

**CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
July 13, 2011
City Council Chambers, City Hall Annex
41 Green Street, Concord, NH**

Attendance:

Members present at the meeting included: Christopher Morgan; Kristine Tardiff; Jim Owers; Jan McClure; Tracey Boisvert; and Chris Kane; Doug Woodward, City Planner and Rebecca Hebert, Senior Planner, also attended the meeting.

C. Morgan, Chairman, called the meeting to order at 7:30.

1. Public Hearing relative to the acquisition of an executory interest in a conservation easement on land northerly and southerly of Stickney Hill Road:

C. Morgan opened the public hearing. R. Hebert provided an overview of the project. She explained that the Commission is working with the Five Rivers Conservation Trust to purchase a conservation easement on the Maplewood Farm property. The farm includes approximately 80 acres of land, northerly and southerly of Stickney Hill Road. The proposal is to purchase a conservation easement on 76 acres, leaving a four acre area excluded from the easement area around the existing house and barn. She said the property has extensive frontage on Stickney Hill Road and includes scenic rolling fields. Five Rivers Conservation Trust would apply for Farm and Ranchland Protection Program funds, which would contribute up to 50% of the value of the conservation easement. The conservation easement was appraised at \$680,000. The FRPP grant would contribute \$340,000; the City of Concord would contribute \$340,000 from bonds appropriated to the conservation trust fund in 2004, subject to the City Council approval; and the closings costs which have been estimated at \$24,500 would be paid for by the City with funds available in the conservation trust fund.

C. Morgan opened the hearing to the public for testimony.

Laurie Pierce spoke in favor of the project. She explained that she lives on Stickney Hill Road next door to Maplewood Farm. She said that the neighborhood along Stickney Hill Road was the last intact agricultural landscape in Concord and said that the Heritage Commission studied the Stickney Hill Road neighborhood in a Historical Agricultural Landscape Study. There is a school house, cemetery and stone walls all within a short distance. C. Morgan said that the easement would not protect the buildings. J. McClure asked Ms. Pierce if she considered placing an easement on her property. Ms. Pierce and her husband Peter Pierce said that they do hope to protect their land with a conservation easement someday, and they have just placed a discretionary easement on the barn.

Peter Cowan, also a resident of Stickney Hill Road, spoke in favor of the conservation easement. He said this was an opportunity to preserve a historic property for the greater Concord community. He said that the road is used by cyclists, runners, and walkers everyday.

Rob Knight of Five Rivers Conservation Trust asked whether or not the Commission thought this would be difficult to pass at the City Council hearing. C. Morgan explained that this would be the third time the Commission would ask to use the bond for a conservation easement or land purchase. The land off of exit 16 along the Merrimack River and the conservation easement on Dimond Hill Farm were purchased with the use of the bond. He said that Dimond Hill Farm was a well known property with a farm stand and that the land was also open to the public for recreational use. He said that this property would be harder to sell to the Council, but the Council has been very supportive of the Conservation Commission in the past, and has never turned down a request to acquire land or easement. J. McClure said that the debt payment is a sensitive issue with the City Council because of the impact to the general fund. The project needs to be important to the greater Concord community, not just the neighborhood. The Commission may need to prepare a cost of community services study to demonstrate that the development of the farmland would be more costly than the purchase of the easement. If the land were developed with high end residential housing it may have a positive impact on the tax base.

Ken Doak of 53 Stickney Hill Road spoke in support of the conservation easement. The Commission discussed whether the property would be open to the public for recreational use and concluded that public access would be important to the success of the project.

Laurie Pierce said that the Bunten property is connected to the Dimond Hill property with trails. There is access through the woodlot off of the exit 3 off ramp to Hopkinton Road.

J. McClure asked if the neighbors would consider placing a conservation easement on their properties as well. This would be important, the argument to protect the land to avoid cost of services for the new homes would be defeated if the adjacent properties were subdivided. Hope Butterworth and Laurie Pierce both said they were interested in protecting their land in the future.

Carol Parker said that she has lived in Concord for 59 years and has seen a few changes, and would not want to see this land developed.

Barbara Lehey said that she no longer lives on Stickney Hill Road, but often drives out there to enjoy the view and would really like to see the farm protected.

David Parker said that Stickney Hill Road is a gateway to the community. He does not live in the neighborhood anymore, but is supportive of the project. He thought it would be a complicated sell to the City Council. The Commission would be asking tax payers to pay good money for the protection of this land. It needs to be tied back to the greater needs of the community. He believes in the preservation of the farm, but it's not going to be easy.

Laurie Pierce said that she almost did not come to the hearing because she lived next to the farm. She said she was on board with land being saved anywhere. Once it's gone you don't get it back. This is good land and she's not just on board because it is in her neighborhood. She

said that Bill Bunten might be amenable to trails through the middle of the field and along the edges. The trails could connect to Dr. Martin's land someday.

