



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

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City Planner

TO: The Honorable Mayor and City Council
FROM: Beth Fenstermacher, Assistant City Planner
DATE: March 24, 2020
SUBJECT: Resolution authorizing the City Manager to enter into an agreement for the construction of a driveway and utilities through an existing recreation easement at 63 Bog Road.

Background

The Easement is mentioned in a deed from the City to Harold J. and Beverly A. Lassonde, dated April 1, 1980, and recorded on April 1, 1980 at the Merrimack County Registry of Deeds at Book 1368, Page 805. In the conveyance of the parcel, Assessors' Lot #6431-I, the City expressly reserved to itself "a perpetual right and easement for the public to pass and repass; to construct, maintain and operate trails for recreational purposes including but not limited to hiking, bicycling, jogging, skiing, snowmobiling, horseback riding, and other similar uses; [and] to construct and install utility lines and mains." In addition to reserving those rights, the City has the right "to prohibit the construction of buildings, structures, and other encumbrances over, in and on the premises herein conveyed." The easement area is approximately 83 feet wide, and is the former railroad corridor which essentially bisects the underlying parcel.

Discussion

On May 16, 2019, Harold J. Lassonde, on behalf of Eric and Justin Stephens (managers of Bull Meadow RE Holdings, LLC), received final Site Plan approval from the Planning Board for a privately owned indoor event facility known as the "Barn at Bull Meadow". The approved Site Plan proposes multiple modifications and improvements across the easement area, including erosion and sediment control measures prior to site work; a reconstructed roadway built at a new elevation with associated grading; underground electric, telephone, and cable; a water main; a sewer force main; a gas line; and storm water management facilities.

The Conservation Commission annually monitors the easement area for compliance. The Commission reviewed the proposed project at their February 13 and March 13, 2019 meetings, and again at their March 11, 2020 meeting. At the March 11, 2020 meeting, the Commission unanimously voted to reaffirm their position that there is no opposition to the proposal for the driveway to be located in its proposed location, as presented during the site plan process.

The City Solicitor's office is working with the property owner to draft an agreement to allow for the proposed site and utility improvements to pass through the easement area subject to the improvements not impacting the future use of the easement area.

Recommendation

Authorize the City Manager to enter into an Agreement with Bull Meadow RE Holdings, LLC to allow the construction of a driveway and placement of utilities through an existing recreation easement at 63 Bog Road.