

HOLLIS CONSERVATION COMMISSION

Minutes of Public Meeting

March 17, 2021

Approved April 7, 2021

Regular Members: Tom Dufresne, LeeAnn Wolff, Thomas Davies, Jonathan Bruneau, Mark Post, Paul Edmunds
Alternate Members: Joe Connelly, James Plummer, David Werner.
BOS Ex-Officio: Peter Band
Staff: Connie Cain
Guest(s): William Moseley, Planning Board Chair

THIS MEETING WAS CONDUCTED VIRTUALLY WITHOUT A PHYSICAL LOCATION IN COMPLIANCE WITH GOVERNOR SUNUNU'S EMERGENCY ORDERS #12, 16, & 17.

Meeting was called to order at 7:04 pm.

BOARD & COMMITTEE UPDATES

PLANNING BOARD – William Moseley

Mr. Moseley attended the HCC meeting to provide an update on the Planning Board (PB) recent activities. He stated that the last meeting was Tuesday, March 16, 2021, and the PB had 5 main topics discussed.

- 1.) PSNH-Eversource is beginning tree cutting on Federal Hill, Hayden, Plain and South Merrimack Roads in the spring; all given are scenic roads. Eversource is using a new vendor this year; Lucas instead of Asplundh.
- 2.) Proposed 55+ Condominium Plan –Toddy Brook Investments LLC & Raisanen Homes Elite LLC, MBLU's 041-028 & 041-044, Silver Lake Road

This plan is still in design review, and 50 units is proposed. The biggest issue is the road layout, followed by steep grades. The PB asked for a plan with no waivers, and 2 different proposals were presented by the developer. Of particular interest to the HCC is a proposed wetlands crossing across Witches Brook. The Public Hearing will take place at the next PB meeting on Tuesday, April 20, 2021. The PB is conducting a site walk on the property on Saturday, March 27, 2021 at 8:30 am with a rain date of April 10, 2021; and the developer was asked to have the road staked out for the site walk.

- 3.) Minor Subdivision, Federal Hill Properties LLC, MBLU 029-010, 120 Federal Hill Rd.

This plan was under design review for a proposed 5-lot subdivision on the former Leppanen Farm of 20.90 acres. The developer has relocated the snowmobile trail as requested. This plan was moved to final application status, but HCC approval is still needed, as there is a proposed brook crossing.

- 4.) Minor Subdivision, Fimbel Revocable Trust, MBLU 017-034-001, Love Lane & Proctor Hill Road.

This plan is in design review for a proposed 3-lot subdivision on the remaining Fimbel Farm property. One of the major concerns is the impact to the Town water line which runs through this property; this line provides water to the Middle School, Town Hall, and a few privately owned homes on Main Street. Property lines, easement locations and other items have yet to be determined. M. Post, as an abutter, stated that the Love Lane residents do not want a through-way from Proctor Hill Rd to the High School on Cavalier Court. P. Edmunds asked where the access points will be; one lot will have access via Love Lane, the other 2 lots from an existing "driveway" off Proctor Hill Road, which was referenced as "Orchard Road" on the plan. W. Moseley stated that the plan has some complications due to the water line, access, and other items. The PB is conducting a site walk on the property on Saturday, March 27, 2021 at 10:00 am with a rain date of April 10, 2021. The Public Hearing will take place at the next PB meeting on Tuesday, April 20, 2021.

- 5.) Major Subdivision, Ducal Development LLC, MBLU 032-045-003, Howe Lane.

This plan is in design review on a proposed 11-lot subdivision on the former Howe Heirs property on Howe Lane near the Nashua boundary. Both a Conventional and a HOSPD plan had been presented; the PB felt the HOSPD would be more appropriate. The developer presented an updated plan with only one house lot off of the proposed common driveway instead of 3, and also reduced the number of house lots from 14 to 11. The PB had conducted the site walk on the property last fall. The developer is also willing to add trees to comply with the Rural Character ordinance. J. Bruneau asked about the viewscape, does the Rural Character Ordinance deal with this item? W. Moseley stated that the Rural Character ordinance covers landscaping and other such items. This lead to a discussion on viewsapes; W. Moseley recommended that the HCC submit a letter detailing their concerns before the plan is moved out of Design Review to have on the record. J. Bruneau was tasked with drafting the letter. (Staff note: I quoted the wrong part of the Zoning Ordinance during the meeting, please refer to the Zoning Ordinance, pages 71-73. While the word "viewscape" is not used, there is reference made to "scenic vistas". CC)

As always, the HCC is invited to attend any of the site walks scheduled for March 27, 2021.

