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

BELLA MEADOWS, DREDGE & FILL APPLICATION – Chris Guida, Fieldstone Land Consultants, PLLC

T. Dufresne explained that with changes to the State Laws & Regulations regarding wetlands, there is a 14-day review period for any person or local agency to file comments to the NH Department of Environmental Services (DES) in regards to a wetlands plan filed with their agency. The period starts the day the application is filed with the Town Clerk, which was done on Friday, January 31, 2020. Mr. Guida was able to attend the meeting to explain the proposed plan.

C. Guida introduced himself, and stated that he is a Certified Wetlands Scientist by profession, and works for Fieldstone Land Consulting in Milford NH. The Dredge & Fill application is for Bella Meadows, a workforce housing development, located on Runnells Bridge Road on the old "Pitch & Putt" property, MBLU 010-033-001. He described the general proposal of the subdivision plan and explained that the Dredge & Fill application is for filling in of the most southerly pond on the property. The pond had been one of two man-made ponds created by the former owners as irrigation ponds and water hazards for the former Pitch & Putt in the 1990’s.

State law had provided for a repurposing of manmade ponds, and these have been exempt from permitting, under certain circumstances. Recent legal interpretations of the law have changed so that repurposing is no longer allowed, and requires that an application to be filed for the property. Additionally, a stormwater plan for the property is required to address water treatment and any potential water runoff to meet State regulations. About 3300 square feet is the estimated area of the pond.

T. Davies asked if the depth of the pond was known; C. Guida replied that it is not, but is estimated to be approximately 10 foot deep in the center. The pond sides are steeply sloped, and the pond holds water year-round. C. Guida explained that DES requires a dredge and fill permit if the area of fill is over 3000 square feet, which this area is. As it is manmade, it’s not considered wetlands and therefore, no buffer.

T. Dufresne informed members that due to the limited time to review and comment on the application, he had walked the property on Tuesday, February 4, 2020, and agreed that the sides of the ponds are steep. He had walked the property just prior to the Pitch & Putt construction, and did not remember there being standing water at that time. He felt that the ponds were both for irrigation and manmade. T. Dufresne further noted that there is new leadership at DES, and they are now requiring a Dredge & Fill permit. He recommended that the developer consider grading or fencing the pond area for safety reasons; C. Guida will inform the developer of the recommendation.

J. Bruneau asked about RSA 483, as mentioned in the cover letter for the application; C. Guida stated that while the RSA language had not changed, the DES interpretation has; and the application is now required. There is a stormwater plan to be built in the area to treat the water before it goes into the ground water. K. Bridgeo asked about the 4 to 6 foot depression on the southwest side of the property, near the southerly pond location. C. Guida stated that the stormwater treatment area will be located in this area, and explained that the post-development run-off must be equal or less than that pre-development per DES requirements. J. Bruneau felt it would be similar to what was required from Brookdale Farm for their recent site development behind the Broad Street warehouses. A brief discussion ensued over similar stormwater treatment plans in the area and their appearance.

T. Dufresne explained that C. Guida’s attendance was as a courtesy to the HCC, and neither signature nor approval is required. The HCC is welcome to submit concerns or questions to DES should they choose to, which can be for or against, or a combination of both. DES will consider any communications if sent within the 14-day review period with more bearing than those sent after the 14-day period.

T. Dufresne asked J. Garruba if he had any comments on the plan. J. Garruba repeated T. Dufresne’s explanation in regards to the comment period of 14-days, and felt that this is a window of opportunity for the HCC to submit any comments.
J. Garruba pointed out that C. Guida had referenced confusion and/or conflict between State and Local review of the plan. J. Garruba felt that this meant that the Hollis ordinances require that the HCC must review as well as the Planning Board (PB) at the local level; the HCC should have been given the opportunity to review and file comments with the PB prior to both agencies approving the plan. J. Garruba continued, stating that while there is a local ordinance exempting manmade ponds and buffers, the State septic setback requirements of 75 feet must also be met. He is unaware if this plan has undergone local review, and it appears to have been changed to forgo an Alteration of Terrain permit filing. He felt that this Dredge & Fill application changes the approved plan, and due to this, the Dredge & Fill plan must be also be reviewed and approved by the PB after consultation with the HCC.

