

HOLLIS CONSERVATION COMMISSION

Minutes of Meeting
May 5, 2010
Approved May 19, 2010

Present: Susan Durham, Thomas Davies, Richard Brown, Cathy Hoffman, Gary Flaherty, Peter Baker, Connie Cain – Staff

Meeting was called to order at 7:00 pm. S. Durham, Vice-Chair, appointed P. Baker to vote in the absence of Tom Dufresne.

BAYRD AFFIDAVIT

The Conservation Commission members signed an affidavit attesting to the approval and expenditure of funds for the Bayrd Easement last year. The vote to approve the expenditure had been taken in non-public session originally, and this should have been officially taken at the Public Hearing in September 2009, but it was over-looked. The affidavit was requested by the Town Auditors via Paul Calabria, Finance Officer.

ROADSIDE CLEAN-UP

A final wrap-up discussion of the Roadside Clean-up at the end of April commenced. All present felt that the newspaper articles were a great help in promoting the event, and an article will be sent for publication to thank the organizations and individuals that participated in the event. Planning for next year's event will start in January/February 2011. Additional items discussed for next year's event were refreshments for participants and raffle prizes, in addition to sending out formal letters to Town organizations for volunteers prior to the event. T. Davies also suggested contacting participants later in the year when the bulbs arrived and giving them a number of the bulbs as a thank-you for their participation. All members agreed, and an email will be sent to those who took place when the bulbs arrive.

BOARD & COMMITTEE UPDATES

Board of Selectmen – Cathy Hoffman

Last meeting was Monday, May 3, 2010. Primary focus of the meeting was the public hearing for the proposed Dow Road improvements. P. Baker asked if road standards must be applied to Dow Road; C. Hoffman stated that because it is an existing road the standards don't apply – existing roads do not have to meet the requirements.

Land Protection Study Committee – Peter Baker

Members are currently reviewing properties held in the Current Use program to determine if any properties held in the program might be of value to protect against further development. If any are found, the owners will be contacted to see if they would be interested in placing protection on the property, such as an easement or restriction.

Treasurer's Report – Thom Davies

As of May 1, 2010, the balance of the checking account showed \$374,170.99; of which \$10,000 is reserved for legal expenses and stewardship, and \$29,112 is in the Flint Pond reserve. This leaves a balance of \$335,058.99 available as cash. T. Davies reminded members that \$200,000 of the available funds have been earmarked for the Beaver Brook Association, as part of the Whaleback property agreement. P. Baker reminded members that the Flint Pond Reserve balance should reflect a balance of only \$9800, as members had voted to return the remainder to the HCC General Fund at the last meeting. These two additional items taken into account leaves an available balance of \$154,370.99.

There had been no Planning Board meeting since the last HCC meeting.

MEADOW DRIVE - PENNICHUCK POND

P. Baker had requested the aerial image of the property at 25 + 27 Meadow Drive showing the buildings and the dock system constructed on the HCC land next to the property. (These were shown to members present.) Based on the Department of Environmental Services (DES) letter of March 11, 2010, the property owner was given 60 days to response to the DES. P. Baker will be meeting with the Board of Selectmen on Monday, May 10, 2010 to discuss the properties.

P. Baker asked if G. Flaherty and T. Dufresne had been able to meet with Troy Brown, Town Administrator, or Dave Gagnon, Building Inspector; G. Flaherty responded that due to Mr. Brown's being on vacation, they had not been able to arrange a meeting to date.

C. Hoffman had done some research on the property, to determine what, if any, restrictions were on the property, if the parcel could be sold to the abutter, and what the proposed plans had been for the property at the time it originally become Town property. Based on her research, she had been able to determine that the property had been originally part of the open space for the Oakwood & Buttonwood subdivisions, referred to as the "Green Space" on the plans. Prior to the completion of the subdivision, the developers and the Town discussed transferring over the wetlands portions of the Green Space to the HCC; discussions took place over a number of years. Transfer of the two Wetlands lots occurred September 10, 1979, and the deed is recorded at the Hillsborough Registry of Deeds as Book 2722 Page 0785; the lots are now identified as 047-054-001 and 047-057-001. The dock system sits on the southerly piece identified as 047-057-001.

While the deed language does not give any restrictions, the Grantee is the Hollis Conservation Commission. She felt the property was deeded to the Town as part of the original subdivision approval, although she has not yet found any documentation to this effect. The parcels were "gifted" to the HCC, and based on the HCC minutes of that time; the intention is reflected that the purpose of the gift was to protect the Pennichuck wetlands and pond.

The present owner did not construct the dock system, and members do not feel he should be penalized for the construction. However, members do not feel that the property could be transferred to the abutting property owner. The opinion is that area was intended to be undeveloped and protected since Pennichuck Pond is a major source of drinking water for the surrounding communities.