D. Werner noted that Town residents have discussed well issues and wells drying up over the past year or two. He asked if any water studies had been done in reference to new development and the potential impact on the existing neighborhood. W. Moseley stated that these types of studies were usually only requested for larger developments. There is no specific requirement, but the PB can request from the developer. This led to a discussion on water protection and other related items.

Randy Haight of Meridian Land Services is expected to contact staff to be placed on an upcoming agenda for the Ducal Development, Federal Hill Properties LLC, and the Fimbel Revocable Trust subdivisions.

BOARD OF SELECTMEN – Peter Band

P. Band stated that there was nothing being discussed that was of import to the HCC. He noted that today was Finance Officer Rachael Gosselin's last day, and they have a candidate in mind to replace her, but the Board will make that decision at their March 22, 2021 meeting.

TREASURERS REPORT – Thomas Davies

As of February 28, 2021, the HCC account balance was \$1,208,030.17. With the \$10,000 in legal stewardship reserve, this leaves \$1,198,030.17 available as cash.

NEW/CONTINUING BUSINESS

EXPENDITURES

The formal request from the Flint Pond Improvement Association for the herbicide application funds, in the amount of \$7884.00, was received. This was approved at the March 3, 2021 meeting. T. Dufresne approved, and will pass to the Finance Office for payment.

A bill from Town Atty. Christopher Drescher was received in the amount of \$205.00. T. Dufresne explained that this was in regards to Woodmont West and to determine if the current leaseholder could withdraw water from Silver Lake in the future. Atty. Drescher had to consult with State officials to determine if this was possible.

J. Bruneau made the motion to expend funds in the amount of \$205.00 to pay Atty. Christopher Drescher for the legal fees incurred in the described activity, seconded by P. Edmunds. All in favor, none opposed, and the motion was approved by a vote of 9-0-0.

BROOKLINE CONSERVATION COMMISSION

T. Dufresne informed members that he had spoken with Jerry Jaworski of the Brookline Conservation Commission (BCC); they are experiencing issues due to the use of electric bikes on their trails. T. Dufresne explained that some of the bikes require pedaling to engage the motor, but others have motors that can be more easily started and don't require pedaling. The latter type can reach speeds of up to 35 mph. He noted that some State trails have banned these vehicles, and agreed that this is a concern for both Brookline and Hollis. The BCC would like to meet before it becomes a larger issue, and would like both Commissions to jointly discuss a course of action. Sherry Wyskiel of the Trails Committee was also asked to attend. P. Edmunds felt that this would be under the purview of the Trails Committee in Hollis; T. Davies noted that most Hollis trails are on HCC land and he appreciates that the BCC reached out for input. Beaver Brook Association is also having the same issues on their trails. P. Edmunds commented that this would also impact Town Forest Trails. The BCC is meeting on April 13, 2021 to discuss this issue; T. Dufresne will contact Sherry Wyskiel.

2021 TOWN MEETING WARRANT ARTICLES

After a lengthy discussion at the March 3, 2021 meeting, members were asked to review the January 20, 2020 meeting minutes and motion made in regards to Warrant Articles 16 & 17. These petition Warrant Articles were tabled at the 2020 Town Meeting due to the COVID-19 pandemic.

T. Dufresne would like to poll members for their views on the course of action:

T. Dufresne felt that the voters should decide on these articles, and the HCC should not take a stance.

T. Davies felt that by not taking a stance, the HCC was abdicating their responsibility to protect the land and the public. He felt the only reason that those persons who wanted to use the properties for target shooting was for their own convenience. He felt it was wrong and gutless not to take a stance, and added that if Article 17 passed it would mean additional people traveling to Hollis, and the potential for Hollis Conservation property to become a "shooting gallery."

D. Werner felt it was dangerous to have a mixture of shooting and hiking in the same area; and questioned if the Warrant Articles were the proper way to achieve the goal. He researched Conservation Easements in NH, and found that they are

considered Charitable Trusts, and there is a legal process that must be followed if any changes are to be made. Due to this, he did not feel making changes via Town Meeting was the proper avenue. It was noted that this only applied to properties with Conservation Easements, not property that was held by fee simple. He thought the Town Attorney should be consulted.

