

CONCORD CONSERVATION COMMISSION
REGULAR MEETING
MINUTES

August 9, 2017, 7:00 p.m.

Second Floor Conference Room, City Hall, 41 Green Street

Members present at the meeting included: Kristine Tardiff (Chair), Chris Kane, Councilor Mark Coen, Jeff Lewis, Katherine Healy, and Rick Chormann, Jr., Assistant City Planner Beth Fenstermacher and Administrative Specialist Lisa Fellows-Weaver were also present.

1. **Minutes**
June 14, 2017

A motion was made by Mr. Lewis, and seconded by Ms. Healy, to approve the June 14, 2017, minutes. The motion passed unanimously.

2. **Public hearing regarding the proposed disbursement from the Conservation Fund for the acquisition of 2 parcels owned by the Haller family on Lakeview Drive & West Parish Rd.**

Ms. Fenstermacher provided a brief overview of the project and explained the final processes to complete the acquisition.

Ms. Fenstermacher stated that the next process will be for City Council to hold a public hearing in October to appropriate the matching funds from the Conservation Trust Fund, and the closing should occur in November. She added that the grant funds need to be expended by December 31, 2017.

Ms. Tardiff opened the public hearing for this project. Abutter, Steve Duprey, 31 West Parish Road, commented to the value of the property and the generosity of the Haller family, and stated that he supports the purchase as it is a great opportunity for the City to protect this land. He described the area in relation to his property and provided an overview of the history of the Haller and Emmons properties. Mr. Duprey indicated that his house is located close to the northern boundary of the City-owned Emmons property and he often sees people walking along his property line, and potentially hunting near his property. He requested that Commission consider an option for him to either acquire an acre or two of the Emmons property for additional buffer and privacy for his property, via an easement or a land swap for land located in the watershed.

Chris Kane arrived at 7:15 p.m.

Additional discussion ensued regarding the process of giving easements, land swap, or conveying a fee. The Emmons property was purchased with grant funds; therefore, there are restrictive covenants in the deed that will need to be reviewed to determine if this is feasible.

Commission members concurred that this was a reasonable, request, independent of the Haller transaction, and that it should be further explored. The Commission directed Ms. Fenstermacher to speak to the City Solicitor for the options available to the Commission related to covenants that may exist on the property. Ms. Fenstermacher will report back to the Commission and Mr. Duprey.

With no further comments, the public portion of the hearing was closed.

Mr. Lewis made a motion, second by Mr. Chormann, 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, the following property:

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Parcel now owned by the Haller family referred to in the City's Tax Assessment records as Tax Map Parcel 51/Z 12 and 38/Z 37, consisting of approximately 106.74 acres of forest land within the Penacook Lake Watershed.

Furthermore, the Concord Conservation Commission hereby allocates no more than the sum of \$300,000 from the Conservation Fund using the accumulated proceeds of the Use Change Tax. The Concord Conservation Commission hereby declares its purposes in taking these actions to acquire this property 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.

The motion passed unanimously.

- 3. Brendan Quigley, Gove Environmental, and Jeff Lewis, Northpoint Engineering, on behalf of Concord Orthopaedics for review and acceptance of baseline report.**

Jeff Lewis recused himself from the Commission for this project.

Jeff Lewis of Northpoint Engineering and Brendan Quigley of Gove Environmental were in attendance. Tim Paris on behalf of Concord Orthopaedics was also present.

Mr. Quigley reviewed the final items for the project. He stated that the Phase 1 environmental assessment has been completed and provided copies to the Commission. A discussion was held explaining the process and review of the baseline report. Mr. Quigley noted that he used the standard report format required by LCHIP.

A few items were noted that needed to be updated to the report. Mr. Kane requested that the NHB (Natural Heritage Bureau) report of threatened and endangered species be provided, along with an indication of soil productivity. There was a question about existing structures, Mr. Quigley stated that there are three bridges and the updated plan included shows all of the bridges. He commented that the purpose of the report is that it show conditions at the time of the easement for future monitoring, and the most important item is the existing conditions plan. Ms. Tardiff provided minor grammatical edits to Mr. Quigley.

Mr. Kane made a motion, second by Mr. Chormann, to accept the baseline report subject to additions and minor corrections noted in the discussion. The motion passed unanimously.

Jeff Lewis returned to the Commission as a voting member.

