

Hopkinton Conservation Commission
August 15, 2023 Meeting
Held at the Hopkinton Town Hall

8/15/2023 Minutes – Accepted 9/19/23

Present: James Newsom, Ron Klemarczyk, Bob LaPree, Jonathan Bradstreet, Bonnie Christie,
Alternates: Molly Hardenbergh, Katherine Mitchell, Stephanie Kratsios
Absent: Rob Knight, Melissa Jones
Guest: Anna Wells, Economic Development Committee

Meeting was called to order at 7:02 PM by James Newsom.

1. Proposed Commerce and Community Development Overlay District: Anna Wells presented the zoning amendments recommended by the Economic Development Committee for the 2024 Town Meeting. Recommendations included: expansion of the Commerce and Community Development (CCOD) zoning to include cluster development and single family homes; expansion of the CCOD and Tax Increment Financing (TIF) districts in the area of Hart's Corner to include the former Bio-Energy site as well as town-owned land across from Bio-Energy; and application of CCOD and TIF overlays over the current M-1 zones off of I-89 Exit 6 and Burnham Intervale Road. Anna explained that if the recommendations are voted in, the affected districts will have more flexibility in their usage but future development can still adhere to the existing underlying zoning regulations.

Bob LaPree requested more information regarding cluster development requirements, and Anna noted that the cluster requirements are very similar to current conservation subdivision regulations. Expansion of the TIF District is not a zoning change and will require a town vote. TIF funds can be used to improve TIF property and could potentially be sites for trails/recreational use. It was noted that some lots near the former Bio-Energy site have flowage easements, which have more development restrictions than a flood plain designation. Anna noted that the TIF fund availability may be lower for Hart's Corner as opposed to Maple St/Exit 6, as a key factor in the 2017 plan for TIF funds allocation was the potential availability of town water and sewer. Katherine Mitchell asked if the Bio-Energy site had been tested for groundwater contamination. Anna is not aware if the owner has tested as they are not required to report. There are many DES notifications on this property. TIF funds could potentially be directed towards cleanup efforts. Bonnie Christie asked if TIF funds can be used for any public investment (i.e., improvements for public good). Anna stated that there is limited availability for conservation but funds could be used for conservation within the TIF District and within limitations (e.g., must have public access, cannot be a private easement, restrictions on hunting, etc.).

Ron Klemarczyk made a motion, seconded by Stephanie Kratsios to adjourn to non-public meeting per RSA 91 A:3 II (d) Acquisition of real estate and to include Anna Wells in the non-public meeting. Roll-call vote unanimous in favor. Ron Klemarczyk made a motion, seconded by Stephanie Kratsios to return from non-public session. Roll-call vote

unanimous in favor. The Committee returned from non-public session. Ron Klemarczyk made a motion, seconded by Stephanie Kratsios to seal the minutes until the project is able to go public or removed from consideration. Roll-call vote was unanimous in favor.

Discussion continued on the ECD recommendations regarding the Maple Street/Exit 6 and Burnham Intervale M-1 Districts. Anna recommended adding Lots 220-035 and 220-036 on Dolly Road to the TIF District. Katherine noted that development of lots with river frontage on Burnham Intervale Road as well as the Hart's location may run counter to the objectives as stated in the town NRI (currently in development). Ron noted the impact of traffic and congestion on - and traveling to - Burnham Intervale Road. Anna noted that traffic concerns are a part of application review. The EDC is focusing on safety, traffic, walkability and accessibility of Contoocook Village. Bonnie and Bob noted concern regarding the conversion of the current M-1 District to CCOD. Katherine said that a past proposal to change the northern end of Kearsarge Road to M-1 Development was voted down and in hindsight this may have been a good location for commercial/industrial development. Anna noted that the CCOD is modeled on other towns and that tax benefits of cluster development and commercial development have been shown to be similar. This was met with skepticism due to the cost of town services and schools. James Newsom suggested phasing in the CCOD and starting where it is most feasible to expand town water and sewer. Stephanie remarked on the housing market and difficulty for buyers to find housing, and asked if the purpose of the CCOD plan is to allow more than flexibility for additional housing. Bonnie noted that the CCOD doesn't negate any existing zoning ordinances or federal laws. Bonnie expressed concerns about wetlands. Discussion returned to phasing in the project in order to understand the consequences rather than introducing three large districts at once.

Recommendations of the Conservation Commission regarding the CCOD and TIF District Zoning Amendments:

Bonnie Christie made a motion, seconded by Stephanie Kratsios to recommend that Lot 228-046 be excluded from the Commerce and Community Overlay District. Vote unanimous in favor.

Bob LaPree made a motion, seconded by Bonnie Christie to recommend that the CCOD not be applied to any M-1 zoned areas. Vote failed to pass, 3-4.

Bonnie Christie made a motion, seconded by Stephanie Kratsios to recommend that Lots 220-08 and 220-09 on Burnham Intervale Road be excluded from the Commerce and Community Overlay District. Vote unanimous in favor.

Molly Hardenbergh made a motion, seconded by Bonnie Christie to recommend exclusion of lots impacted by flowage easements and flood zones from the Commerce and Community Overlay District. Vote unanimous in favor.

Bob LaPree made a motion, seconded by Bonnie Christie to exclude the Burnham Intervale M-1 district from the Commerce and Community Overlay District. Vote unanimous in favor.

James Newsom requested that these recommendations be presented in total to the Economic Development Committee and Anna Wells agreed to do so. Bonnie Christie and Bob LaPree requested that the recommendations be shared with the Planning Board as well.

2. HCC mail: No mail was circulated.
3. Treasurer's report: There was no Treasurer's report as Melissa Jones was not present.
4. Tyler Landing update: Ron Klemarczyk reported that work on the driveway and parking area has not been possible due to rain. Bob LaPree asked if there was a budget for the driveway and parking area; Ron responded that the original budget of \$9000 may need adjustment as it did not factor in the 25' wetland setback.
To be discussed at the September meeting: plan to replace the current garden with a pollinator garden and establishment of a fund for ongoing improvements and maintenance. Rob Knight made a motion that the Tyler Landing improvements be kept at least 25' from the wetlands and that Ron Klemarczyk consult with Bohanan Farm about this plan. Bonnie Christie seconded the motion and it passed unanimously.
5. Trails update: Ron Klemarczyk reported that the wetlands permit has been submitted for the Kearsarge Rail Connector.
6. Wetland Training: tabled until September for report by Bonnie Christie.
7. Pollinator Gardens: Stephanie Kratsios stated her intent to request reimbursement for a class on pollinator gardens. Stephanie will provide more information about the class at the September meeting.
8. Zoning Wetland Committee: Bonnie Christie reported that the committee has requested wetland ordinances from surrounding towns for review by the committee.
9. Wetland Permits: James Newsom noted that the Morin wetland permit was approved in mid-July. Katherine Mitchell noted that the original permit was actually denied but the land owner may proceed with the use of a span over the wetland. (new para) To be discussed at the September meeting: public comments on the Brayshaw wetlands permit and general discussion regarding the Conservation Commission's process for commenting on applications.
10. Roadside Cleanup: Stephanie Kratsios shared that aluminum can bits have been found in the cattle feed at Bohanan Farm. She proposed spearheading an effort to lead roadside cleanup along Penacook and E. Penacook Rds., particularly during times when cattle feed is harvested. Bob LaPree noted that this effort could be sizeable as there are many corn fields in the area. Stephanie will compile more information for presentation at the September meeting.

Meeting adjourned at 9:28 PM. Next HCC meeting is scheduled for 7:00 on September 19, 2023 at the Town Hall.

Minutes submitted by Molly Hardenbergh, Alternate.