

**CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
August 11, 2010**

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

Attendance:

Members present at the meeting included: Christopher Morgan; Jim Owers; Jeff Belanger; Courtney Lockwood; and Rebecca Hebert, Planner, also attended the meeting.

At 7:00 C. Morgan and J. Owers were the only members present and there was not a quorum.

Michael Harris, of the Boy Scouts, presented an overview of his Eagle Scout project at Spear Park. He blazed and cleared the trails, relocated a steep trail section, and expanded the trails onto a city-owned property to the south.

The Plus Time NH Youth Environmental Services Team (Y.E.S. Team) presented an overview of their summer work in Concord, including trail maintenance at the Jim Hill River Walk and the Mast Yard Forest; trail construction along the Merrimack River; invasive plant removal in the Penacook Lake Watershed; trail improvements at Winant Park and the Batchelder Mills Road trails; and electric shock fishing along Bow Brook.

J. Belanger joined the meeting.

City Open Space:

a. Conservation Easement – Fitzgerald Subdivision - R. Hebert presented an overview of the subdivision and explained that the Commission reviewed the project about a year ago and the applicant is trying to finalize the conservation easement and record the subdivision plat. The subdivision is located off of Appleton Street and the property has frontage along Mill Brook and Turtle Pond. There is an existing house on the lot, and the proposal is to subdivide one additional building lot. The property is in the Open Space Residential District and must comply with the cluster subdivision standards. R. Hebert explained that the driveway crosses through the conservation easement, and the easement includes a reserved right for the construction of the driveway and installation of the utilities within the “Driveway Area”, but that the subdivision plat and easement document should be consistent in how the “Driveway Area” is defined to avoid future conflicts. David Howe explained that he represented the future buyer of the property and offered to add the plan number of the subdivision plat to the easement. R. Hebert also explained that the easement allows the future owner to mow an open field area.

C. Morgan explained that the group would typically make a motion to recommend the City accept the conservation easement, but they did not have a quorum present and could not take formal action on matters, but could review the project and provide some guidance.

R. Hebert said that the Commission needed one more member to have a quorum and offered to make a few phone calls.

C. Lockwood also joined the meeting via a telephone call connection on speaker mode. R. Hebert provided C. Lockwood with a brief overview of the project.

J. Owers moved to recommend the acceptance of the conservation easement for the Fitzgerald Subdivision off of Appleton Street. J. Belanger seconded; motion passed unanimously.

C. Lockwood remained on the telephone, and C. Morgan opened the public hearing relative to a proposed disbursement from the Conservation Fund for the acquisition of a parcel of open space southerly of Gully Hill Road and for the conveyance of a conservation easement on this parcel as well as on other city-owned land southerly of Gully Hill Road. R. Hebert provided a brief overview. The Bartlett Family has indicated that they are interested in selling their land along the Merrimack River, to the south of Gully Hill Road for \$130,000. This includes approximately 45.6 acres of agricultural land, bluffs, and forested land. The majority of the property is in the floodplain of the Merrimack River and is adjacent to existing city-owned open space to the north and south. R. Hebert explained that she and Doug Woodward met with the Society for the Protection of New Hampshire Forests (SPNHF) to discuss the possibility of the SPNHF holding an easement on all of the city-owned land southerly of Gully Hill Road, including the Bartlett land. R. Hebert said that Paul Doscher indicated that the SPNHF would most likely agree to hold the easement, and also said that the stewardship fee would be \$10,000. R. Hebert explained that the SPNHF also holds the easement on the agricultural land at exit 16. The Commission would need to appropriate from the conservation trust fund \$130,000 for the acquisition of the Bartlett land and \$10,000 for the stewardship fee, \$5,000 for the closing costs, and recommend to the City Council that the land and the easement be accepted by the City.

The Commission reviewed the following memorandum from Staff regarding the purchase of the Bartlett property and the conveyance of the conservation easement.