- 4. Matt Peterson, Hillside Design Group, LLC on behalf of Dundee Investments, LLC, requesting a Conditional Use Permit for impacts to wetland buffer for the proposed retail and restaurant development on parcels identified as Map 111E, Block 1, Lots 2, 3, 8, 9, 10, &1 on Loudon Road and Old Loudon Road.**

Matt Peterson was present from Dundee Investments, LLC, along with Mike D'Amante of Dundee Investments.

A previous site plan from 2015 plan was provided for review along with a current proposal. Mr. Peterson explained that the Commission reviewed the proposal and conducted a site walk in 2015, and at the September 2015 meeting, recommended approval of the Conditional Use Permit. Mr. Peterson explained

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that the project lost its tenant, and the project was put on hold. He stated that this revised proposal is for a 19,000 sq. ft. building for a grocery store, a restaurant and a retail space. There will still be impacts to the wetland buffer, but there will not be any impervious surface in the buffer as was proposed in 2015. Further, the new application includes the buffer restoration as previously agreed upon in 2015. Mr. D'Amante reviewed the conditions of the wetlands and buffer on the property as noted at prior site walks. Further discussion of the proposal included discussions of the landscaping provided as well as the two infiltration systems proposed for the front of the property for drainage.

The Commission agreed unanimously to recommend issuing the Conditional Use Permit for impacts to the wetland buffer, as submitted, for the proposed retail and restaurant development on parcels identified as Map 111E, Block 1, Lots 2, 3, 8, 9, 10, & 1 on Loudon Road and Old Loudon Road.

5. NHDES items

Stoney Ridge Environmental, on behalf of the City of Concord, Wetlands Permit Application for the replacement of an existing culvert in the Portsmouth St. right-of-way.

Ms. Fenstermacher provided an overview of the application explaining that the permit requested was for 3,310 sf for a temporary impacts for wing walls and associated rip-rap for stabilization to replace a 42 inch culvert. She stated that the ARM Grant will be going to Governor & Council for acceptance this fall; therefore, the project may not happen this year due to the timing for the permit, bidding, etc. After further review, the Commission had no comment and Ms. Tardiff signed the application.

In addition, Ms. Fenstermacher noted that trail work in Merrill Park will be completed before construction starts for pedestrian access around the culvert during construction.

6. Discussion of the potential acquisition of 2 parcels of land proposed for the Concord – Lake Sunapee Rail Trail (*parcels 494/Z 32 and 583/Z 8*)

A very lengthy discussion was held regarding the Commission's interest in acquiring 2 separate parcels of land currently along the rail trail owned by Pan Am. Mr. Lewis, Ms. Tardiff, and Ms. Fenstermacher provided description of the parcels as noted during a site walk on July 19. It was noted that there are many encroachments on the 1.7 acre northern parcel, by structures, parking lots, etc. and it may not be in the best interest of the Commission to purchase this parcel because there is no ecological value, and the stewardship requirements would be too much due to the proximity to houses and businesses. However, the southerly parcel, 5.5 acres, was described as not having as many encroachments and may be of some value to the City since there are adjacent parcels already owned by the city, and there is ecological value due to the location along the pond.

Ms. Fenstermacher provided letter of support from the TPAC, Friends of the Merrimack River Greenway Trail, and Central NH Bike Coalition. Discussion ensued as to the involvement from other groups regarding their interests may not be that of the Commission. Ms. Fenstermacher stated that Pan Am indicated that if the City is interested, the abutters will not be approached to purchase the parcels.

The Commission expressed concern with the fact that no one was present to advocate for the rail trail proposal and suggested that the item be continued to September at which time there can be discussions as to a more definitive purpose for the southern parcel. The Commission agreed that they do not want to pursue the northern parcel. Ms. Fenstermacher will reach out to CLSRT to schedule a representative to be at a future meeting.

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7. Reports

a. Trails Committee

Ms. Fenstermacher provided a report from the Trails Committee meeting earlier in the evening. She stated that there are many hikes coming up including the Mayors walk. Also, the committee agreed to purchasing brown signs with white letters for trail marking.

Ms. Fenstermacher provided the history of the creation of the trail committee. She explained that it was brought to her attention that there should be some actual act by the Conservation Commission to formalize the trail committee and by-laws should be established.

