

HOLLIS CONSERVATION COMMISSION

Minutes of Non-Public Meeting

December 18, 2019

Approved January 15, 2020

VOTED TO RELEASE & UNSEAL FEBRUARY 5, 2020

Regular Members: Tom Dufresne, LeeAnn Wolff, Thomas Davies, Jonathan Bruneau, Cathy Hoffman, Mark Post;
Alternate Members: Laura Bianco, Paul Edmunds, Cheryl Quaine, Karen Bridgeo.
BOS Ex-Officio: Peter Band
Staff: Connie Cain
Guests: Worcester Road Neighborhood Group, Richard MacDonough, Chad Mueller, William Harmon, Josie MacMillan, and Mark Hyde, representatives.

NON-PUBLIC SESSION

T. Dufresne motioned to enter into Non-Public session to discuss potential land acquisition under RSA 91-A:3, II (d); seconded by C. Hoffman. T. Dufresne polled the members, all those present voted to enter into Non-Public session by a vote of 10-0-0. The HCC entered into Non-Public Session at 7:01 pm.

T. Dufresne asked the Worcester Road Neighborhood Group (Group) to introduce themselves to the HCC. T. Dufresne was unsure of how far negotiations have gone for the property, known as the Worcester Road Nursery, MBLU 002-044, and located at the southeast corner of the Worcester Road and North Pepperell Road intersection. The present owner, Hans & Kathleen Olson, have submitted a design review subdivision plan to the Planning Board (PB) for a proposed 5-lot subdivision. This plan was discussed at the last PB meeting on December 17, 2019.

R. McDonough stated that there is some contention about the wetlands on the property, which are believed to be vernal pools. Endangered and other species have been observed on the property, including Blanding's turtle and black ducks, along with coyotes, pheasants, rabbits and other wildlife. (STAFF NOTE: Per the NH Fish & Game Website at: <https://www.wildlife.state.nh.us/nongame/documents/endangered-threatened-wildlife-nh.pdf> there are no ducks listed as endangered or threatened. See sheet attached to minutes. CC) On the submitted plan, the vernal pool is noted as "poorly drained wetlands." The PB has stated that if the pond holds water year round, it cannot be considered a vernal pool. The Group disagrees, and as no testing or studies have been done to date, there is no evidence either way. Additionally, the proposed 5 lots would have an elevated cistern, and 4 foot septic mounds, as the water table on the property is high.

T. Dufresne informed the Group that the HCC is advisory only, and as such, does not have any legal authority. While the PB does generally listen to the advice proffered by the HCC and does request it often, they are not legally obligated to follow any advice or recommendations made. Additionally, if the Group is looking to the HCC to potentially purchase the property, there are currently 2 other projects which the HCC is involved in which would outweigh this property.

T. Dufresne informed the Group that they could potentially get funding to purchase via Grants or other methods. The USDA-NRCS has about \$5 million in grant funds earmarked for protecting agricultural land in New Hampshire, however, the Town cannot be a party to this, it must be through a Land Trust organization, such as the Society for the Preservation of NH Forests, or the Piscataquog Land Conservancy. In the past, in order to receive grant funds, a 50% grant match has been required. T. Dufresne will pass the contact information to R. McDonough, but did warn that the Grant process can be arduous. P. Band noted that Town Staff is familiar with the grant process, and could be of assistance; he asked if the grant funds would be considered as a purchase mechanism, would the Group be able to raise the matching funds? R. McDonough felt that it would be a possibility if the owner did not want an outrageous amount for the property.

P. Band asked if anyone in the Group had spoken with the owners; J. MacMillan stated that she had attempted to communicate with him to no avail, all that she, and R. McDonough, have received is the statement "I will take it under advisement." Group members felt they had offered every opportunity to discuss purchasing all or a part of the property. P. Band asked if any contract or agreement has been entered into between the owners and Tom Cook as the developer; R. McDonough stated that while it appears to be a joint venture between the parties, it is unknown what agreement exists between the two parties. It is believed that there are 2 firm commitments to purchase lots, pending subdivision plan approval. T. Davies felt that the owner's need to obtain funds is adding a degree of urgency. There are both Prime and State important soils on the property, along with the viewscape which the Group wishes to preserve, however, to get the funding via other sources, such as Grants, may take several years, and the owner may not wish to wait for those funds.

R. McDonough felt that the HCC needs to determine why a subdivision would be allowed on the property when it is apparent that the property is very wet; he also felt the Rural Character Ordinance should be enforced. T. Davies responded

that as an advisory board, the HCC will follow Town ordinances and advise the PB on the subdivision, but cannot demand. P. Edmunds felt that the vernal pool must be investigated to determine if it truly is a vernal pool, and the reported endangered species on the property must also be investigated. Any such findings could allay some of the Groups concerns about the property.

J. MacMillan stated that she is concerned about the water coming off the site once developed, it will flow downhill, crossing over the Hyde property at 64 Worcester Road, to Mine Brook on her property. This brook gets very high during spring thaw with snow run off, and she is concerned how 5 new houses will impact the flow to the brook, and to the culvert, which is approximately 100 years old. Group members do not know if and how this would be addressed via the subdivision plan. Brief conversation held on the topic. J. MacMillan also noted that the pond in question is about 75% on her property, and is also concerned about the water quality as she has observed wildlife using the pond as a water source.

T. Davies felt that the HCC could potentially hire a biologist or wetland soil surveyors to review the property. C. Hoffman stated that the HCC can request, but the PB is the authoritative body, so the actual study request must come from them to the applicant before any study can be authorized.

Group members asked if it would be possible for them collectively or individually to purchase the property themselves, then partnering with the HCC to preserve it; yes. M. Hyde asked about funding for the preservation of agricultural properties. M. Post stated that the Agricultural Commission could work with the Group, but does not have funding for land purchases. He is aware of an individual who has grant funds to purchase some agricultural property to preserve; M. Post will discuss with R. McDonough after the meeting. M. Hyde asked if it were possible to raise the funds to purchase the property, would the Group be able to sell the property to the HCC over a period of time. T. Dufresne stated yes, but if Federal or State Grant funds were used in the purchase, it would be more difficult.

Group members will update the HCC as the plan progresses or if the need for additional discussion occurs. The HCC thanked the Group for bringing their concerns to the HCC's attention. The HCC will vote to send written communication to the PB during the public portion of the meeting, based on the Group's concerns.

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 J. Bruneau. T. Dufresne polled the members, all members voted to conclude the Non-Public session and keep the minutes sealed by a vote of 10-0-0. The HCC concluded Non-Public Session at 7:43 pm.

Respectfully submitted,
Connie Cain
Staff