

HOOKSETT CONSERVATION COMMISSION

February 10, 2014 Meeting

In attendance: Steve Couture, chair, Cindy Robertson, vice-chair, Dave Hess, member, Phil Fitandis, member, JoCarol Woodburn, alternate, David Ross, TC Rep. John Turbyne, alternate, excused and James Walter, member, excused.

The minutes for October 14, 2013 were approved by motion by Dave Hess, seconded by Cindy Robertson.

The minutes for November 11, 2013 were approved by motion made by Dave Hess, seconded by Cindy Robertson.

The minutes for December 9, 2013 were not acted on due to lack of members present who were present at the December meeting.

The minutes for January 13, 2014 were approved by motion made by David Ross, seconded by Cindy Robertson.

Appointments:

1. Summit View Subdivision – South Bow Road – Long Beach Development

Peter Schauer presented. Indicated there were four things to be discussed.

- a. First was the sliver of land along the Bow line. Stated that the Planning Board wanted to keep this as conservation land. Commission indicated that it would rather not take this on as part of conservation open space. Will send note to Planning Board requesting whether 2.56 acre strip needs to be included.
- b. Second was the detention pond. They revised the lots in order to get the pond out of the conservation open space. The entire pond will be all on the lots w/easements. A turn-around “stub” was added (26’x12’) next to the pond which borders the conservation property and which could give access to a parking area if desired.
- c. The gravel road with the fence is at the pond level. There is a 20’ recreational trail easement. The easement down to the pond is 40+ feet with a 12’ wide gravel road.
- d. Environmental Assessment requested by ConCom. Wanted clarification on exactly what needed to be provided. Summit View agreed to provide baseline documentation of characteristics of the property as detailed by Steve C.

2. Pike Industries – Bendan Quigley – Gove Environmental

Brendan Quigley presented. Wanted to follow-up with discussion from last May. They have been working with DES and the Army Corps of Engineers re: the impact of mitigation and should have final responses in April. They have changed a number of things including scaling back where the vernal pools are located. As a result, the mitigation planned wasn’t large enough so they settled on a \$200,000 contribution to the ARM fund in addition to the northern part of the site being placed in conservation (140 acres). (The Town currently owns an easement on adjacent land). This is acceptable to Lori Summer.

The biggest item for discussion was public access to the conservation land. Pike is very concerned about liability if the general public is permitted on the property given their blasting operations and required “safety zones”. They feel it is very challenging to allow any access at all. They see the conservation land really focused on protecting wildlife and habitat. Additionally, Pike will not allow a parking area on Cate Road.

The ConCom questioned whether it would be possible to access the conservation property through Austin Woods. Pike is not agreeable to this without strict restrictions. Steve C. noted that there are areas protected without access – essentially as an environmental preserve – and there are areas with a combination of purely environmental preserve in parts and limited access in other parts.

Steve C. also questioned the money being paid into the ARM fund. DES is looking at this like a 50 year contribution, but there is no corresponding 50 year permit. He also pointed out that the Town usually has right of first refusal of such money donations. Pike didn't know when the payment would be made, but the money has been offered and accepted. They tried to work with BearPaw for land purchase, but things “got delicate” with the landowners at which point “everyone agreed” the donation to the ARM fund was appropriate.

Dave requested a copy of the map Pike was displaying during the meeting with a marking of the “no go zone” . He also requested a large scale map that shows the Pike property in relation to the surrounding area (i.e. Hackett Hill, Rt. 93, etc.). It was noted that there was only one lot between Pike property and Summit View project which presented earlier in the meeting.

Pike stated that it tried to connect to the Bow forest, but the property was already under contract by Summit View.

Pike asked to be placed on the March agenda in order to discuss further the possibilities for access. It also indicating that it will be looking for a letter of intent on the mitigation package it had put together at the March meeting. It needs the mitigation package for the Army Corp. Pike also indicated that DES is okay with ConCom holding the easements and it is DES preference that there be no access allowed. Pike felt, however, that it would be accessible to DES for a portion to be accessible with restrictions.

The stewardship fee was also discussed. Pike wanted confirmation that the 3 ½ % fee discussed a year ago is still acceptable (approximately \$12,000).