The Commission agreed to schedule a work session in September to discuss the structure of the trails committee and to establish roles and revisit the mission of the trails committee.

b. Upper Merrimack River Local Advisory Committee

Mr. Chormann asked if the re-appointment documents have been compelled. Ms. Fenstermacher will follow up with the City Clerk.

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.

Ms. Fenstermacher stated that an intern has been hired and she explained what his duties are for the summer months in relation to the trails.

e. Street Trees

Ms. Fenstermacher stated she met with Phil Bilodeau, Ryan Rambeau, and Matt Walsh regarding the plans for street trees in the City. She stated that along with a budgetary item, Mr. Walsh explained that there is TIFF district funding for planting trees in those districts. She noted that the Arborist would like to use structural soils to help trees growing in urban environments, but it costs an additional \$300 or more per tree, but it adds longevity to the trees. The City Arborist will be coming up with a list of locations for tree plantings in the spring, and the Commission will have the opportunity to weigh in on which locations they would like to fund.

Another topic that was discussed at the meeting was to reconvene the street tree committee. The Committee agreed to add this item to the September work session.

8. City Council/Planning Board

Open Space Plan presentation at the August 16th Planning Board Meeting

Ms. Fenstermacher informed the Commission that she will be presenting the open space plan to the Planning Board at the August 16 meeting. She would then likely present it to City Council in September or October. Councilor Coen invited Ms. Tardiff to attend an upcoming City Council meeting. She will join Ms. Fenstermacher to present the open space plan.

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9. City Open Space

a. Gully Hill

Ms. Fenstermacher stated that she received a call from Mr. Morrill regarding the lease for Gully Hill expressing concern that the Commission address the future of the parcel before the lease is up. He wants to make sure that the City continues the conversation that was started during the Gully Hill Easement Ad Hoc Committee meetings this past year. She explained to the Commission that the lease is up after 3 years, and City Council will have the opportunity re-evaluate the lease at that time. A brief discussion was held regarding what the long term goal is for this area.

Ms. Fenstermacher suggested the Commission host a joint meeting with local farmers and other agricultural community members. This meeting will be addressed further at the September work session.

b. Stickney Hill Road

Ms. Fenstermacher reported on activities at a new farm on Stickney Hill Road. She stated that here have been numerous complaints regarding the odor of pig manure at this location. She stated that Five Rivers will be meeting to discuss any actions they plan to take. She noted that the Department of Agriculture is also involved.

10. Follow-up/On-going Items:

a. Country Hill Estates

Ms. Fenstermacher stated that she is working with NRCS for a grant for this project. She added that Peter Holden did have some discretionary comments related to the frontage; however, he has received the assessment and is agreeable to it.

b. Currier Road Property

Ms. Fenstermacher stated that she is working on setting up optional dates for a site visit.

c. Mountain/Sewalls Fall Road Property

Ms. Fenstermacher noted that she has not yet reached out to the new property owners.

d. Conservation Easement Standard Templates: Agriculture/Forestry, Riparian/Wildlife, and SPNHF Revised

This item was continued to the next meeting.

11. Other Business

a. Manchester Conservation Commission Email

Ms. Fenstermacher stated that the Manchester Conservation Commission sent an email to her requesting information regarding the City's ratio of the Land Use Change Tax that the City receives. The Commission agreed to send the information to the City of Manchester Conservation Commission.

b. Conservation Easement at 40 Farmwood Road

Ms. Fenstermacher reported that the Planning Board did not support the Commission's recommendation to require the subdivision and in-fee land transfer to be consistent with the 2013 agreement. Additional discussion was held regarding a call she received from Mr. Golon indicating that the materials received

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for the easement were not acceptable to Eversource. She stated that this was the typical easement documentation that the City uses and we are awaiting comments from Eversource, and the City Solicitor will be reviewing the document.

c. Antrim Road

Ms. Fenstermacher stated that City Planner Heather Shank provided her with a council referral requesting to place a large construction rental and service business with garage bays on site at Antrim Road, which is in the Aquifer Protection District. A discussion was held regarding the deed restrictions placed on the property when it was subdivided and the restrictions for this protection district. There was a brief discussion regarding not supporting the request to relieve the property of the restrictive covenants. This item was continued to next month for further review.

12. 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. Kane made a motion, second by Mr. Lewis to adjourn. The motion passed unanimously at 9:54 p.m.**

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist