

CONCORD CONSERVATION COMMISSION
REGULAR MEETING
MINUTES
May 10, 2017, 7:00 p.m.
Second Floor Conference Room, City Hall, 41 Green Street

Members present at the meeting included: Kristine Tardiff, (Chair), Jim Owers (Vice Chair), Councilor Mark Coen, Rick Chormann, Jr., Jeff Lewis, Tracey Boisvert, Katherine Healy, Jan McClure (alternate), and Stefan Mattlage (alternate). Assistant City Planner Beth Fenstermacher was also present.

1. Minutes

April 12, 2017

A motion was made by Mr. Lewis, and seconded by Ms. Boisvert, to approve the April 12, 2017, minutes. The motion passed unanimously.

Jeff Lewis recused himself from the Commission for this project.

2. Jeff Lewis, Northpoint Engineering, on behalf of Concord Orthopaedics, to review Conservation Easement for impacts to wetlands.

Jeff Lewis of Northpoint Engineering and Brendan Quigley of Gove Environmental were in attendance.

Mr. Lewis stated that the NHDES permit was submitted last week; nothing has changed on the project since they presented at the April meeting, and the purpose of this meeting is to discuss the draft conservation easement, talk about the stewardship fee, and discuss the public access easement. Mr. Lewis showed on the plan where the proposed 15' wide pedestrian access is proposed between Pleasant Street and the easement area. The access area is located along the western property line, and aligns in places with the existing gravel drive. This location is desirable because if the property remains as a single family residence, the easement will be located as far away as possible from the home. Ms. McClure asked about the steep slope from Pleasant Street, and how will people use the access. Mr. Lewis stated that they will come back with details for the access next month, the goal this month is to determine if the location is acceptable to the Commission.

Mr. Lewis reported that the easement line may shift slightly to the south, which would decrease the easement area by approximately 1 acre to help meet buildable area requirements if the surgery center does go through. Mr. Quigley stated that he confirmed with DES that this would still meet the mitigation requirements.

Mr. Quigley went through the structure of the conservation easement, stating that it was the DES template with public access language added. Ms. Boisvert questioned why riparian/wetland buffers were in the definitions, but then not mentioned elsewhere in the document. Mr. Quigley responded that the easement is pretty restrictive by design. Ms. Tardiff asked if the pedestrian access would be a separate document. Mr. Lewis confirmed that it would be, and Ms. Fenstermacher added that the City has a standard template for the pedestrian access easements.

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Ms. Tardiff opened the item for public comment. Laura Bailey, resident of 295 Pleasant Street, asked if this property was appropriate for mitigation since they are not developable and not under threat. Ms. Tardiff responded that DES makes that determination, not the Commission. Ms. Bailey asked what the parking situation would be for the trails. Ms. Tardiff responded that the Commission is not envisioning there would be any parking, and instead pedestrians would access by foot from the sidewalk on Pleasant Street. There was general discussion about whether on-street parking is allowed on Pleasant Street, which it is not.

Robert Fishwick, resident of 289 Pleasant Street, stated that he wanted to make the Commission members aware that the land considered for the easement and trails is very wet. He stated that he is concerned that the Commission is jumping the gun approving an easement on land that is under consideration for re-zoning, and thinks they should hold off until after the decision for the re-zoning. Ms. Tardiff responded that this is not related to the re-zoning, it is only for mitigation for the parking lot project at the other property. The easement will not be affected by the re-zoning decision. Mr. Fishwick further questioned how the City will keep people off his property. Ms. Tardiff responded that the City can put up signage if this is a concern.

There was no further public comment.

Ms. Boisvert asked if there was any language regarding forestry management other than for emergency. Mr. Quigley asked if the Commission would like to see a requirement for a forestry management plan. Ms. Boisvert questioned if it would even be necessary given the amount of wetlands and buffers, there may not be much operable land remaining. Ms. McClure would like to see a map with buffers and wetlands on there to see how much is left. Mr. Lewis will provide this map to Ms. Fenstermacher for distribution to the group. Upon receipt of the map, the Commission members will review the easement language and will send comments directly to Ms. Fenstermacher. Ms. Tardiff recommended that a cross-reference for the pedestrian access be included in the conservation easement. Mr. Coen suggested that the Commission ask the Transportation Policy Advisory Committee to look at the parking issue. Ms. Fenstermacher suggested that this not hold up the easement, and we reconsider this suggestion when the trails are developed in the future.

