

TOWN OF HOOKSETT, NH
CONSERVATION COMMISSION MEETING MINUTES
April 11, 2016

Steve Couture called the meeting to order at 4:00 p.m.

Conservation Commission Attendance: Steve Couture, Chair, Cindy Robertson, Vice-Chair, Phil Fitanides, member, Dave Hess, member (arrived at 4:18 pm), Deborah Miville, alternative. member, David Ross, Town Council Representative. JoCarol Woodburn, alternative. member, excused.

Staff: James Donison

Public Input: none

Meeting Minutes: Cindy Robertson moved to approve the meeting minutes for March 28, 2016, seconded by Phil Fitanides. Motion passed unanimously.

Appointments:

1. Kate Gittinger, 145 Merrimack Street, Forage Plot Proposal

Kate stated that she is intending on replanting the tree with surrounding mulch which was removed. She is unable to replace the oak tree, but would like to replant “forage mix” in the area which is a ground-cover type planting. This planting will encroach on the conservation land which is why she is seeking approval.

Dave Ross moved to permit Kate to move forward with the forage mix planting which would encroach on the conservation land. Motion seconded by Phil Fitanides. Motion passed unanimously.

2. Ryan Crosbie and Rob Dietel, Pike Industries,

Crosbie and Dietel presented an update with respect to the issues raised by the Conservation Commission from prior meetings. They have had extensive discussions with Attorney Mark Dunn at the request of the Conservation Commission. Attorney Dunn was also present during the meeting. There were three outstanding issues to be addressed.

- a. Ryan represented that all of the property has been surveyed, but not yet flagged. They are in the process of getting quotes for the flagging/blazing of the area.
- b. Pike will be able to retrieve the abandoned tire which is in the woods, but would like to remove it later in the season when the ground is more firm.
- c. Title Issues
 - a. Attorney Dunn presented on the exceptions he found in the chain of title when he did his title search. He has discussed these with Pike and some changes have been made.
 - i. There was a boundary dispute referenced on a Superior Court document, but settlement of this dispute is documented.
 - ii. There are two mortgages on the title.
 1. Portland Realty Group had a mortgage at one time which was passed down to Citizens Bank. This note has now been discharged and recorded as of March 16, 2016.
 2. There is a 1983 mortgage to Audley Company on the southern portion of the property. There is evidence of this

mortgage until April 13, 1983 at which point the history simply drops off. Pike has reached out to Audley in order to resolve this issue and reported that Audley is still looking into it. It is Pike's belief that Audley will sign a discharge statement. Attorney Dunn had suggested that Pike put up some type of small performance bond of \$5000 in the event the discharge is not forthcoming and there is a dispute in the future. Attorney for Pike said he would talk to his client about this suggestion, but would prefer to have some time to see if Audley will agree before having to post a bond. If Audley will not agree, then Pike will file a Petition to Quiet Title in Superior Court.

Steve asked where Pike was in the process of moving forward with the easement. Pike indicated that it wants to move forward. It is looking for approval from the ConCom so that it can move onto the Town Council. They are hoping to get the title issues with Audley resolved within the week as that is the only outstanding issue. Cindy asked what their position was on the performance bond recommendation. Pike reiterated that they would rather not have one, but would be willing to do so if we required it. Steve suggested a conditional approval so that if Pike is not able to resolve this issue with Audley, then Pike will get the performance bond. Dave Ross asked whether there could still be a lien on the property. Pike indicated that there could be, but the Town would not be responsible as it wouldn't rise to a "practical concern". Pike again stated that it believes Audley will be willing to discharge the mortgage. Attorney Dunn suggested that Pike also provide the Town with a hold harmless agreement in addition to the bond. The mortgage will expire in 2033. Dave Hess asked if Pike would be willing to provide a performance bond and a hold harmless agreement. Pike agreed.

Pike is hopeful that all three remaining issues will be resolved before the next Town Council meeting.

Dave Hess moved to recommend that that the Town accept the conservation easement on the condition that the following items are satisfied 1) Item C7 (mortgage dispute w/Audley discussed above) has been resolved or a \$5000 performance bond plus a hold harmless agreement is in place, 2) documentation has been produced evidencing that the boundary blazing has been completed and 3) there is a written agreement that the tire will be removed by March, 2017 or else the Town can charge Pike for its removal. David Ross seconded. Motion passed unanimously.

3 Assured Realty Trust Subdivision, Special Exception – South Bow Rd., Map 12, Lot 14-2

There was no one present to present the special exception request, therefore the appointment item was not discussed.