P. Baker motioned to request that the Board of Selectmen order the removal of the floating dock system from the Hollis Conservation Commission land; seconded by C. Hoffman. Prior to the vote on the motion, S. Durham wished to continue discussion. C. Hoffman stated that originally the Town did not want to accept the gift without public access from Meadow Drive; this did not occur. The public access to the property is off Farley Road via other Town properties. P. Baker read the letter from DES; he felt no restoration was needed, just removal of the dock system. Discussion of areas in need of repair, materials that the dock is currently constructed of and the materials that might be used as part of the repair. G. Flaherty agreed that dock should be removed. T. Davies also agreed and expressed some concern regarding materials that might be used to repair the dock could be made of something that might pollute the wetlands or the pond. P. Baker felt that a letter should be sent to the BOS, expressing the opinion of the HCC, with a copy to Dave Gagnon, Building Inspector.

S. Durham called for a vote on the motion; all members unanimously voted to approve the motion and to send the BOS a letter requesting removal of the floating dock system from the HCC property. C. Cain will draft a letter for approval and submission to the BOS; S. Durham will sign on Friday. P. Baker will be meeting with the BOS on Monday to discuss with the BOS.

WHALEBACK PROPERTIES - BEAVER BROOK ASSOCIATION

P. Baker stated that he will be meeting with the BOS on this matter as well. P. Baker asked HCC members to please attend the May 10th BOS meeting to discuss this and the Meadow Drive docks. P. Baker will be submitting the draft copy of the Conservation Easement to the BOS for review and comment. P. Baker stated that BBA was not in favor of changing the wording of their easement template, and if they would not change, T. Dufresne will be asked for additional guidance.

P. Baker stated that due to the unexpected complexity of the easement, and because he became informed that the HCC will be required to conduct their own title research and pay for title insurance for their portion, he would like to amend his previous motion, at last meeting, to \$6000 to cover costs. This would be instead of the previously approved \$2000, not in addition. P. Baker motioned to request approval of expenditure of up to \$6000 towards legal fees, research and insurance in relation to the Pelletier Whaleback easement. This replaces the previously approved amount of \$2000; seconded by C. Hoffman. Members voted unanimously to approve, and motion passed.

CORRESPONDENCE

- Proctor Hill Logging Co., via Craig Birch, has submitted a Timber Sale Remittance, along with a check for \$96.00. This is the last from the cut that occurred on 014-077. Per State Law, any profit received from Timber Sales is remitted to the Town's General Fund. The check was submitted to Paul Calabria upon receipt
- A copy of a "Request for More Information" on the Alteration of Terrain permit was received from DES for the Hollis Hills subdivision. DES requires more information from the developer than what was originally submitted. G. Flaherty commented that there should be no cause for concern; they must have been missing some required information.

- A copy of a “Incomplete Trails Notification” was received from DES for the Minimum Wetlands Impact permit that was filed by the Trails Committee. DES is looking additional information to ensure that the project meets the requirements of the permit. Discussion ensued regarding recent trail work/construction through Town. Members stated that the Trails Committee has conducted trail work on both Forestry and Conservation Lands without informing either the Forestry or the Conservation Committees. Members strongly felt that there should be performance standards for trails that can be adhered to.

While members greatly appreciate the effort that the Trails Committee puts into keeping the trails in repair, there is considerable concern that the existing trails are becoming more than trails. T. Davies suggested having the Trails Committee and the Forestry Committee attend a HOC meeting for a joint discussion of the concerns of all parties. After further discussion, it was agreed that P. Baker would speak to the Trails Committee regarding the HOC concerns.

ANNOUNCEMENTS

- A postcard was received from the NHACC regarding New Conservation Commission member Workshops, two will be held in May in North Woodstock and in Concord.
- NRPC is holding a Agriculture Commission Workshop on Monday, May 24 from 6:00 pm to 9:00 pm at their offices in Merrimack; and they are also hosting the “Greater Nashua Workforce Housing Charrette Reception and “Reveal” “ on June 5th, from 3:30 pm to 5:00 pm at Daniel Webster College, Pine Hill Road, Nashua. This is in conjunction with the Charrette that begins on Friday, June 4th. G. Flaherty may attend as a representative of the HCC.
- G. Flaherty announced that the Monson Village meeting will be held next month. Please contact him directly for meeting information.
- P. Baker felt that the Agricultural Commission should be invited to meet with the HCC to discuss future plans and how both commissions could work together to better both parties purposes.
- P. Baker has been working on presentation on how the LUCT money is spent. He will have a draft handout for review by the end of the summer.

MINUTES

S. Durham motioned to approve the meeting minutes of April 21, 2010 as written; seconded by G. Flaherty; C. Hoffman and T. Davies abstained. Members unanimously voted to approve, motion passed, and minutes were approved.

S. Durham motioned to approve the non-public meeting minutes of April 21, 2010 as written and to keep them sealed; seconded by G. Flaherty; C. Hoffman and T. Davies abstained. Members unanimously voted to approve, motion passed, and minutes were approved.

ADJOURNMENT

S. Durham motioned to adjourn the meeting; seconded by T. Davies. Members unanimously voted to adjourn, and the meeting adjourned at 8:25 pm.

Respectfully submitted,

Connie Cain
Staff