

**CONCORD CONSERVATION COMMISSION**  
**MINUTES**  
**Regular Meeting**  
**June 13, 2012, *draft***  
**City Council Chambers, City Hall Annex**  
**41 Green Street, Concord, NH**

**Attendance:**

Members present at the meeting included: Christopher Morgan; Jim Owers; Rick Chormann; Karen Rose; Gloria McPherson, City Planner and Rebecca Hebert, Senior Planner, attended the meeting.

C. Morgan called the meeting to order at 7:05.

**Millstream Lane Conservation Easement:**

G. McPherson provided an overview of the breach of easement at Millstream Lane. She explained that the City discovered the violation during routine monitoring last summer. The violation included an in-ground pool partially installed within the easement area and several backyard fences, fire pits and sheds located within the easement. She said that staff researched the deeds to identify the owner of the open space parcel. It was determined that 38 of the landowners within the subdivision were deeded a partial interest in the open space. Letters were sent to all of the landowners notifying them of the violations. The City did not expect the landowners to collectively correct the violation, but the easement requires notification to the landowner prior to the grantee taking action. Robert Altman, of 46 Millstream Lane was present. He explained that he has been working with his neighbors to correct the encroachments. He also said that he and his neighbors were never deeded a partial interest in the open space. He said that the land used to be a gravel pit and the developer hydroseeded the entire area after the homes were constructed. The easement boundary was not well marked and people assumed their property extended to the edge of the woods. He would like to maintain the area that is currently lawn within the easement area as a meadow, with annual mowing in the fall. The Commission discussed the management of the easement area as meadow and whether or not this was consistent with the terms of the conservation easement. It was the consensus of the group that the area could be maintained as a meadow.

J. Owers moved to recommend that the landowners may maintain the existing open areas within the easement as a meadow, mowing the area once a year in the fall and signs shall be posted at the corner property boundaries identifying the property as conservation land. The landowners may also seed the area with native noninvasive wildflower seed mix; however there shall be no application of pesticides or herbicides or the installation of irrigation systems within the easement area.

**1. Minutes:**

The Commission reviewed the minutes of the May 9, 2012, meeting and the minutes were unanimously accepted with a minor correction.

## **2. Wetlands Bureau:**

R. Hebert reviewed the following correspondence from the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau:

- a. Notice from the NHDES regarding authorization to divert an unnamed stream for emergency repairs at the Pitco Frialator property at 10 Ferry Street;
- b. Letter from the NHDES regarding the approval of the Alteration of Terrain Permit for the pre-closure construction at the Old Suncook Road landfill;
- c. Notice of approval for the Wetlands Permit of David Frydman at 29 Westbourne Road; and
- d. Letter to Harold Turner from the NHDES regarding possible violations to the Shoreland Impact Permit at 83 Appleton Street.

R. Hebert said that the City also holds a conservation easement on the property at 83 Appleton Street and that there may also be an easement violation. K. Rose offered to attend a site visit to inspect the property.

## **3. City Council/Planning Board Action:**

The Commission discussed the revised annual report and agreed to send this to the City Council in July as an informational item.

## **4. Open Space:**

R. Hebert said that the City Council public hearing for the conveyance of the conservation easement to the Forest Society will be on July 9<sup>th</sup>. Mike Speltz is planning to attend, but a Commission representative should also plan to be at the meeting.

R. Hebert said that the dedication date for Marjory Swope Park was set for June 29<sup>th</sup>. The parking lot and trail construction are just about finished.

R. Hebert said that she submitted a pre-application form to the NHDES for the Aquatic Resource Mitigation grant for the Martin property. The NHDES advised the Commission to consider a partial match to reduce the funding request. She also said that the project would score higher if there was some sort of restoration component or documented occurrence of important wildlife habitat. The program has approximately 2 million dollars this year and received over 10 million dollars in funding requests during the pre-application process. The Commission decided to request a match of 50% of the funds required for the purchase, and also suggested asking Chris Kane to prepare a brief assessment of the wild habitat and natural resource values of the property.

G. McPherson distributed copies of the proposed conservation easement for the Foster subdivision off of West Parish Road. The group reviewed the easement and agreed to recommend that the references to "Planning Board approval" be removed because this was not typically found in the City's standard conservation easement. They also suggested revising the purpose statement that said the easement was "primarily" for the use of the residents of the cluster subdivision. The Commission felt that this language might cause confusion in the future. The Commission agreed that they would like to review the revised easement next month.

The group discussed the Pierce property off of Stickney Hill Road and agreed to present an offer to the landowners based on the pro forma discussion the group discussed with the Five Rivers Conservation

Trust at the May meeting. The project would involve the purchase of a conservation easement with a grant from the NRCS Farm and Ranchland Protection Program.

R. Hebert said that General Services has provided a quote for the installation of guardrail at the end of West Portsmouth Street. The guardrail will prevent cars from driving onto the city-owned agricultural land. She had received a quote for the installation of wooden guardrail a few years ago but the price ranged between \$6,000 and \$9,000. General Services has some spare metal guardrail and provided the Commission with a reduced rate of \$1,875. J. Owers moved to purchase the guardrail for \$1,875. K. Rose seconded the motion; motion passed unanimously.

Meeting adjourned at 9:45 PM.

A TRUE RECORD ATTEST:

Rebecca Hebert

Senior Planner, Secretary pro-tem