



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Beth Fenstermacher, Assistant City Planner, on behalf of the Conservation Commission

**DATE:** April 30, 2018

**SUBJECT:** Authorization to subdivide a 1 acre portion of land from an 8.9 acre City owned parcel identified as Tax Map 101, Block 2, Lot 10, and convey to Margaret L. Lassonde in exchange for 21.6 acres of land identified as Tax Map 100, Block 2, Lot 19, for conservation purposes.

### **Recommendation**

It is recommended that City Council authorize the conveyance of  $\pm 1$  acre portion of City-owned land to Margaret Lassonde in exchange for a 21.6 acre parcel of land for conservation purposes, and authorize the City Manager to execute the deeds for the property transaction, contingent upon Planning Board approval.

### **Background**

The Conservation Commission approached Mrs. Lassonde to determine interest in selling 21.6 acres of land identified as Tax Map 100, Block 2, Lot 19, herein referred to as the Little Pond Road property. Mrs. Lassonde offered to convey the land in exchange for a portion of City owned land identified as Tax Map 101, Block 2, Lot 10, to be integrated into her adjacent residential property at 71 Penacook Street. The 8.9 acre City parcel is managed by the Water Department and houses the Penacook Street water reservoir tank and pumping station. The City parcel has  $\pm 980'$  of frontage on Penacook Street and  $\pm 590'$  of frontage on Columbus Avenue. Mrs. Lassonde would like to relocate her driveway to have access on Columbus Avenue, as her current driveway off Penacook Street is over 1,200 feet in length. By relocating to Columbus Avenue, her driveway length could be reduced by more than half. Planning staff met with Chip Chesley and Marco Philippon, who are open to the land swap since the subject portion of the City parcel is not developed, and there is no foreseen future development plans.

On March 27, 2018, Beth Fenstermacher, Marco Philippon, and a representative from the Conservation Commission, met with Eddie Lassonde, son and representative for Mrs. Lassonde, to walk the proposed frontage land on Columbus Avenue. Based on existing site conditions and the presence of existing utilities, it was determined that a lot line adjustment of 95' for frontage on Columbus Avenue would be required to build the driveway in accordance with City standards (see the attached plan).

Based on concerns from the Conservation Commission and Water Department that the Lassondes would further subdivide their residential lot given the additional frontage, all parties agreed to add the following language to the deed:

*The Columbus Avenue Property shall not be considered a separate, buildable lot, and shall be merged with and into the parcel currently known as 101-2-11, as a Planning Board condition. In addition, the Columbus Avenue Property will be conveyed with an express restrictive covenant, which shall be held in gross by the City, that the Lassonde land after the merger of the Columbus Avenue Property with 101-2-11, shall not be subdivided into two lots such that one of the lots would have frontage on Columbus Avenue, and one of the lots would have frontage on Penacook Street. No other restrictive covenants shall be required that would further preclude future development of the property allowed in accordance with any applicable state and local regulations*

The Commission held a publicly noticed site walk at the Little Pond Road property on April 4, 2018. No public comments were received. The Commission members noted the quality of the forested land, and agreed that the land was worth pursuing.

### **Discussion**

The City will be responsible for preparing and submitting a subdivision application for a subdivision and lot line adjustment, as well as any other documentation necessary, to the Planning Board. Margaret Lassonde will be the co-applicant with the City. The land transaction is contingent upon the City receiving all necessary local approvals for the subdivision and lot line adjustment.

The Commission has agreed to cover costs for the title search, boundary line survey, and minor subdivision application, and closing costs not to exceed \$10,000. Mrs. Lassonde will cover closing costs beyond the \$10,000.

Upon the City Council's approval of this report, City staff will move forward with the title search, boundary survey, and Minor Subdivision application. Upon the Planning Board approval, City staff will move forward with the execution of the Quitclaim Deed and transfer of the properties.