

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

January 13, 2021, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on January 13, 2021, via Zoom, at 7:00 p.m.

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Brent Todd, Members Chris Kane, Rick Chormann, Jeff Lewis, and Alternate Stefan Mattlage.

Absent: Kathy Healy

Staff: Beth Fenstermacher, Assistant City Planner
Lisa Fellows-Weaver, Administrative Specialist

Public: Councilor Amanda Grady Sexton, Gregory Bakos, Sathesh Mani

Call to Order

The meeting was called to order by Chair Tardiff at 7:00 p.m. at which time Ms. Tardiff read the following statement:

As Chair of the Concord NH Conservation Commission, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Commission is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, we have provided public notice of the necessary information for accessing the meeting, and instructions are provided on the City of Concord's website at: www.concordnh.gov/planning

With Regard to providing public access to the meeting;

We are utilizing the Zoom platform for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through visiting the following website address: <https://us02web.zoom.us/j/89103102691>.

If you do not have website access, you may dial the following phone number 929-205-6099 and enter the webinar id **891 0310 2691**.

For those calling in who want to provide public testimony, *via* the website, you may click on the chat icon to ask, or click "raise hand" to be recognized as authorized by the Chair. For participants, dialing in on a phone, you may dial *9 to alert the Chair that you want to testify. Please note that testimony only applies to public hearings, and public participation may not be authorized in a public meeting which is not a public hearing.

With Regard to providing the public with a way to alert us about access problems;

If anybody has a problem, please call 603-225-8515 or send an email to: planning@concordnh.gov.

With Regard to adjourning the meeting if the public is unable to access the meeting;

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

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Roll Call attendance was taken with each member indicating whether there is anyone in the room with them during this meeting, which is required under the Right-to-Know law.

Reminder for the public

If you have a question or any trouble accessing this meeting please call the planning dept. at 603-225-8515 or send an email to: planning@concordnh.gov

For those calling in who want to provide public testimony, *via* the website, you may click on the chat icon to ask, or click “raise hand” to be recognized as authorized by the Chair. For participants, dialing in on a phone, you may dial *9 to alert the Chair that you want to testify. Please note that testimony only applies to public hearings, and public participation may not be authorized in a public meeting which is not a public hearing.

Reminder to Commission members

- Please mute yourself when not speaking.
- Please raise your hand in the participants section of your Zoom screen.
 - Also, if viewing in gallery view, wave your hand in front of the camera to make sure you are heard.
- In your zoom screen, change your view in the upper right corner from speaker view to gallery view to see all panelists.

1. Minutes

November 10, 2020

A motion was made by Mr. Kane, seconded by Mr. Lewis, to approve the November 10, 2020, minutes, as amended with edits that do not alter the content of the meeting.

The motion passed unanimously, with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Kane – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Matlage – in favor
Councilor Todd – in favor

2. VHB on behalf of the City of Concord, Wetlands Permit Application for roadway improvements at Hoit Road and Whitney Road resulting in approximately 4,165 sf of wetland impacts.

Gregory Bakos of VHB represented the application.

Mr. Bakos gave an overview of the proposed project for the City of Concord. He stated that the application is a Standard Dredge and Fill application and is required due to the proposed roadway improvements at the intersections of Hoit Road and Whitney Road for the future development off Whitney Road.

The project will include widening Whitney Road to provide sidewalks and bike lanes on both sides therefore, impacting 4,165 SF to jurisdictional wetlands. Other impacts are related to the construction

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of a two-lane roundabout. Most of the impacts are within the northwest corner. He stated that there is no detention basin planned as the swales will allow treatment and filtration. He noted that there will be very little clearing; only along the northeast corner and a minimal amount on the northwest corner. There will be some removed on some of the side slopes.

Mr. Bakos stated that NHDOT will be reviewing all of the work in the State's right of way. NHDOT has provided favorable responses for the overall concept and design. He added that they will be applying for an AOT permit.

Mr. Lewis noted that there are some impacts to private property and he asked if there have been any meetings with NHDES. Mr. Bakos replied that they have not met with NHDES. Mr. Lewis stated that the wetlands were created as part of a mitigation plan on the private property. Mr. Bakos stated that he will check into this item.

Mr. Chormann asked about the overall affects to the drainage since the highspeed on ramp will be removed. Mr. Bakos replied that they are proposing to remove the pavement and the area will be vegetated. They will regrade, lower the berm, and create gentle swale. The water that was in the infield will now naturally flow over land. It will still go in the same direction but will not be collected in any catch basins.

