

CONCORD CONSERVATION COMMISSION
MINUTES, *draft*
Regular Meeting
December 8, 2010

Second Floor Conference Room, City Hall
41 Green Street, Concord, NH

Attendance:

Members present at the meeting included: Christopher Morgan; Pamela Hunt; Tracey Boisvert; Jim Owers; Rick Chormann; Jan McClure; Doug Woodward, City Planner and Rebecca Hebert, Planner, also attended the meeting.

C. Morgan, Chairman, called the meeting to order at 7:00.

1. Minutes: The group reviewed the minutes of the November meeting. P. Hunt moved to accept the minutes of the November 10, 2010 meeting; T. Boisvert seconded the motion. The motion passed unanimously and the minutes were adopted.

2. Wetlands Bureau:

a. Minimum Impact Expedited Application filed by Jeff Holt for the installation of culvert and gravel ditch for a proposed driveway off of Oak Hill Road- R. Hebert reported that the Commission reviewed this application as a Permit by Notification at their meeting last month. The applicant has resubmitted the application as a minimum impact expedited permit, and the area of impact has not increased.

b. Correspondence - R. Hebert reviewed the following correspondence from the NHDES Wetlands Bureau:

- Letter from NHDES regarding the approval of a Wetlands Dredge and Fill Permit off of Crescent Street;
- Letter from NHDES to Mr. Orin Dutton regarding a dam violation;
- Notice of Approval for Shoreland Impact Permit at 37 Elm Street; and
- Notice of Administrative Completeness for a wetlands application filed by the City of Concord.

3. City Open Space:

a. Discussion with Five Rivers Conservation Trust - Mark Zankel of the Five Rivers Conservation Trust provided an overview of the Triacca property. He explained that the land was historically part of Dimond Hill Farm and Jane Presby currently leases the land from the Triacca family. The Triaccas are interested in selling the farmland and reserving a lot with approximately two acres for the existing house. He

said that Jane Presby may be interested in purchasing the property, once encumbered with a conservation easement, but we do not have a value for the land after the easement. R. Hebert explained that she has looked into having the appraisal updated, and this would cost between \$600 - \$900. Mark Zankel estimated that the value would be in the range of \$1500 to \$1000 per acre after the easement. He also said that the Triaccas needed to settle the estate by September 2013.

The group discussed the properties scenic qualities and prime agricultural soils. Rob Knight handed out a possible scenario for funding the project. Mark Zankel explained that the funding source would be through the Farm and Ranchland Protection Program (FRPP) and also assumed a 10% donation in the form of a bargain sale from the Triacca family and a fundraising goal for Five Rivers. J. Owers asked what the likeliness would be of receiving the funding. Mark Zankel said that the program is competitive, but that FRPP monies funded the Dimond Hill project, and they may view this as an extension of the original effort. He said that approximately 25% of the lot contained prime agricultural soils and 50% contained soils of statewide importance. He explained that the next step would be to secure an option with the Triaccas through the FRPP grant period. There is a spring deadline for the application, with an estimate of nine months to one year before closing. The group discussed the extensive road frontage and questioned whether or not some of this could be subdivided to reduce the value of the land. Mark Zankel thought that the conservation value of this land included the open fields and undeveloped road frontage and that this was a gateway into Concord. T. Boisvert asked if there would be an issue selling land that was purchased with conservation funds, if the land encumbered with the conservation easement was to be sold to Jane Presby. The group thought that this would not be an issue if it all happened at once. The group also discussed the ownership of Dimond Hill by Equity Trust with a life estate to Jane Presby. J. Owers questioned why Jane Presby would want to acquire the property if she did not own Dimond Hill Farm. The group thought that Equity Trust would need to also be approached. J. McClure asked if there were other possible funding sources. Mark Zankel explained that there were limited funding options in this economy. The Commission unanimously agreed that based on the proposed budget, the project was worth pursuing.

