

CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
April 11, 2012
City Council Chambers, City Hall Annex
41 Green Street, Concord, NH

Attendance:

Members present at the meeting included: Christopher Morgan; Kristine Tardiff; Jim Owers; Chris Kane; Tracey Boisvert; Rick Chormann; Gloria McPherson, City Planner and Rebecca Hebert, Senior Planner, attended the meeting.

C. Morgan called the meeting to order at 7:00.

1. Minutes:

The Commission reviewed the minutes of the March 14, 2012, meeting, and the minutes were unanimously accepted with one minor correction.

2. Wetlands Bureau:

- a) Correspondence – R. Hebert reviewed the following correspondence from the Wetlands Bureau.
 - a. Notice of Approval for the Restoration Plan at 131 West Parish Road;
 - b. Letter of Approval for the Temporary Stabilization Plan of Sabbow & Company at 12 Industrial Park Drive;
 - c. Utility Maintenance Notification Form for the maintenance and repair of existing PSNH utility structures in Concord; and
 - d. Letter regarding wetlands complaint at 44 Graham Road;

3. City Council/Planning Board Action:

- a) Conditional Use Permit for impacts to wetland buffer at 85 Currier Road – Mark Moser explained that he was an engineer representing the owner of property at 85 Currier Road. The owner would like to construct a driveway through a wetland buffer in approximately the same location as a previously permitted driveway. He explained that the proposed grading for the house is outside of the buffer area. There is a stream on one side of the property and a wetland on the other. He said the wetland area has grown since the original delineation in 2004 and they are also proposing a wetland fill for the driveway construction.

The Commission discussed the project and asked why the driveway could not be constructed to avoid the wetland impact completely. Randal Shuey, wetland scientist, explained that the previous owner stumped and grubbed the area of the proposed driveway crossing and over time the site has become jurisdictional wetlands. R. Hebert said that the owner has not actually filed a permit with the City or NHDES at this time and is looking for feedback from the Commission. The Commission did not have any concerns with the wetland buffer impact,

because the wetland buffer would need to be crossed in order to access the buildable land and the grading for the house construction and leach field are outside of the wetland buffer. The Commission recommended an alternate route for the proposed driveway to avoid wetland impacts. They suggested that the owner realign the driveway so as to stay out of the wetland area. Mr. Moser asked about cleaning up stump piles and debris. The Commission thought that the stump piles could be cleaned up without impacting the wetlands area.

- b) Cluster Subdivision of Mary Anne Foster at 109 West Parish Road – G. McPherson explained that the cluster subdivision was located on the south side of West Parish Road. The property includes approximately 29 acres and the proposal is to create two new building lots and reserve a third parcel for the existing house. The owner received a variance not to provide all of the required contiguous buildable area within the open space, although the owner will be conveying more than the required open space to the City. The land owner, Rob Harrison said that he would prefer not to provide for public access into the open space. The subdivision contains only three lots and the open space includes approximately 19 acres which abuts the Rossview Farm property. R. Hebert said that in the past the City has included language that would give the property owner the right to post the land “No Trespassing” but could not actually prohibit public access. It would be difficult for the City to monitor access and future property owners may want to allow access to their property. T. Boisvert suggested that the easement be silent on the matter, that way the owner could do either. Mr. Harrison explained that the discontinued Davis Road runs along the eastern property boundary, but the actual road bed is primarily on the neighboring parcel. The Commission agreed to review the proposed conservation easement at their next meeting and supported the proposed layout of the open space in the cluster subdivision.
- c) Conditional Use Permit of Generation Farm at 44 Graham Road – R. Hebert explained that the owners of property at 44 Graham Road have filed an after-the-fact Conditional Use Permit for wetland buffer impacts related to the construction of a driveway. The owners filed a Routine Roadway and Railway Maintenance Permit by Notification Permit for the repair of an existing stone culvert. The project involved the upgrading of an old woods road to a modern driveway. The property has been cleared and the owners are in the process of re-establishing an agricultural use on the property. The buffer impacts also include clearing and grading associated with the installation of a greenhouse. The project engineer has proposed planting blueberries, elderberries and apple trees in the buffer. The Commission discussed the project and recommended that the owners provide a plan for the restoration of the buffer with native trees and shrubs that would typically grow in a woodland buffer. Agricultural and horticultural uses are not permitted within the wetland buffer.
- d) Conditional Use Permit of Sabbow & Company at 12 Industrial Park Drive/77 Regional Drive – R. Hebert provided an overview of the project. Sabbow & Company has applied for a Conditional Use Permit pursuant for impacts to a wetland buffer. The proposal includes 3,338 sq. ft. of buffer impact for the construction of temporary and permanent bank stabilization improvements to control erosion adjacent to the wetland and for the restoration of an existing stormwater sluiceway. The property has been the subject of a NHDES violation and the temporary stabilization has already been installed. The site is located within a PSNH right-of-way which was recently mowed. The Commission discussed the project and recommended that a berm be installed along the sections of the buffer where precast concrete is being stored immediately adjacent to the buffer. The berm should be approximately 3 feet tall and 10 to 12 feet wide and planted with native trees and shrubs. The area disturbed for