Mr. Kane noted that there is an aquifer and asked if the swale would cross into it. He also expressed concern with salt infiltration into the aquifer. Mr. Bakos replied that they are not extending the swale, they will be connecting into an existing swale that has already been catching road runoff. Additional discussion was held regarding the boundary of the aquifer.

A motion was made by Mr. Kane, seconded by Mr. Owers, to recommend approval of the application as presented, and to respond to NHDES that there were no comments.

The motion passed unanimously, with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Mr. Mattlage – in favor

Councilor Todd – in favor

3. Mr. Robert Seidman, Clarke Street resident, to discuss dogs off leash on trails and conservation land.

Ms. Fenstermacher stated that she received an email from Mr. Seidman regarding dogs on trails and being on leashes. She stated that his email explained an encounter he had with a dog off of a leash while on a trail and the dog was not being controlled by the owner. She explained that currently dogs are not required to be leashed on City trails or any conservation lands; however, owners are to have control of their dogs while on the property.

Councilor Grady Sexton stated that it is her understanding that the Conservation Commission can make changes to policy. Ms. Tardiff stated that it is her understanding that policy changes are under the direction of City Council; however, the Conservation Commission could recommend a change. Ms. Fenstermacher stated that leash requirements are a City Ordinance and Council is the only entity that can amend an ordinance and currently the on-leash ordinance is specific to recreation areas. She noted

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that she provided the meeting information and Mr. Seidman had indicated he would be in attendance, but did not have anything further comments from the constituent.

A discussion was held regarding the increase in usage to the trails due to the pandemic. Ms. Tardiff stated that the increase in use can also increase conflict.

Mr. Owers commented that dogs need an area to get exercise; however, dogs on the trails are to be under the owner's control.

Mr. Lewis stated that he is unsure if the Commission is authorized to recommend this to Council; however, the Commission could offer an opinion. He stated he feels that there are many reasons to have dogs on a leash; it is a benefit for dogs to be on a leash and good for the protection to the value of the property. It is unfortunate to create a leash law however. He asked about any enforcement. He believes that any leash requirements should be in conjunction with trails and other areas of the City. He suggested a public hearing be held with Council and the Commission can weigh in.

Mr. Kane suggested designating a specific destination for dogs on leashes and also an area where no dogs are allowed and including this in the Trails Master Plan. Ms. Fenstermacher stated that there will be a section in the Trail Master Plan to designate conservation areas where there are no trails and the Commission can include a designation to restrict dogs to protect the wildlife and allow dogs on other trails.

Further discussion ensued regarding the need for education relative to dog etiquette and the need for signage.

Councilor Todd commented that he feels the direction of etiquette is a good approach. These are the same issues all over the State and it comes down to how to suggest to the public to do the right thing. He suggested that the Trails Committee should come up with a set of etiquette to turn into signage that would educate the public. He also suggested a video be done with Concord TV. These both may help out until the Trails Master Plan can be addressed.

Councilor Grady Sexton asked for confirmation of her understanding that the Commission can do this change through policy but there is no enforcement and no way to issue citations. She asked if there could be additional discussions to see if this is a prudent action for the Commission and asked about the time frame for the update of the Trails Master Plan. Ms. Fenstermacher stated that the Central NH Regional Planning Commission began assisting the Commission with this update in January 2020 and she expects that it will be completed within the next few months.

The Commission agreed to continue to look into this matter and to look at other entities that have leash law/restrictions. Ms. Tardiff stated that she will reach out to Mr. Seidman.

4. Reports

a. *Trails Subcommittee*

Mr. Lewis attended the Zoom Trails Subcommittee meeting and provided an overview.

Mr. Lewis stated that Mr. Klemarczyk was in attendance and provided an overview of his forestry report. He referenced that the Oak Hill Trail vista clearing has been completed as noted in the report as well as the Currier Rd. parking lot, which is being used due to the lack of snow.

Mr. Lewis stated that members of the Trails Subcommittee will soon begin reaching out to NEMBA to begin working together on the Knowlton Woods trails.

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Mr. Lewis stated that members are working on the 2021 goals and should present that to the Commission next month.

Mr. Lewis stated that Ms. Fenstermacher is working to update the signage at the kiosks.

The Heritage Trail continues to be an ongoing discussion and removing the trail from the City maps. In addition, the subcommittee is discussing the purposes of trails and removing unmaintained trails.

The letters to the editors were noted; it is nice to see how appreciated the trails are and that people are grateful to have them. Ms. Fenstermacher stated that there has been a large increase in sales of the Trail Guides; 30 have sold since the letters to the editor were published.