Mark Zankel provided an overview of the Buntens property off of Stickney Hill Road. The property includes the land to the north and south of Stickney Hill and is known as Maplewood Farm. He also presented a potential budget for the project which also included a 10% donation from the Buntens in the form of a bargain sale. The budget also included Five Rivers Conservation Trust legal expenses and transaction related costs. The project would also seek funding from the FRPP grant program and would follow the same schedule as the Triacca property. He also thought the project might qualify for LCHIP funds. Ideally we would secure a purchase and sale agreement that would carry through the FRPP grant period. J. Owers asked what would happen to the house. Mark Zankel explained that the house would not be included in the conservation easement. The appraisal reviewed two scenarios; a two acre area for the house, barn and outbuildings and a four acre area for the farm/residential use. The appraisal did not include easements on the barn or house. R. Chormann asked what the soils were like. M. Zankel said the property contained 80% prime agricultural soils, 17% agricultural soils of statewide importance. The group discussed what might happen with the house, and also questioned whether or not the property needed to be actively farmed in order to qualify for the FRPP funding. M. Zankel said that the program is primarily about protecting the soils, and it was less important whether or not the land was being used for agricultural purpose. The fields are being mowed for hay, but there is no active agricultural use. The Commission

could incorporate language into the easement that would require the fields to be maintained. The group discussed the house and whether or not it would be subdivided and sold off separately. The Commission agreed the house should remain with the property. The Commission thought they might be able to tie the two projects together to promote protection of the “west Concord” farms, but the FRPP grant applications would need to be separate. The Commission also agreed that they would typically hold an executory interest in the conservation easement, similar to Dimond Hill Farm. Rob Knight and R. Hebert agreed to meet with the Buntens to go over the appraisal. M. Zankel said that they would need to know by February in order to leave enough time to prepare the FRPP application. He also said that the appraisal would need to be updated within 90 days of the closing date. The Commission discussed the Triacca property and agreed that the appraisal should be updated to include the value of the property after the conservation easement. R. Hebert, J. Owers, and Rob Knight volunteered to meet with the Triacca family to review the appraisal.

J. Owers moved to have the appraisal updated to include the value of the land encumbered with the conservation easement. R. Chormann seconded the motion; all in favor; motion passed.

P. Hunt moved to enter into a nonpublic session for the discussion of land acquisitions in accordance with RSA 91-A:3, II(d). J. McClure seconded the motion, and the motion passed unanimously.

Following the discussion the Commission moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

R. Chormann moved to recommend proceeding with the lease option #1. The motion was duly seconded and passed unanimously.

5. City Council Action:

The group discussed the effort to designate the upper Merrimack River a Wild and Scenic River. D. Woodward explained that a meeting was held with representatives from the National Park Service, General Services Department, Carlos Baia, and Jan McClure to discuss concerns that the General Services Department may have with regards to a future water withdrawal from the Merrimack River. J. McClure explained that the informational session with the City Council was postponed because a number of questions and concerns were raised during the meeting. The group discussed the fact that Concord has up to three vacant seats on the Upper Merrimack River Local Advisory Committee, and that these vacancies should be filled before bringing the designation to City Council. The group also thought members of the development community should be approached to fill some of the vacancies.

6. Reports:

- a. Trails Committee - R. Hebert reported that the Trails Committee will be holding a site walk at Russell Martin Park to review the possibility of constructing a trail from the Rolinda Ave. / Norwich Street intersection to connect with the park. She also said that the Trails Agreement with the Westons was on the December City Council agenda.

- b. C. Morgan said that the group studying the feasibility of establishing an Agricultural Commission in Concord held a second meeting, but he was unable to attend.
- c. T. Boisvert reported that the Sewalls Falls Bridge expansion project will be disturbing approximately $\frac{3}{4}$ of an acre of LCIP land and that the City will be required to mitigate the loss. She also said that the conversion of the land from the LCIP program will require a legislative bill to be passed.
- d. R. Hebert reported that Muriel Lajoie has submitted a request to be appointed to the Contoocook River Local Advisory Committee.
- e. D. Woodward reported that the public hearing for the Aquifer Ordinance is scheduled for the December City Council meeting.

Meeting adjourned at 10:05 PM.

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