the construction of the new stormwater improvements should also be revegetated with lower growing shrubs.

- e) Cluster Subdivision Regulations – G. McPherson provided an overview of the proposed changes to the cluster subdivision regulations. The Commission discussed the new regulations. The group also discussed whether or not an exemption should be included for the creation of larger rural lots, 12 acres or greater. The group suggested that staff look at what other towns have done with regards to large lot zoning.

4. Open Space:

The group discussed the proposed Society for the Protection of New Hampshire Forests (SPNHF) conservation easement for the agricultural land southerly of Gully Hill Road. R. Hebert explained that this was pulled from the City Council agenda because the City Manager had some concerns with the language of the easement. Mike Speltz of SPNHF is planning to attend next month's meeting to discuss possible revisions to the building envelope for the installation of temporary structures related to special events. He would also like to discuss the proposed easement on the Delta Dental property off of Commercial Street.

R. Hebert reported that the Maplewood Farm project is moving forward. A draft version of the conservation easement was sent to the group by email. R. Hebert said that the easement uses the model Farm and Ranchland Protection easement language, except the Buntens did not want to have signs placed along the road frontage. The signs identifying the easement can be placed at the property corners along Stickney Hill Road. The Commission asked what types of provisions have been made for public access. R. Hebert said that there is a 10-foot wide trail easement on the southern parcel. The Buntens allow the neighbors to hike and hunt on the property, and did not want more specific language in the easement because they are planning to sell the farm. The Commission unanimously agreed that more specific language needed to be included regarding the public access to the property.

R. Hebert said that the purchase of the Triacca property would likely close during the end of May or early June. She said that the City and Five Rivers are wrapping up loose ends with NRCS. Rob Knight has asked the Commission to confirm its support for the sale of the Triacca parcel to Equity Trust, so the land could be merged with Dimond Hill Farm. The Commission agreed that this was part of the original project and the group supported the sale of the land. The land sale would need to be approved by the City Council, but the Commission agreed to send a letter to Five Rivers stating their support for the project with the condition that this would also need to be approved by the Council.

R. Hebert said that the dedication date for the opening of Marjory Swope Park was set for June 29th. The parking lot construction will begin in the next couple of weeks and the trails have been flagged. A group of St. Paul's students will be working with Ron Klemarczyk to clear the view on April 16th.

R. Hebert reported that she has received a revised conservation/trail easement from St. Paul's School. She will place this on the May City Council agenda for acceptance by the City together with the Hok trail agreement. The Commission agreed to email suggested changes to Staff.

The group briefly discussed the Pierce property and decided to continue the discussion to the next meeting.

Meeting adjourned at 10:30 PM.

A TRUE RECORD ATTEST:

Rebecca Hebert

Senior Planner, Secretary pro-tem