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 land in the name of the City of Concord, subject to the approval of the Concord City Council, the following properties:

Parcels of land now or formerly owned by the Bartlett Family Trust and the Anna L. Bartlett Revocable Trust which has a 50% half interest in Tax Map Lot # 114/1/3, referred to in the City's Tax Assessment records as Tax Map Lot #114/1/3, 114/1/6, 110/6/12, 110/6/11, 110/6/10, and 110/6/9, and described in deeds recorded at the Merrimack County Registry of Deeds at Book 2192, Page 288; Book 2192, Page 294; Book 2192, Page 298; Book 2192, Page 302; Book 2192 Page 292; Book 2192, Page 298; consisting of approximately 45.6 acres of farmland, bluffs and wetlands southerly and easterly of Gully Hill Road with frontage along the Merrimack River in Concord;

Furthermore, the Concord Conservation Commission hereby allocates no more than the sum of \$130,000 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.

And

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 recommends the conveyance of a conservation easement to the Society for the Protection of New Hampshire Forests in the name of the City of Concord, subject to the approval of the Concord City Council, on the following properties:

Parcels of land now or formerly owned by the Bartlett Family Trust and the Anna L. Bartlett Revocable Trust, which has a 50% half interest in Tax Map Lot # 114-1-3, referred to in the City's Tax Assessment records as Tax Map Lot #114-1-3, 114-1-6, 110-6-12, 110-6-11, 110-6-10, and 110-6-9, and described in deeds recorded at the Merrimack County Registry of Deeds at Book 2192, Page 288; Book 2192, Page 294; Book 2192, Page 298; Book 2192, Page 302; Book 2192 Page 292; Book 2192 Page 298; together with parcels of land now owned by the City of Concord, referred to in the City's Tax Assessment records as Tax Map Lot # 114-1-8 and 110-6-14 and described in deeds recorded at the Merrimack County Registry of Deeds at Book 3119, Page 716; Book 3119, Page 714; and Book 3015, Page 265. Consisting of approximately 114 acres of farmland southerly of Gully Hill Road with frontage along the Merrimack River in Concord;

Furthermore, the Concord Conservation Commission hereby allocates no more than the sum of \$15,000 from the Conservation Fund using the accumulated proceeds of the Use Change Tax for the stewardship fee for the conveyance of the conservation easement and the related expenses. The Concord Conservation Commission hereby declares its purposes in taking these actions to convey the conservation easement 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.

J. Owers moved to allocate the \$130,000 from the Conservation Fund for the purchase of the 45.6 acres of Bartlett Family land southerly of Gully Hill Road and to allocate \$15,000 from the Conservation Fund for the stewardship fee and closing costs associated with the conveyance of a conservation easement on the 114 acres of agricultural land along the Merrimack River, southerly of Gully Hill Road, and to recommend that the City Council acquire the Bartlett Family land and convey the conservation easement. J. Belanger seconded; motion passed unanimously.

C. Morgan closed the public hearing.

R. Hebert explained that the Commission received a copy of the restricted use appraisal for the Rainville/Potter property off of Oak Hill Road. The land is a forested parcel without road frontage and was valued at \$27,000 for 34 acres. The land is adjacent to the Oak Hill Conservation Area and city trails cross the property. J. Belanger moved to set a public hearing for the September meeting, for the allocation of funds from the Conservation Fund and the recommendation of the City's acquisition of the property. J. Owers seconded the motion; motion passed unanimously.

R. Hebert reported that she spoke with Bill Bunten regarding the property northerly of I-89. He had agreed to sell the land to the city with the condition that he and his brother be allowed to cut approximately 25 cords of wood per year, selectively cut pine, hunt and trap on the land, and have access to the woods road and gate. The Commission discussed these stipulations at their last meeting and felt that the conditions would devalue the land. R. Hebert explained that Bill Bunten has agreed to drop the conditions with the exception of the access to the gate and woods road, and the ability to cut two cords of wood per year. She also said that hunting is typically allowed on city-owned open space parcels. J. Owers moved to set a public hearing for September for the acquisition of the property and the appropriation of \$60,000 from the Conservation Trust Fund for the purchase of the land. J. Belanger seconded; motion passed unanimously.

C. Lockwood left the meeting via her participation by telephone.

Meeting adjourned at 9:05 PM.

A TRUE RECORD ATTEST:

Rebecca W. Hebert

Planner, Secretary pro-tem