Mr. Lewis stated that there is an opening for an alternate on the Trails Subcommittee. The Subcommittee would like to recommend the appointment of Scott Daniels. A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend Mr. Daniels as an alternate member to the Trails Subcommittee.

The motion passed, with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

Mr. Matlage – abstained.

b. *Forestry*

The Forester's report was linked.

Ms. Fenstermacher stated that there is a request for an Eagle scout project to add a plank walk to the Winant trails. Mr. Klemarczyk had noted that there is an area that could use some help relative to the drainage. He will work with the Boy Scout during the entire project. General consensus was to allow the project to move forward with the supervision and direction of Mr. Klemarczyk.

c. *Concord Tree Committee*

Ms. Fenstermacher stated that the Tree Committee has not met.

d. *Local River Advisory Committees*

Mr. Chormann had no update from the Local River Advisory Committees.

Ms. Tardiff referenced an email she received regarding the Turkey River Watershed study and volunteer opportunities. She will forward to members and indicated other Conservation Commissions in the area are looking into this.

5. City Open Space

a. *Easement Monitoring follow up*

A brief discussion was held regarding the status. Ms. Tardiff stated that the letters need to be gathered and addressed. Ms. Fenstermacher will confirm whether she has received all of the letters;

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Ms. Tardiff will reach out to Ms. Healy to see if she needs any assistance for her specific properties. It was suggested that the Committee meet again.

6. City Council/Planning Board

Councilor Todd stated Council has accepted the Commission's easement enforcement guidelines. Council also voted to grant the purchase of the 35 Acre Leadbeater property on District 5 Road for \$49,900. He stated that the hearing went very well and noted the approach is very effective with members of Trails and the Commission available to testify. He added that Councilors and the City are appreciative and aware of the values of the trails.

In addition, Councilor Todd noted that Councilor Kretovic recently mentioned dogs being off of leashes on the trails at a Council meeting so there has been some concern raised to the issue.

Ms. Fenstermacher stated that the Code is still being reviewed by Legal. She added that the consultant should be at the next Planning Board meeting.

7. Follow-up/On-going Items:

a. *Gully Hill Road Homeless Camp Cleanup*

Ms. Fenstermacher stated that Parks and Rec came through with 50% of the funds for the cost share for Clean Harbors for the bio-hazard cleanup of homeless camps at the Gully Hill field, along the Merrimack River. Originally the cost was around \$7,400. The total ended up being \$11,102; it was a much more significant clean up than originally thought. She stated the Parks and Rec is requesting the Commission to increase their contribution from the original contribution amount of \$3,700, approved in November. Ms. Tardiff stated that the issue may continue until there is some sort of enforcement that can be done.

A motion was made by Mr. Kane, and seconded by Mr. Chormann, to approve the increase and continue to cost share the additional amount for the cleanup at Gully Hill field.

The motion passed unanimously, with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Kane – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Mattlage – in favor
Councilor Todd – in favor

b. *Merrimack River Greenway Trail (MRGT)*

Mr. Kane updated the Commission with the progress of the Greenway Trail. He stated that a few months ago Parks and Recreation Director David Gill along with the Friends of the Merrimack River Greenway Trail (FMRGT) presented a grant application to construct a trail through Gully Hill Road field. The City Council authorized \$90,000 for the match grant. He explained that there will be a need for additional funding for the next phases of the project. He commented that this trail system should alleviate the homeless camps along this area.

c. *Update to Bylaws*

Ms. Tardiff stated that the Bylaws are still being edited and are also under legal review as well.

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d. Education/Outreach: ConcordTV Videos, 50th Anniversary Ideas

Discussion continued regarding ideas for the 50th anniversary of the Conservation Commission. Ms. Tardiff stated that she is working on an outline covering the history of the Commission. She requested members to think of projects and properties that should be highlighted. Discussion continued on how to publicize this and engage the public. Continued to next month.

e. Trail Master Plan Update

Ms. Fenstermacher stated that this is still a work in progress.

Ms. Fenstermacher suggested having a special meeting to discuss the preservation of trails and if there are areas where there should be no trails. Members were receptive to the idea. Ms. Fenstermacher will set up this meeting.

f. Conservation Easement Standard Templates

A discussion was held regarding the intent of the easement templates. Ms. Tardiff explained that the Commission was to review the templates to see if there is a need to update them and to ensure that they are still working. She suggested another working subcommittee be created to complete this item. Members agreed.

Mr. Lewis commented that he would like to see this item stay on the agenda.

8. Other Business

a. Budget

Ms. Fenstermacher presented a draft budget for review. General discussions were held.

