

HOLLIS CONSERVATION COMMISSION

Minutes of Meeting

October 5, 2016

Approved October 19, 2016

Present:

Regular Members: Tom Dufresne, Thomas Davies, LeeAnn Wolff, Mark Post,

Alternate Members: Mary Jeffery, Peter Baker, Jonathan Bruneau.

Board of Selectmen, Ex-Officio: Peter Band.

Staff: Connie Cain.

Guests: David Gilmour & Paul Edmunds, Land Protection Study Committee; Sharon Howe, Property Owner

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

HOWE FIELDS CONSERVATION EASEMENT UPDATE, Ranger Road, MBLU 026-026 & 026-080

P. Baker wished to present the HCC with the progress of the Howe Fields Conservation Easement (CE). A timeline documenting the history of the CE was distributed; the Land Study Protection Committee (LPSC) has been working on the CE since 2014. (Staff Note: Handout is attached to the hard copy of the minutes. CC)

S. Howe gave a brief history of the two parcels. The smaller parcel, MBLU 026-026, was purchased by her father, Clarence Howe, via a tax deed in 1939. The larger lot, MBLU 026-080, was once part of a 150 acre parcel known as the "Howe Farm;" her great-grandfather originally purchased the farm in 1867, and it has been in active agricultural use by the Howe family since that time. The Howe Farm was divided between 14 Howe cousins in 1991, this parcel being S. Howe's, and her late brother's, portion of the Howe estate. She felt it was also fitting that the agricultural fields on the two lots are presently leased to David Orde of Lull Farm; her mother was a daughter of the original Lull Farm owner, and so the family history of the farming the properties continues.

At the 2015 annual Town Meeting, a warrant article to expend funds to purchase a CE on both properties was approved by the Townspeople, and also in 2015 the Purchase and Sales (P&S) for the property was signed by both Sharon Howe as the property owner and representatives of the Town for the CE purchase.

2 separate grants have been filed for the property:

- 1.) The Agricultural Conservation Easement Program-Agricultural Land Easements (ACEP-ALE) Grant program (former USDA Ranch & Farmland Grant), which has been accepted by the grant program, and will fund 50% of the CE appraisal value. Grant funds will expire in July 2017 if the purchase is not completed by that date.
- 2.) LCHIP Grant Application was filed in the Summer 2015; grant funding was denied by LCHIP in November 2015.

Since the 2015 Town Meeting CE approval, various documents have been created for the CE. These documents included a full CE Federal appraisal, also known as a "Yellow Book" appraisal, at the request of the ACEP-ALE program, as it sets the grant funding value. Also created were the baseline documentation, a title search, boundary survey as well as other documents. In June 2016 Town Attorney William Drescher has undertaken composition of the final draft CE language and creation of the CE deed, which should be received by the Town shortly. This draft must be reviewed and agreed to by the Town, the HCC, the property owner, the ACEP-ALE program, and Ian McSweeney of the Russell Foundation as participants in the process before moving forward to the CE purchase.

P. Baker stated that the ACEP-ALE request for the full appraisal, as well as redrafting the CE document to meet the Federally mandated language requirements in order to receive grant funds has lead to multiple delays in the process. T. Davies asked what potential obstacles are anticipated between now and July 2017? P. Baker responded that delays in receiving the draft CE deed and resolving any differences between the various parties would be the only issues expected. P. Edmunds explained that some of the delays involved redrafting the CE language to include Federally mandated language per ACEP-ALE requirements; the inclusion of this language was not fully comprehended at the outset. He further explained that the original draft language was taken from a recently completed CE deed which Ian McSweeney was involved with but was not required to have this language. These requirements, along with additional changes and/or requirements from the owner and other participants, delayed getting the CE draft document to Atty. Drescher for legal review.

T. Dufresne noted that as any language contained within the CE document could be utilized in future easements, it is important to make sure that the language contained within is carefully reviewed. He felt that the inclusion of some of the Federally mandated language causes concern for future uses, such as allowing cafes, art studios, and solar or energy farms, among other "Agri-tourism" uses on the property detracts from the protection of farm soils, which the CE is supposed to protect. T. Dufresne also noted that only 0.78 acres can be impervious per ACEP-ALE

requirements. A brief discussion of the language requirements and potential uses allowed occurred. Both P. Band and P. Edmunds agreed that the mandatory language will be included in the document, but this does not mean those uses will occur on the property. Any new uses in the future will be subject to Town ordinances and approvals at that time.

P. Baker included, on page 2 of his handout, a list of items that HCC members should be reviewing when the CE draft is received. L. Wolff enquired if there is a distinction made in the draft document as to what language is mandatory and what has been requested by the property owner or other parties; no. Will there be any information sent with the draft to be able to determine what is required by Federal mandate so that HCC members can make an informed decision; no.