Steve said we need to determine the following:

- a. Location of ecological reserve portion of the property and where is the restricted area.
- b. Where does Austin Woods stand in having its development approved and finalized if we intend to access Pike through Austin Woods.

Steve noted that it is hard for ConCom to accept responsibility for all of the property without any access.

3. Edgewater Project

Paul Scarpetti presented along with Jen McCourt of McCourt Engineering. Paul owns the land which runs from the end of Edgewater Road to the Bow line – approximately 3700' long. When her purchased it, there had been four prior owners. It was very distress with no one taking care of it. Paul has been maintaining the property and intended to build a home, however, has been having problems with others coming onto the property. There is currently a gate at the end of Edgewater Road. Showed photo display of Class VI road and its deterioration into the Merrimack River at spots.

The primary issue for discussion was the discontinuation of the Class VI road. Jen McCourt indicated that Dean Shankle wanted the ConCom's input on this matter. Discussion about a "mysterious piece of property" known as Lot 6. No one has been able to determine where this parcel has been deeded out – went back to 1835. Indicated that the benefit of the Class VI road is for the public to have access to the river. Paul stated that he doesn't mind people having access to the river, but was it restricted to the area where he is going to build homes. There will be a road built which will be maintained by the condo association. It is not his intent to remove or eliminate any of the public's rights, but simply to improve the property by creating an easement in perpetuity at no cost to the Town including a trail system for passive recreation.

It is intended there will be six property owners, including Paul, with a restricted open space common area just for themselves. There would be five new waterfront lots which don't currently exist. The leach fields will be placed in the back of the homes as far from the river as possible. Paul met with John Pieroni (Kiwaniis trails) and Mike Horne re: the trail and having a cul-de-sac with parking and a stone wall. There would be signage for the trail system and a parking area to access the trails. In essence, the road would become the trail at one point so people could walk along the river. There is no plan to stabilize the old road. Paul has also walked the property with Fish & Game because of the eagle sitings.

The total parcel is approximately 11 acres. Overall, there will be 6.64 acres of open space out of the 10.6 acre total. It is anticipated that there will be one area for boat docks at the end of the trail/path. Town Council needs to approve closing of the Class VI road and it may require a town vote.

Paul would like to put some restrictions on the open space (i.e. no campfires, etc.) An open space document will have to be created identifying the restrictions.

Paul requested a letter from ConCom approving discontinuance of the Class VI road and creation of a driveway that would serve as public access. He emphasized that this would be a "conditional discontinuance" and that a lot of the current right of way is actually in the river.

Dave stated that he tentatively supports the conceptual plan put forth by Paul subject to a full vote by the ConCom when we are provided with the specific language in writing. He indicated his reluctance to go forward with such a vote at this meeting since this is the first time he's had a chance to hear the details of the proposed project.

Jen replied that it is difficult to get into too much details about the open space because they haven't developed it yet.

Steve stated that "conceptually" the plan look good for the Town. He asked the commission whether we wanted to let the Council know we are conceptually in favor of the plan, but still have questions about the mechanics of the plan. Agreed.

4. **Clay Pond RFP**

JoCarol indicated that there have been three responses received, although she believed there would be four. Suggested we may want to interview all three agencies. Discussion about who will be reviewing the RFP. JoCarol said she would e-mail Dan Kearn for his input and then discuss next steps.

5. **Merrimack Riverfront**

Dave indicated that he has contacted the owner of the wood lot north of the cornfield about possible inclusion in the Merrimack Riverfront property. He will keep us advised.

6. **Town-owned lands**

Dave wanted to bring up the issue about ConCom being entitled to 50 acres of conservation land in exchange for the money the ConCom provided to purchase the ballfield. He suggested we look at town-owned parcels and acreage amount. Steve said he would put something together for the next meeting.

7. **Conservation Commission Event**

In recognition of the work done by the Conservation Commission over the past several years and those organizations who have supported our efforts, Dave suggested we host a dinner at SNHU in the spring. Organizations to be invited include DES, BearPaw, LChip, etc. All agreed. Dave said he would contact SNHU for availability.