

**CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
May 11, 2011**

**City Council Chambers, City Hall Annex
41 Green Street, Concord, NH**

Attendance:

Members present at the meeting included: Christopher Morgan; Rick Chormann; and Christopher Kane; Doug Woodward, City Planner and Becky Hebert, Senior Planner, also attended the meeting. Jim Owers; Tracey Boisvert; and Jan McClure arrived at 7:15.

C. Morgan, Chairman, called the meeting to order at 7:06.

C. Morgan explained that there was not a quorum present, but they would open the meeting. C. Kane introduced Karen Rose, an Antioch University graduate student who will be helping the Commission this spring and summer as an intern. He explained that she will be donating her time for a student practicum with Antioch and receiving credit for her major. She will work with Becky Hebert of the Planning Division to help to establish a monitoring program for city held easements. The work will include some mapping, baseline documentation, and field work. B. Hebert said the Commission is responsible for monitoring 41 conservation easements within the city. She will be working with Karen to prioritize the easements and asked the Commission for input with regards to how the list may be organized. J. McClure suggested that the size of the easement, unmarked vs. marked boundaries, and whether or not the original land owner still owned the property and how many times the property changed hands would be important. B. Hebert said that the property owners would be contacted at the beginning of the process. Karen Rose said that she would be starting on May 20th.

1. **Minutes:** The group reviewed the minutes on the April 13th meeting. J. McClure moved to accept the minutes as amended. J. Owers seconded; motion passed unanimously and the minutes were adopted.

2. **Wetlands Bureau:** B. Hebert reviewed the correspondence from the New Hampshire Department of Environmental Services.

3. **City Open Space:**

- a. John Swope property off of Long Pond Road – Jay Haines, Executive Director of the Five Rivers Conservation Trust explained that they are working with John Swope to conserve his land off of Long Pond Road and dedicate a park in memory of his wife and former Conservation Commission member, Marjory Swope. He explained that a memorandum of understanding was prepared and distributed to the group laying out the expectations of all the parties involved. It was based on the memorandum of

understanding used for the Winant Park project. Rob Knight, also representing Five Rivers, explained that the trails on the Swope property would connect with the trails on the Rossview Farm property. A parking area would be constructed off of Long Pond Road and the trails would extend onto St. Paul's School property and would also cross the Hale easement which is held by the Forest Society. He suggested that we review with Five Rivers and John Swope the City's portion of the project as outlined in the memorandum of understanding.

J. McClure said she was pleased that John Swope is doing this and is excited about the project. The City would construct the parking area, kiosk, trails, and bench. The group discussed who would monitor to the property and how motorized vehicles would be restricted. J. McClure asked if the owner of the adjacent property was aware of the project. Rob Knight explained that the owner was in the audience. James Cole introduced himself as the abutter to the Swope property. James Cole explained that he was happy with the project and did not have any concerns. The group discussed laying out the trails and parking location to be sure the Coles would continue to have privacy around their house. B. Hebert explained that the next step would be to make a motion recommending that the City Council accept the gift of land. A public hearing will not be required because the land is being donated to the City.

J. Owers moved to recommend to the City Council that the gift of the land be accepted. R. Chormann seconded the motion; and the motion passed unanimously.

- b. P&M Realty proposed conservation easement – B. Hebert provided an overview of the project and the location of the conservation easement. She explained that there is an area that was originally proposed to be included in the easement area, but the abutting property owners have encroached onto P&M Realty's property.

Attorney Richard Uchida explained that he was representing P&M Realty who is proposing to build the new Concord Steam facility off of Langdon Avenue. He provided an overview of the Concord Steam project and explained that Phase I & II Environmental Studies were conducted on the property. The State is about to issue a "No Action" to sue covenant. There is indemnity incorporated into the conservation easement for the City. The area that would be possibly excluded from the easement is underneath a power line and has questionable conservation value. He said that at this time it is unclear whether or not the area would be cleaned up before the City accepted the easement. A license was granted for the abutting property owners to use the land, but the license has been revoked and the owners are cooperating with the clean up. If the land were to be cleaned up and restored, the conservation easement would contain an irrevocable option for the City to acquire the conservation easement.

The Commission discussed the terms of the easement and questioned whether or not the Grantor should retain the right to subdivide the land in the future. Attorney Uchida explained that the easement included this language in case the City wanted to acquire the fee in the future. He agreed the language could be clarified, and understood the Commission's concerns regarding the subdivision of the easement area into separate parcels in the future. The Commission also suggested that the conservation easement contain a reference to the trail easement. The group then discussed the language which would give the grantor the right to bar certain residents from the property. Attorney

Uchida explained that P&M Realty is concerned about security and did not want individuals camping on the property. They were also concerned about the cooling ponds. The property has had problems in the past with the homeless encampments. J. McClure said that the Commission would like to review a revised draft of the easement next month.

- c. Gully Hill Road agricultural land, SPNHF conservation easement – D. Woodward reported that staff is in the process of editing the easement. He is waiting for the DOT to make a determination as to whether or not the trail would be permitted along the Merrimack River. C. Kane asked if members have read the recent editorial in the Concord Monitor regarding the construction of ball fields along the river. The Commission agreed that this would most likely not be allowed because of the prime agricultural soils. C. Morgan commented that he felt the language regarding public events should not be unnecessarily restrictive and that events should be permitted for a longer period of time. The easement currently restricts events to four days. He also suggested not setting dates for the installation and removal of hoop houses. The easement currently allows the hoop houses from November 15th through April 15th.
- d. Other Business – B. Hebert reported that the Triacca purchase and sales agreement has been signed.