At this time, no further action is needed by the HCC, pending delivery of the draft CE deed/document. Once that is received, it will be forwarded to HCC members for review prior to a vote to authorize expenditure of funds and the public hearing for the same. T. Dufresne thanked LPSC members and S. Howe for their continued efforts and attendance at this evenings meeting.

P. Edmunds, D. Gilmour, and S. Howe left the meeting at 7:35 pm.

NEW/CONTINUING BUSINESS

AMES ROAD SITE WALK, MBLU 046-012

On Saturday, October 1, 2016, T. Dufresne, along with 2 other HCC members, conducted a site walk of the property, as per the presentation made by the owner at the September 21, 2016 meeting. The lot is a non-conforming lot of record, which allows the property owner certain rights to build on the property. It was felt that the proposed new house site was probably not the best use/location; with the ongoing severe drought being experienced at this time, the proposed site had approximately 1 foot of standing water on the day of the site walk. The septic will be located on higher ground near the street, and some concern over the property owner's ability to obtain flood insurance was expressed. The Planning Board will be looking for recommendations from the HCC; T. Davies asked if there were any environmental concerns that should be noted. T. Dufresne noted that the owner stated he has received septic plan approval from DES; if there were environmental concerns, they should have been noted in the approval. T. Dufresne stated that the septic plan was not submitted nor reviewed by the HCC.

T. Dufresne will draft and email the recommendations to HCC members for input prior to submitting to the Planning Board before their next meeting on October 18, 2016.

FLINT BROOK TRAIL TREE REMOVAL

Sherry Wyskiel of the Hollis Trails Committee informed T. Dufresne that a large pine tree on the Flint Brook trail near the parking area has split and asked for the tree to be removed. Craig Birch inspected the tree and felt that it was not in danger of falling immediately, but he will remove it when he has equipment in the area soon. T. Dufresne also inspected the tree and documented the condition and location, and agrees with C. Birch's opinion. C. Birch quoted the tree removal cost will be approximately \$200 if the HCC can wait until equipment is in the area.

T. Dufresne made a motion to authorize Craig Birch to remove the tree as stated, seconded by L. Wolff. All members in favor, none opposed, and the motion carried by a vote of 7-0-0.

WRIGHT-NASHUA RIVER & TAYLOR LOT MANAGEMENT PLAN

Jim Oehler has created a combined management plan for both lots, located on or near the Nashua River south of Route 111. This was sent to members on Tuesday, and to give members additional time to review, this will be discussed at the next meeting. Some discussion of the plan, and management plans in general, ensued. T. Davies felt that the HCC should review all properties to determine their potential and attributes as a whole and for future management. L. Wolff noted that the management plans, along with other documents, are on the HCC's drop box site.

JOINT AGRICULTURAL & HCC WORKING GROUP

M. Post stated that the first meeting had been held on Thursday, September 29, 2016. One item that was brought forward was to conduct a site walk of the property for an agricultural assessment; members felt that Craig Birch should be part of this for the forested portion. T. Dufresne stated that Jim Oehler might be more appropriate as he creates the management plans for the HCC, and may be able to advise on other attributes of the property. M. Post will contact Mr. Stefanowicz for permission to walk the property, and also contact J. Oehler regarding the site walk. They also would like to see the baseline assessment of the property done before the snow begins; separate assessments will need to be done for both the agricultural and forested portions of the property.

123 **ANNOUNCEMENTS**

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125 The NH Association of Conservation Commissions Conference will be held on Saturday, November 12, 2016 at
126 Pembroke Academy in Pembroke NH. This year's theme is 'Moving through the Bottleneck to Our Future Forest.' To
127 register and for more information on the conference please visit their website at:
128 <http://www.nhacc.org/annualmeeting46/>

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130 C. Cain noted that the NH Municipal Association will be holding their annual conference on Wednesday and
131 Thursday, November 16 & 17, 2016 in Manchester, NH. Venu Rao, Hollis Energy Commission Chairman, and others
132 will be presenting a workshop on Wednesday, November 16th, entitled "Beyond Spin: Why Energy Solutions Matter
133 to Local Government." HCC members can attend this conference as municipal officials. To register, or for more
134 information on the sessions, please visit their website at: <http://conference.nhmunicipal.org/>

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136 Members who register for either conference should submit conference registration payment receipts to either T.
137 Dufresne or C. Cain for reimbursement.

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139 **BOARD & COMMITTEE UPDATES**

140 None available at meeting time.

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142 **MINUTES**

143 T. Dufresne motioned to approve the minutes of September 21, 2016 as written, seconded by P. Baker. All members
144 in favor, none opposed, and the minutes were approved by a vote of 7-0-0.

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146 **ADJOURNMENT**

147 T. Davies motioned to adjourn the meeting; seconded by T. Dufresne. All members in favor, none opposed, and the
148 motion carried by a vote of 7-0-0. The meeting was adjourned at 8:20 pm.

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150 Respectfully submitted,

151 Connie Cain

152 Staff