P. Edmunds agreed, stating that the basic premise is safety for all users, and those persons using the properties should be able to do so without the fear of being shot at. Atty. Drescher, upon consultation, did not feel that these articles corroborated all of the concerns, but gave an opinion that Article 17 could not be enforced.

J. Connelly felt that the word “safety” was an unfair stop to any conversation. He has never heard of any accidental shooting on Town property. This led to a discussion of shooting, target ranges, and associated items.

L. Wolff did not wish to take a stance one way or the other.

J. Bruneau felt there was quite a bit of divisiveness, and it would be a hard call. He cited an article written about a similar situation in West Pawlet VT which has been going for years, and despite numerous complaints, still continues to be an issue. He hears people hunting near his property constantly; L. Wolff states she hears gunfire from the Nashua River area as well.

M. Post said he tries to look at this from all angles, and members of the Agricultural Commission are also concerned. Article 16 prevents all discharges but lawful hunting. He does not feel there is “skin in the game” under this article, and felt that there was no need to take a stance on this article; nothing changes if it passes or fails. Article 17, in his opinion, wants to change the use of land, and he felt it was potentially in direct conflict with existing agreements. He felt that potential property impact should be identified, and he felt that the article wants to define “passive use.” He did not see how target shooting on any property was passive use, as recreational target shooting does not meet that definition.

J. Plummer stated he wished to abstain from voting on the matter. There are multiple roles at play, and he felt it was not the HCC’s role to determine. He felt the HCC should sit tight.

T. Davies stated that when other Warrant Articles come up, the Selectboard and the Budget Committee will recommend or not recommend specific articles by vote. He felt that both should also take a stance, as there is no specific area, times, or caliber of weapon given in Article 17. He believes it is the HCC’s responsibility to speak for residents who are concerned about this use on Conservation property.

T. Dufresne stated that as Town Meeting is scheduled for May 15, 2021, there will be time to have a vote in person before Town Meeting occurs.

D. Werner will forward the article he found detailing Conservation Easement law that he found in his research. A brief discussion on NH Law in general occurred.

SAVING SPECIAL PLACES 2021

T. Davies noted that this year’s conference will be held virtually on Friday, April 9, 2021 and Saturday, April 10, 2021. Registration can be done online at <https://savingspecialplaces.org/>. (Staff note: If you plan to attend and pay by check, you must mail in your registration by March 26th. See the website for details. This note will be removed from the approved minutes.)

W. Moseley left the meeting at 8:34 pm.

NON-PUBLIC SESSION

T. Davies motioned to enter into Non-Public session to discuss potential land acquisition under RSA 91-A:3, II (d); seconded by T. Dufresne. T. Dufresne polled the members, all those present voted to enter into Non-Public session by a vote of 9-0-0. The HCC entered into Non-Public Session at 8:35 pm.

RETURN TO PUBLIC SESSION

T. Dufresne motioned to conclude the Non-Public session and to keep the minutes sealed until voted by the HCC to release, seconded by P. Edmunds. T. Dufresne polled the members, all members voted to conclude the Non-Public session and keep the minutes sealed by a vote of 9-0-0. The HCC concluded Non-Public Session at 8:47 pm.

PUBLIC HEARING

Based on discussion in non-public session, members tentatively agreed that the Public Hearing on the property will take place during the April 21, 2021 HCC Meeting. As the Selectboard has not been made officially aware of this property purchase, the Public Hearing notices will be published after the March 22, 2021 Selectboard’s meeting.

T. Dufresne motioned to approve an expenditure of \$150,000 towards the property purchase as discussed in non-public session, consisting of three parcels totaling 35.85 acres, seconded by J. Plummer. Voting in favor were T. Dufresne, L. Wolff, J. Bruneau, M. Post, P. Edmunds, J. Connelly, J. Plummer, and D. Werner. Abstaining from the vote was T. Davies. No members voted against, and the motion to expend carried by a vote of 8-0-1.

181 **MINUTES**

182 *T. Dufresne made the motion to accept the public minutes of the March 3, 2021 meeting as written; seconded by T.*
183 *Davies. All members voted in favor, none opposed or abstained, and the minutes were approved by a vote of 9-0-0.*
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185 **ADJOURNMENT**

186 *T. Dufresne motioned to adjourn the meeting, seconded by T. Davies. All members in favor, none opposed, and the*
187 *motion carried by a vote of 9-0-0. The meeting adjourned at 8:50 pm.*
188

189 Respectfully submitted,

190 Connie Cain

191 Staff