4. City Council / Planning Board action

- a. Conditional Use Permit of St. Paul's School for the construction of a synthetic athletic field off of Silk Farm Road and the reconstruction of Dunbarton Road – A representative from CHA Sports presented an overview of the synthetic field project. He explained that the school would like to install a synthetic field within walking distance of the field house. They have reviewed a few sites on campus and selected a site off of Silk Farm Road. The playing field would be constructed in an area that is primarily an open agricultural field. The field would be large enough to have cross play for two different sports or one large playing field, stadium seating, and a field house would also be constructed. The field has been moved farther south on Silk Farm Road to reduce the wetland impacts. The Commission asked why the school needed the synthetic field and Paul Lachance of St. Paul's School explained that the synthetic field extended the playing season. The Commission decided to schedule a site walk prior to making a recommendation to the Planning Board. B. Hebert explained that this is going to the Planning Board for a determination of completeness in May and public hearing in June.

B. Hebert provided a brief overview of the proposed improvements to Dunbarton Road. She said that the work will impact the 75-foot Shoreland buffer from Millers Brook. The disturbance to the buffer is primarily due to the relocation of existing overhead utilities underground. Paul Lachance explained that the cost to bury the utilities was too high, and the school is looking into alternatives. The Commission decided to review this again next month once revised plans have been submitted to the City.

- c. Conditional Use Permit of Tracey Nabstedt for the construction of a garage at 188 Hopkinton Road – D. Woodward provided an overview of the project. The applicant is proposing to construct a garage in the wetland buffer area. He has presented two

options for minimizing the impacts to the buffer. D. Woodward explained that the proposed garage has a larger footprint than the standard two car garage. The Commission suggested moving the garage into the rear setback area and seeking a variance from the Zoning Board of Adjustment. They also suggested reducing the size of the garage and removing the connecting deck and rotating the garage to be closer to the existing house. The Commission recommended that the applicant work with the land to relocate the garage and reduce the wetland buffer impacts. The recommendation to the Planning Board was to not approve as submitted.

- d. City Council referral regarding hunting on city-owned land – B. Hebert explained that the clerk has contacted the Commission asking for a response to a City Council referral regarding hunting on city-owned land. In August 2010, Margaret Smith sent a letter to the City Council asking the city to lift the ban on dog walking in the cemeteries, and also asked the city to prohibit hunting on city trails during the months that dog walkers are banned from the cemeteries. J. McClure moved to send a report to the Council explaining that the City's policy and state law requires the City to allow hunting on city-owned conservation land unless hunting on the property is restricted by the deed or conservation easement, and the land is posted. The issue raised in Margaret Smith's letter is also moot because dog walking is now permitted again in the cemeteries. C. Kane seconded the motion; motion passed unanimously.
- e. Budget & Annual Report – B. Hebert distributed copies of the draft annual report. The Commission discussed the report and made suggestions for revisions. B. Hebert said she would revise the report and email copies of the final budget to C. Morgan and J. Owers. The Commission's budget hearing will be on Monday, May 23rd at 6:30 in the City Council chambers. J. McClure explained that some of the revenue from the leases managed by the Commission is returning to the General Fund as a contribution towards the debt service payments for bonds used to purchase conservation land. The Commission made a one time contribution from the Conservation Trust Fund for one year's principal and interest payment, but the Commission also contributed the bond payment from the money generated from the lease payments. This was not made clear to the City Council or Fiscal Policy Advisory Committee last year, when the Commission was discussing the one time payment for the principal and interest. The Commission suggested clarifying this in the annual report.

P. Hunt moved to enter into a nonpublic session for the discussion of land acquisitions in accordance with RSA 91-A:3, II(d). J. McClure seconded the motion, and the motion passed unanimously.

Following the discussion the Commission moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

5. Other Business/Reports

- a. Trails Committee – B. Hebert reported that the Canterbury Snows Shakers snowmobile club would like to build a new bridge on city-owned land off of North Curtisville Road. The group discussed the request agreed to grant the club permission to apply for a Recreational Trails Program Grant to fund the bridge project.

B. Hebert explained that the Trails Committee has received a cost estimate for the purchase of directional signs to guide hikers to the trailhead and trail parking at Dimond Hill Farm, durable trail maps to be installed in the kiosks at the trailheads of most city trails, and markers to identify the “West End Farm Trail” route. The Commission discussed the signs and unanimously approved the purchase. Discussion included the need to place informational signs along the “West End Farm” Trail and at the major access that would notify users of the restrictions on the various properties along the route, for example the Rossview Farm easement does not allow mountain bikes.

R. Hebert said there was a group of volunteers interested in construction a hiking path along the Merrimack River between Terrill Park and Loudon Road in approximately the same location as the Merrimack River Greenway Trail. The trail would help people visualize the future shared use path. The Commission agreed that building the trail would be a good idea, but they would need to hear back from the DOT regarding whether or not the trail would be allowed to cross through the existing conservation easement.

Meeting adjourned at 10:00 PM.

A TRUE RECORD ATTEST:
Rebecca W. Hebert
Planner, Secretary pro-tem