Mr. Lewis stated that comments are also necessary for the NHDES application submittal. Mr. Lewis explained the mitigation requirements which are necessary due to the 20,000 sq. ft. of wetland and stream impacts. He stated that the mitigation is proposed to be on the land recently acquired by Concord Orthopaedics at 297 Pleasant Street and the mitigation offered far exceeds the requirements of either the Army Corps or state regulations. It was noted that the State owns the land on the parcel adjacent to the south of the proposed easement, and the City holds an easement on that parcel for the mitigation for the impacts from Langley Parkway construction.

Mr. Lewis returned as a voting member.

3. **Tim Bernier, on behalf of developer Christopher Knight, to discuss the proposed cluster subdivision at 393 Mountain Road.**

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Mr. Bernier was present along with Mr. Andrew Knight and Mr. Jeff Knight. Mr. Bernier presented the proposed layout of the 7-lot cluster subdivision, explained the natural features present on the parcel, and indicated the proposed location for the required open space. He stated that the remainder open space lot will be 1/7th shared ownership, with access via the common drive. He indicated that planning staff asked that land shown to be part of lot 1, which is bisected by Snow Pond Brook outlet, be redistributed to an adjacent parcel. The owner has agreed to reconfigure that lot. Mr. Bernier asked the Commission if they would like to see part of the open space that crosses private property be restricted via covenant, or be included under the easement. The Commission members were in agreement that the 100' perimeter buffers could be restricted via covenant, and the remainder under conservation easement – this includes the serpentine area and remainder lot, including the 100' perimeter buffer on the western edge connecting the 2 areas. The Commission requested that the serpentine area under easement be clearly marked with boundary markers.

4. NHDES Items - nothing to report

5. Reports

a. Trails Committee

Ms. Fenstermacher and Ms. Healy provided an overview of the Trails Committee meeting.

Ms. Fenstermacher passed around a draft copy of the Capital Area Wellness Coalition trail passport flyer for members to review. Ms. Fenstermacher stated that the program will be ready to launch in a couple of weeks.

Mr. Owers reported that there were signs up at Winant Park for the Ralph Waldo Emerson Run, and also that someone had put up No Hiking signs in the utility ROW, and hung up tinsel. Ms. Fenstermacher will ask the trail steward to follow up on these items.

Ms. McClure stated that she received a compliment about the dog rule signs that were put up at Swope Park. Ms. McClure asked if the signs could be put up at all trailheads. An extensive discussion about dogs on leashes ensued. Ms. McClure recommended that the trails subcommittee work on this issue. Ms. Healy or Ms. Tardiff will follow up with the trails committee and ask that they pursue the dog leash issue.

b. Upper Merrimack River Local Advisory Committee

Mr. Chormann stated that there are 2 vacancies on UMRAC for members from Concord. There was discussion about how to get the word out, including posting the call for volunteers on the City's website and reaching out to the agricultural community and canoe/kayak community. Mr. Chormann will write up a brief description of roles and responsibilities for distribution.

c. Contoocook and North Branch Rivers Local Advisory Committee - Nothing to report.

d. Forestry - A copy of the monthly forestry report was distributed for review.

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e. *Street Trees*

Ms. Fenstermacher passed around a copy of the Street Tree Policy and a copy of the resolution establishing the Urban Tree Fund. There was general discussion about the structure of a street tree subcommittee. The Commission will focus on this initiative after the Open Space Plan is complete.

6. City Council/Planning Board

a. *Draft letter to City Council* – This item was tabled until next month.

b. *Response to memo from City Planner re: Pleasant St re-zoning* –
Mr. Lewis recused himself from the Commission for this item.