Ms. Fenstermacher stated that Mr. Klemarczyk is currently working on his budget and will present his proposed list of projects and his recommendations for timber sales to the Commission at the February meeting.

A motion was made by Mr. Owers, seconded by Mr. Lewis, to approve the Conservation Commission budget for FY2022, as presented.

The motion passed unanimously, with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Mr. Matlage – in favor

Councilor Todd – in favor

Trail Guide Pricing

Ms. Fenstermacher stated that the current pricing of the trail guides at \$7 is not covering the printing costs, or the new additional expense of mailing. She suggested the Commission consider increasing the price to \$11, which we will now break even, and adding an additional \$2 for mailing.

A motion was made by Mr. Owers, seconded by Mr. Kane, to increase the costs of Trail Guides to

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\$11 and charge an additional \$2 to cover mailing, effective immediately.

The motion passed unanimously, with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Kane – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Matlage – in favor
Councilor Todd – in favor

b. Election of Officers

Mr. Owers made a motion to retain the current officers with Ms. Tardiff as Chair of the Conservation Commission through December 2021; Mr. Owers as Vice-Chair of the Conservation Commission through December 2021, and Mr. Lewis as the Secretary of the Conservation Commission through December 2021. Seconded by Mr. Kane.

The motion passed unanimously, with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Kane – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Matlage – in favor
Councilor Todd – in favor

c. Other

Mr. Owers noted that the Commission had previously discussed a request to use an ATV for hunting on trails and the items was referred to legal. Ms. Fenstermacher stated that the Solicitor's office would reply in writing.

Mr. Owers asked about the section of rail trail just north of the Concord line in Boscawen. He explained that there is private fundraising event going on and the Commission does have the authority to contribute to property outside of the City boundary limits. He stated that this is a critical piece of land that the City will need in order to connect to the rail trail that stops in Boscawen.

Mr. Kane spoke to a resident on Reserve Place who is interested in partnering with the City to purchase a parcel of land that he would actively manage for timber. He would like the City to hold the easement. There was no discussion about whether he wanted the City to purchase the easement, or if it would donated. Mr. Owers stated that the City should not be in the business of managing property.

This item was continued to the next meeting to be discussed under non-public.

d. Trail Ranger Position

Ms. Fenstermacher stated that she has met with the Deputy City Manager, City Planner, and the Parks and Rec Director to propose a new position of an open space or trail ranger. She explained

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that the position would initially not have any law enforcement capabilities; however, would represent the City, have a uniform and a vehicle and would be able to provide a presence of safety. This position would be able to assist with dog issues. She is also recommending that this position conduct annual monitoring, which would eliminate the CNHRPC intern.

Ms. Fenstermacher stated that she has reached out to the towns of Chester and Londonderry for examples of the job description. The position has been very successful in both towns. One town is training for other rangers so there is additional coverage available. In Chester the staff person is seasonal from May to Oct, a retired person and works part time at \$17 per hour. The position is funded by the Town's Parks Department.

In Londonderry, the position is filled by a retired police officer and the person is able to issue citations. They have had encroachment issues in the past and these are now all resolved. The position is year-round. The Conservation Commission paid for the salary for first year. They have purchased a truck and an ATV for the ranger and all funds have come out of the trust fund, which is the same type of trust fund as Concord. The position is now under the Police Dept. and he works closely with Fish & Game. The Town of Londonderry pays \$30 per hour.

Ms. Fenstermacher stated that the City trails are a recreation resource in the City. The trails are getting so much use and the homeless camps are increasing; beyond what the police can address. She stated that David Gill would cost share for maintenance and equipment and she added that she will be talking to the Fire Dept. to see if they would be interested in sharing an ATV or UTV.

Ms. Fenstermacher stated that she will be doing more research and will do a PCR to present to the City Manager. She is not sure if it will make it to Council for FY22.

The general consensus supported the idea. Mr. Owers expressed concern with using funds to continuously support a salary that is generally used to purchase land. Mr. Lewis commented what good is having the land and not being able to protect it.

Mr. Kane supported the idea.

Further discussion was held regarding funding. Ms. Tardiff stated that she would be in support of the Commission contributing to get the position off the ground and for the investment of equipment but not to permanently fund the position. She believes that it would be a valuable position and there is a lot that could be done. It would be nice to have an annual presence for easement monitoring.

This item was continued to the next meeting.

Adjournment

There being no further business, Mr. Kane made a motion, second by Mr. Owers, to adjourn the meeting at 9:48 p.m. The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Mr. Matlage – in favor

Councilor Todd – in favor

Respectfully submitted,

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Lisa Fellows-Weaver,
Administrative Specialist