Rob Knight said that the land contains 47% prime agricultural soils and that having good farmland nearby may be important someday. C. Morgan agreed that prime agricultural soils are important to the Commission and they have worked to save other large tracts of agricultural land in the City.

Randy Blossom said he was here to show support for the project. He knows the Buntens well and has always hoped the land would be preserved.

C. Morgan said that whether or not to protect the land is a financial concern, because using the bond will require an annual payment from the general fund. The Commission will need help demonstrate to the Council that protecting farm will benefit the City as a whole.

Rob Knight said that Five Rivers has committed to fund raising and set a modest target of \$12,000. J. McClure said that the potential to raise additional funds to reduce the amount of money borrowed by the City would have an impact on the City Council's decision.

David Parker said that this project will be competing with recreation, school and other valuable projects.

J. McClure said that the Commission will need to think about where this property falls within the Commission's priorities. This was a unique opportunity to protect the farm, but they will need to demonstrate that this is necessary. Maplewood Farm will need to compete with other essential services. She said that almost \$80,000 was raised to help offset the cost of the Dimond Hill conservation easement. The Commission asked if St. Paul's School had been approached.

C. Morgan closed the hearing at 8:10.

The Commission discussed the need to maximize the private funds contributed to the project and the need to clarify public access to the property. D. Woodward said that the Heritage Commission should also be contacted and may be willing to send a letter of support.

K. Tardiff moved that the Concord Conservation Commission, pursuant to its authority and for the purposes so specified in RSA 36-A, and after a duly noticed public hearing on this date, hereby exercises its authority to acquire in the name of the City of Concord, subject to the approval of the Concord City Council, an executory interest in a conservation easement on the following properties:

A parcels now or formerly owned by the William E. Bunten, Sr. & Marguerite Family Trust of 2006 referred to in the City's Tax Assessment records as Tax Map Parcels Map 98 Block 1 Lot 5 and Map 90 Block 2 Lot 3, and described in a deed recorded at the Merrimack County Registry of Deeds as Book 2868, Page 621; consisting of approximately 80.5 acres of land with frontage on Stickney Hill Road.

Furthermore, the Concord Conservation Commission hereby allocates no more than the sum of \$364,500 from the Conservation Fund using \$340,000 of the \$5,000,000 in bonds and notes

appropriated to the Conservation Trust Fund by the City Council subject to the City Council's approval and the additional sum of \$24,500 from the accumulated proceeds of the Use Change Tax. The Concord Conservation Commission hereby declares its purposes in taking these actions to acquire this interest and allocate the funding for the same, are to maintain, improve, protect, limit the future use of, and otherwise conserve and properly utilize this property as open space together with other land and water resources within the City, consistent with the purposes of the Conservation Fund.

J. Owers seconded the moved and the motion passed unanimously.

2. **Minutes:** The group reviewed the minutes of the June 8, 2011 meeting. The minutes were unanimously adopted with minor corrections.
3. **Wetlands Bureau:** R. Hebert reviewed the correspondence from the New Hampshire Department of Environmental Services (NHDES). She said that the St. Paul's School wetlands permit was withdrawn and the school changed the layout of the fields to eliminate the wetland impact. J. McClure suggested sending a thank you letter to the school for changing the plan.
 - a. Standard Dredge and Fill Application of the State of New Hampshire for the reconstruction of the Interstate 93 bridge over Interstate 89 and the Turkey River – R. Hebert provided an overview of the project. She said that the impact of 44,402 sq. ft. will require mitigation and the State originally proposed using the restoration work along the Bow Brook corridor through the State Office complex as mitigation, but it was determined by the Natural Resource Council that this would not be acceptable. The project will need to contribute \$119,688 to the Aquatic Resources Mitigation (ARM) fund.

4. **City Open Space**

D. Woodward said that the Commission may want to inquire about the property formerly owned by Kevin Guay on Clinton Street. He said that the open fields contain extensive wetlands areas. The land is located in the Turkey River watershed and may be eligible for ARM funds. R. Hebert said that she would call the DES to learn more about the ARM fund.

The group discussed the proposed conservation easement for the agricultural land southerly of Gully Hill Road. Staff will make changes to the document and circulate the revised draft by email.

C. Morgan asked about the proposal to rezone the land on Commercial Street opposite the Dental Dental offices. D. Woodward said the request involves rezoning the land near the road from Open Space Residential to Institutional and the open fields would be used for soccer fields. The Planning Board will be discussing the rezoning request next week.

5. **Other Business/Reports**

- a. Trails Committee – R. Hebert explained that the owners of the Oxbow Bluff development off of North State Street would like to set up a site walk to view the proposed changes to the wetlands permit and trail construction. The Commission agreed to conduct the site walk. Staff will schedule the site walk by email.

Meeting adjourned at 10:10 PM.

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