J. Garruba stated that as he had not seen the plan prior to the meeting, he has not yet had time to review to ensure it meets local and State requirements; the septic setback requires that it be 75 feet from any pond, he does not think this plan meets that requirement. T. Davies asked what impact will be had if the Dredge & Fill is conducted prior to housing construction and the placement of septic systems, J. Garruba stated that DES has a minimum impact wetlands permit, and one of the conditions for approval is that it be proven that there is no other method that can be implemented without filling in the pond; if there is a practical alternative plan that would cause less impact to the property, it should be used. Rule interpretation changes were put into place by DES on December 15, 2019, and with these changes the 75-foot septic system setback is required. J. Bruneau felt that it was a moot point and is not applicable to this development; State regulations address adverse effects and other items, not the setbacks or septic setbacks. J. Garruba disagreed, he stated that they do address the matter. J. Bruneau stated that this is one of the first items reviewed by any engineer, what are the setbacks on the property, and they ensure these become part of the plan. T. Dufresne interjected, and stated that the PB and staff are the ones that review these plans. This is beyond the scope of the HCC, members are not professional engineers, and the PB and PB staff are the professionals for the Town. If the PB and staff have reviewed the plan and approved, then he has no issue with it. This plan will be reviewed by PB staff as it came in after the original approval. J. Garruba pointed out that the approval of this plan is no longer at the local level, it is at the State level. The HCC can provide comments/input to the State, and if submitted in the 14 day comment period, the State will take the input into consideration.

J. Garruba referenced State regulation WT 3073, which is required to be met for permit approval that “...no fill shall be allowed to achieve the septic setbacks...” J. Garruba interpreted the regulation that it was in place to prevent material from being moved around the site. J. Bruneau asked C. Guida if the septic system beds meet the 75 foot setback, C. Guida stated that they are. J. Garruba stated that he could not attest to that as he has not measured the plan. J. Bruneau felt that as C. Guida or a colleague stamped the plan, it must meet regulations by State Law. When an engineer or other professional places their stamp on a plan, it means they are verifying it meets State requirements, and they could lose their license if the plan is found not to meet those requirements. J. Garruba stated that plan possibly meets the requirements, but does not address that, in his opinion, there is a practical alternative which would have less adverse impact to the area and the environment. If the road was moved, why would the pond have to be filled? C. Guida stated this was due to the stormwater plan; J Bruneau clarified and felt that it was the connection to ground water; the pond is open source ground water, and the run-off from this area would be the issue. J. Bruneau felt that to have the runoff go around the pond would be difficult, and asked C. Guida if that was a fair statement. C. Guida stated yes, but he did think it appropriate to enter into a discussion into the engineering aspects of the plan as that is not his area of expertise. J. Garruba felt that there were other options which were not explored that could prevent filling in the pond, but those options would require the number of units to be reduced. As far as the State regulations were concerned, he felt that those regulations were not being met. He felt the HCC should be weighing on these items that he brought up as potential concerns.

L. Wolff asked J. Garruba to restate what his fundamental concern is with the plan that he is asking the HCC to resolve; J. Garruba felt that State wetlands permits regulations are not be followed with this permit. State regulations require if there is a practical alternative to filling in the pond, that the alternative method be explored and implemented. J. Connelly felt that there was no such thing as a “practical alternative;” J. Garruba stated that was how the law was written. L. Wolff asked why he was so interested in this particular plan; J. Garruba responded that he felt the letter of the law was not met, the plan presented did meet the regulations, and he wanted to make sure the regulations and laws are followed. L. Wolff clarified by asking him if this was his only motivation, to ensure that the laws are being followed; J. Garruba answered yes. He further stated that if his alternative plan was implemented, the only thing that would be affected would be the plan would be redesigned and number of units would probably be reduced by a unit or two.

P. Band felt that given that plan engineering was outside of the HCC’s bailiwick, the PB would be the correct Town agency to review and make recommendations as warranted; T. Dufresne agreed. J. Garruba stated that it was out of the PB’s hands now, it is now up to the DES to approve or not. L. Bianco also felt that J. Garruba’s motivation was in setting precedent for future developments of this nature.