The City Planner asked for feedback from the Commission regarding impacts to natural resources and to the rural character of the neighborhood. Commission members were in agreement that the proposed re-zoning would negatively impact the rural impact, and also impact natural resources by increased parking and impervious surface, more intensive use, impacts to wetland buffers. Members agreed that there will be loss of open space, forest cover, and rural/historical resources, and that there are no benefits from conservation point.

Members from the public stated that they would like to see the neighborhood stay the way it is, and the area is too wet to be suitable for development.

Ms. Tardiff will draft a formal response to the City Planner summarizing the discussion.

c. *Budget*

Mr. Lewis returned to the Commission.

Councilor Coen stated that the City budget will be going out next Friday. He stated that he has heard great feedback about the trail system, and feels that the Council will support budget for the trails.

7. City Open Space

a. *Easement Monitoring*

Ms. Fenstermacher reported that Sam Durfee will start the easement monitoring in the next few weeks.

b. *Riparian Plantings*

Ms. Fenstermacher reported that volunteers worked with Tim Fleury from UNH Extension and Alex Krofta from Merrimack River Watershed Council on May 9th to plant the riparian buffer at

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W. Portsmouth Street. Ms. Boisvert and Ms. Healy confirmed the 100' foot buffer on the day of the plantings. Mr. Matlage requested a copy of the planting plan.

Ms. Fenstermacher reported that Chris Kane is working directly with the farmer at Gully Hill to seed the buffer at Gully Hill.

c. Open Space Update

Ms. Fenstermacher reported that the second draft will be submitted within the next week. There was discussion about the date and content for the final public meeting in June. After general discussion, it was decided that the meeting was not necessary since there had already been 5 public meetings during the process, and no additional public comment would be solicited at the final meeting since the purpose of the meeting was to officially introduce the final plan. Ms. Fenstermacher will notify Moosewood Ecological that the final meeting is not required.

8. Follow-up/On-going Items:

a. Northern Pass – Nothing new to report

b. Haller Properties

Ms. Fenstermacher stated that she spoke with David Haller to give a status update on the woodlot transaction. The City is awaiting findings from the real estate attorney to determine if Mr. Haller can be appointed power of attorney to sign the purchase and sales agreement. Mr. Haller also stated that the family is interested in pursuing the easement options for the farm lots. Ms. McClure and Ms. Fenstermacher will follow up with NRCS regarding WRP eligibility.

c. Country Hill Estates Property

Ms. Fenstermacher stated that she forwarded the City Surveyors research on the road frontage to Mr. Holden and requested a response indicating whether he is in agreement. To date, she has not received a response. Ms. McClure will follow up with NRCS to obtain an opinion regarding eligibility for the Wetlands Reserve Program.

d. Currier Road property

Ms. Fenstermacher reported that she was contacted by the current owner of a 4-acre landlocked parcel located behind 83 and 91 Currier Road; he would like to gift the land to the City. Due to the location adjacent to City-owned open space and Rossvie Farm, and the presence of the discontinued Dimond Road along the eastern perimeter of the parcel, the Commission agreed that they are interested in the land. Members would like to do a site visit prior to the final transaction. Ms. Fenstermacher will contact the owner.

e. Rattee – Mountain Road/Sewalls Falls Road property

Ms. Fenstermacher reported that she did not receive a response from the Rattee family regarding the purchase of these two parcels, and she heard from the realtor that the lots were transferred last week to the new owner of 320 Mountain Road. The realtor provided contact information for

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the new owner, who is aware that the City is interested in the parcels. Ms. Fenstermacher will follow up with the new owner in the next few weeks.

f. Conservation Easement templates – this item was tabled

- 9. **Other Business** – no other items
- 10. **Non-public session for the discussion of the acquisition of conservation property in accordance with RSA 91-A:3, II(d)** – not required

There being no further business, Mr. Chormann made a motion, second by Mr. Mattlage to adjourn. The motion passed unanimously at 9:52 p.m.

Respectfully submitted,
Beth Fenstermacher
Assistant City Planner, Secretary pro-tem