4 SNHU, Gordon Levy, Landscape Architect, Variance For Wetlands Buffer – North river Rd., Map 33, Lot 67

Seeking advice to ZBA for utility construction of new athletic building. There is a large piece of undeveloped property that SNHU would like to build on. It is anticipated that it would relocate those athletic activities currently in the middle of the campus to this site. Anticipates creating a track and field

with 300 parking spaces in two lots. There will be zero impact on the wetlands, but 970 sq. ft. total impact on the wetland buffers, which is why a zoning variance is required. The existing woods road will be used. They intend to install an 8" gravity sewer line and a 2" gas line, then restore the woods road to its original condition. (The 970 sq. ft. impact is arrived at with 3 foot wide trench for each utility times the length of the impact with some room for the excavation of the trench). SNHU is currently in discussions with the Planning Board about overflow parking during big events. A thorough parking assessment has been conducted for the campus, but it will be subject to a parking plan. There will be no access to the facility from the wetland side. They are proposing to clear as necessary then restore the area with a natural landscape in the back area. There will be fairly significant retention ponds. It was represented that there will not be any drainage coming off this site that won't be retained and treated. They are doing everything they can to be sensitive to the wildlife in the area.

David Ross expressed concern about the sewer department requirements for clearing on both sides of the sewer pipes due to tree roots.

Steve asked about the timing needed for approvals. Gordon stated that they have submitted the plans to the Planning Board and the plans have been accepted for review. They will be going to the Zoning Board on April 12, 2016 and then to the Planning Board on April 18, 2016.

There is no requirement for mitigation because the impact is less than 1,000 sq. ft.

Steve moved that this move forward to the ZBA with the variance request. Dave Hess seconded. Motion passed unanimously.

Other Business:

1. Merrimack Riverfront Trails

- a. There is approximately \$42,000 available from our overall \$250,000 budget for the project. There will be a groundbreaking ceremony scheduled once the bridge is completed. Steve will discuss the possibility of performing additional construction work with Stantec as project funding is available and request that options and costs be provided. Steve reported that he, Dave Hess and Cindy Robertson walked the area with Nancy Smith and came to an agreement about the location of the fencing and signage to help prevent people from going onto her property.
- b. Invoice from Stantec, Inc for \$3,027.42. **Motion made by Phil and seconded by Dave Ross to approve invoice to be paid from Conservation Fund. Motion passed unanimously.**
- c. Invoice from Morello Construction, Inc. for \$15,555.60 as recommended for approval by Stantec, Inc. **Motion made by David Ross and seconded by Cindy to approve invoice to be paid from Impact Fees account. Motion passed unanimously**

2. Clay Pond

Dave Hess suggested doing a side-by-side comparison of the Heroux draft easement with the Hinmond Pond easement. There is also another round of grant funding coming up for trails with \$80,000 maximum (\$68,000 in grant funds/\$12,000 in match). Steve talked to Dan Kern (BearPaw) who indicated they are interested in signage, a kiosk, and funds for parking. Dan will come up with some specific ideas.

3. Parks and Rec Advisory Board

Carolyn Cronin put together a list identifying each conservation property that has access needs. This list was distributed at the meeting. This list will serve as ConCom's input to Parks & Rec's project and to the master plan update. Deb Milville will present the list to the advisory board.

No update from Town Council or Planning Board.

4. Mosquito Control

This is an issue raised by Phil. He has an interest in exploring the benefits of bringing dragon flies into the Town to help regulate mosquitos as an alternative to spraying. The town has not sprayed for a number of years. Phil reported that other towns such as Ogunquit and Wells, Maine have been using dragon flies for this purpose successfully. Phil will continue to get information on this alternative.

5. NH Association of Natural Resource Scientists-Quarterly Meeting

Steve motioned to approve payment of \$45.00 for Deb to attend the NHARNS meeting and that money come from the Conservation fund unless money is available in the operating budget. Phil seconded. Motion passed unanimously.

6. Town of Hooksett Land – Potential Easement

There is \$47,000 still to be used from the Peters Brook deal with the Town. Suggest that it might be used to shore up the Merrimack Riverfront property. Steve presented an update on the easement under consideration with BearPaw located on the property located south of Bow and west of Hackett Hill Road (Map 12 Lots 2, 3, 4, & 5). Steve walked the site with David Hess and Dan Kearn. This property along with the Austin Woods property would conserve more than 300 acres in this area. Dave Hess noted that this area is one of the five priority areas on the 2004 Master Plan because it abuts the Nottingcook Forest in Bow. Question whether this easement should be fractured between ConCom and BearPaw. Steve reported that Dan provided him with an estimate of \$21,000 to do the easement work which would include \$7,500 for the stewardship. This is also related to the Peters Brook exchange.

Motion made and seconded to adjourn meeting. Meeting adjourned at 6:04 p.m.

Minutes Respectively submitted by:

Cindy Robertson and James Donison