T. Dufresne asked if members would like to send DES written communication in regards to this plan. T. Dufresne felt it was not necessary to send a letter to DES, but needed other members input.
J. Bruneau felt that the PB’s approval, along with J. Garruba’s letter to DES, as submitted to the HCC earlier today, is now in front of them, and they should be the agency to approve or not. If there is something that the HCC should weigh in on, they should. He felt that C. Guida’s application cover letter provides a clear explanation of the plan’s intended use. He felt that to change the plan to accommodate one less unit was not in the best interest of everyone involved.

J. Connelly agreed with J. Bruneau’s statement, and felt that it was not an impractical solution. You have to balance housing needs with conservation needs, and that the practical solution is different to everyone.

T. Davies felt that J. Garruba’s letter and report to DES makes sense, and he was appreciative of the work and research that J. Garruba has done on behalf of the Town. It does set precedent if the HCC ignores rules and regulations, and while he is not aware that the plan in question violates any regulation, in some circumstances further investigation is warranted.

L. Wolff agreed with T. Davies, with the exception that the State and Town has ordinances, and there is a difference in having the Town ordinances met and the Town enforcing those ordinances. She did not personally see a point in writing a letter to DES just to say that the HCC intends to make sure the letter of this law is being followed in this case.

L. Bianco asked if it would be more palatable if the pond was natural instead of manmade; members answered that if it were natural, there are different laws that govern naturally existing ponds and those laws would need to be followed.

M. Post felt that the HCC is following the letter of the local laws. J. Garruba stated that the HCC had not approved or disproved the plan, and J. Garruba felt HCC approval should have been requested by the PB. M. Post stated as it relates to the filling of the pond and practical alternatives, he felt this was the purview of DES to approve or disprove alternatives. He is sensitive to the fact that the HCC members are not engineers, and in following the letter of the law, the HCC has not established any precedents. Is the HCC required to approve or disprove?

K. Bridgeo quoted the Town Zoning ordinance, from Paragraph 3c, Section 11: “The town recognizes that the state and federal governments have regulations, including a permitting process, governing the alteration of wetlands and surface waters. However, the Town of Hollis has jurisdiction over the one hundred (100) foot buffer zone and all Dredge and Fill Applications must first be reviewed by PB Staff and approved by the PB and the Conservation Commission for compliance with this ordinance.” K. Bridgeo felt that if the ordinance dictates how the HCC should address any application or plan meeting such requirements, then it should be followed. However, the rules are different for manmade ponds, and she feels that HCC intervention is not justified in this case. J. Garruba felt that this section of the ordinance speaks to the Hollis Zoning Ordinance in its entirety. (STAFF NOTE: This Section governs the Wetland Conservation Overlay Zone (WCO) only. The Overlay Zone information begins on Page 48 of the Hollis Zoning Ordinance, and the wetlands covered under this zone are detailed in the Ordinance. This area of development is not one of those listed as ‘Prime Wetland.’ CC)

T. Dufresne stated that the Town of Hollis has an excellent PB and Staff, and many developers will not consider Hollis due to the PB’s reputation as being strictly in compliance with State and Local laws. The HCC is not qualified to determine if septic or stormwater plans meet the requirements. The engineer is the person who stamped the plan, and his job is on the line if it does meet those requirements.

P. Edmunds moved to vote on the subject.

T. Davies motioned to approve the plan as presented, contingent on any approval of the Hollis PB and the NHDES review and findings. The plan, as is, is acceptable to the HCC; seconded by T. Dufresne. All in favor, none opposed or abstained, and the motion carried by a vote of 9-0-0.

C. Guida concluded his presentation and departed the meeting at 7:38 pm.

NON-PUBLIC MINUTES RELEASE TO PUBLIC

On December 18, 2019, the HCC held a non-public session to discuss a potential purchase of property. Funding and other financial issues were discussed, but the HCC should have come out of non-public session before discussing any other aspects of the property. As the HCC determined that they would not be interested in purchasing the property, T. Dufresne asked members if they would be willing to vote to unseal and release the minutes to the public. A brief discussion was held over the legal issues that can be discussed in non-public session. Staff was asked to not only state the RSA in the agenda, but to add the RSA definition under which the non-public session is held.

