, lessee, discussed the upcoming changes to the agricultural production areas and the potential impact to the Woodmont trail system. He reported that the discussion was very amiable, with all parties able to reach a solution to potential issues. It was good to see everyone working together in such a positive manner.

#### *Snowmobile Trails*

It has been noted that the Nor'easters have posted Trail open/closed signs at the Silver Lake Parking Lot. It is hoped that the trail issues brought up over the past several years have been addressed and will no longer be an issue. HCC members will continue to monitor.

123 *Requests for Payment – T. Dufresne*  
124 T. Dufresne has received two bills for payment:  
125 1.) Cabinet press for the publication of the Public Hearing on the Hardy Field, which was published in the Hollis-  
126 Brookline Journal on January 18, 2019, in accordance with State RSA's. The amount for this item was \$27.60.

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128 *T. Dufresne made the motion to approve payment in the amount of \$27.60 to the Cabinet Press as described;*  
129 *seconded by M. Post. All members in favor, none opposed, none abstained, and the motion was approved by a*  
130 *vote of 11-0-0.*

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132 2.) Stone Hill Environmental for the cost to create the Phase I Environmental Study on the Hardy Lot purchase in  
133 the amount of \$2400.00.

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135 *T. Dufresne made the motion to approve payment in the amount of \$2400 to Stone Hill Environmental as*  
136 *described; seconded by M. Post. All members in favor, none opposed, none abstained, and the motion was*  
137 *approved by a vote of 11-0-0.*

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139 **MINUTES**

140 T. Dufresne made the motion to accept the minutes of the January 16, 2019 meeting as written; seconded by P.  
141 Edmunds. All members voted in favor, none opposed or abstained, and the minutes were approved by a vote of 11-0-  
142 0.

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144 T. Dufresne made the motion to accept the minutes of the January 31, 2019 Public Hearing as written; seconded by J.  
145 Bruneau. All members voted in favor, none opposed or abstained, and the minutes were approved by a vote of 8-0-0.

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147 **ADJOURNMENT**

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149 T. Dufresne made a motion to adjourn the meeting; seconded by T. Davies. All members in favor, none opposed, and  
150 the meeting was adjourned at 8:31 pm.

151  
152 Respectfully submitted,  
153 Connie Cain  
154 Staff