T. Dufresne motioned to unseal the non-public minutes of December 18, 2019, and to release them to the public; seconded by T. Davies. All members in favor, none opposed or abstained and the minutes were unsealed and released to the public by a vote of 9-0-0.

BOARD & COMMITTEE UPDATES

Joint Agricultural & Conservation Stefanowicz Farm Subcommittee – Mark Post

The Stefanowicz Farm Request for Proposals and Draft Lease documents were approved by the Selectboard, and have been posted to the Town’s website. The deadline for bids is June 5, 2020 at 2:00 pm.
T. Dufresne informed members that the PB had tentatively approved the subdivision of the Stefanowicz Farm for the existing house and acreage, pending approval at Town meeting. An appraisal of the house lot is pending, and T. Dufresne has also inspected the house with a demolition expert. If the lot is not approved at Town Meeting, it will be demolished.

T. Dufresne motioned to approve the expenditure of funds in the amount of $500 for the cost of appraisal services by DND Appraisal Services; seconded by P. Edmunds. All members in favor, none opposed or abstained, and payment was approved by a vote of 9-0-0.

Treasurers Report – Thom Davies

As of the meeting date, the HCC account balance was $701,351.89; accounting for the $10,000 held in reserve, this leaves a balance of $691,351.89 available as cash.

There were no updates from the Selectboard or the PB at meeting time.

NEW/CONTINUING BUSINESS & ANNOUNCEMENTS

2019 Town Report

Members expressed their many thanks to J. Bruneau for his work on the HCC’s 2019 Town Report, and a round of applause for a job well done could be heard throughout the Community Room.

Roadside Clean-Up

Tentative date has been set as April 18, 2020. T. Davies suggested the Transfer Station as the gathering location for this year, and will speak to Joan Cudworth, Lead Attendant, for her permission. Some “theme” ideas were floated among the members, to be discussed more fully at a later meeting.

HCC Parking Lot Plowing

J. Bruneau had been tasked with speaking to plow operators about plowing the small parking lots near HCC land; he has a possible operator in mind. P. Band suggested to speaking to Lori Radke, Town Administrator, and Todd Croteau, DPW Director, for requirements for sub-contractors.

Upcoming Conferences and Workshop

The “Saving Special Places” conference will be held on April 4, 2020 at Prospect Mountain High School in Alton, NH. Further details will be available in mid-February at https://savingspecialplaces.org/.

The 2020 LCHIP Grant Round has been announced, with the first mandatory meeting to be held on February 28, 2020. If any members is interested in pursuing this funding source, please let T. Dufresne know. There is not usually a lot of funds available for preserving natural resources, and the grant process is onerous.

J. Garruba asked if members were aware that with the DES changes to law, the creation of “Prime Wetlands” designations was part of these changes. Special protections are available to lands under this designation, and the designation can be assigned by the HCC. T. Dufresne remembered this being addressed in the late 1990’s, and will have to research for the reasoning behind the HCC not wanting to assign this designation to Town lands.

MEMBERSHIP

With David Connor’s recent resignation, this leaves a regular member opening available, and T. Dufresne has asked P. Edmunds to fill this vacancy. With his past experience in serving the Town on other Committees, T. Dufresne felt that it would be appropriate to have P. Edmunds step up to regular membership. P. Edmunds has agreed to this, and T. Dufresne has appointed him as such.

J. Garruba left the meeting at 8:05 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 L. Wolff. 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 8:05 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 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 9-0-0. The HCC concluded Non-Public Session at 8:50 pm.
MINUTES

T. Dufresne made the motion to accept the minutes of the January 15, 2020 meeting as written; seconded by L. Wolff.
All members voted in favor, none opposed or abstained, and the minutes were approved by a vote of 9-0-0.

ADJOURNMENT

T. Dufresne motioned to adjourn the meeting, seconded by L. Wolff. All members in favor, none opposed, and the motion carried by a vote of 9-0-0. The meeting adjourned at 8:59 pm.

Respectfully submitted,

Connie Cain
Staff