

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

October 13, 2021, 7:00 PM

Citywide Community Center – 14 Canterbury Road

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Brent Todd, Members Jeff Lewis, Kathy Healy, Rick Chormann, Chris Kane, and Emily Landry (alt)

Absent: Stefan Mattlage

Staff: Beth Fenstermacher, Assistant City Planner
Melina Caron, Trails and Open Space Ranger

Call to Order

The meeting was called to order by Chair Tardiff at 7:00 p.m.

1. Minutes

September 8, 2021

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the minutes of September 8, 2021, with minor edits that do not alter the content of the meeting. The motion passed unanimously.

2. Wilcox & Barton, on behalf of Havenwood Heritage Heights, requesting an amendment to a Conditional Use Permit to construct sidewalk within the buffer to bluff at 149 Eastside Drive.

Erin Lambert from Wilcox & Barton represented the application. Ms. Lambert presented a revised site plan depicting the proposed relocation of a sidewalk behind Building 42 within the Havenwood Heritage Heights development. She explained that once constructed, it was obvious that the sidewalks were too close to the building, and posed a privacy issue being so close to living room picture windows. Ms. Lambert shared photos of the site from several angles, with the proposed relocation overlaid. The relocation will allow for a 5' - 6' vegetated area between the building façade and sidewalk. The proposal will not require the removal of any additional vegetation within the buffer, and will add only approximately 60 square feet of impervious area.

Mr. Kane asked when the area was cleared; Ms. Lambert responded it was prior to 2004. Mr. Lewis asked when the work is proposed; Ms. Lambert explained that the sidewalks were constructed as originally proposed so that they can get their Certificates of Occupancy. They will try to do the relocation work this fall if they can, otherwise, it will be pushed out to the Spring. Ms. Tardiff asked if there is any additional disturbance required for grading; Ms. Lambert responded that there will be no additional grading required, they will site the pathway in the field to meet existing conditions with positive drainage away from the buildings, and to avoid impact to tree roots. Mr. Chormann asked if the sidewalk could be pitched towards the buildings and away from the bluff; Ms. Lambert responded that they need to maintain positive drainage away from the building for at least 20' to meet building code requirements.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend approval of the Conditional Use Permit for the relocation of the sidewalk within the buffer to bluff, as presented. The motion passed unanimously.

3. Conditional Use Permit application for impacts to the Shoreland Protection District and Flood Hazard District for the replacement of an existing retaining wall and to regrade lawn at 12 Millstream Lane.

Kevin Kanakarathna from Green Globe Landscaping represented the application. He explained that the homeowner is replacing an existing stone wall and relocating it closer to the house, away from the

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reference line. No additional fill is being added and the Engineer has designed the wall to not impact the floodway. No vegetation is proposed to be removed within the Shoreland protection buffer. The Commission had no questions or concerns.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend approval of the Conditional Use Permits for impacts to the Shoreland Protection District and Flood Hazard District for the construction of a retaining wall, as presented. The motion passed unanimously.

4. Trail Master Plan

Ms. Fenstermacher reviewed a few comments that had come in. One comment recommended that the Plan include discussion on designing the Merrimack River Greenway Trail to include a “rail with trail” design option. The Commission felt that this was not the appropriate documentation, and those details should be part of the feasibility and design process for that trail.

Mr. Kane submitted comments suggesting recommendations be added to conduct a review of all trails using the Fish & Game analysis, and close or reroute trails with impacts. Also, to conduct a study of dog use and impacts of dog use on trails, and recommend closing certain trails to dogs. The Commission agreed these are action items that can be undertaken based on recommendations of the 2017 Open Space Plan, and recommended that these comments not be added to the Trails Plan.

A motion was made by Mr. Owers, seconded by Mr. Lewis, to recommend the Planning Board adopt the plan as presented.

5. NHDES Items

There were no NHDES items.

6. Reports

a. Trails

Mr. Lewis attended the Trails subcommittee meeting and provided an overview. He noted that the committee continues to go through the Trail Guide updates. The Trout Loop Trail at W. Locke Road is complete and open to the public.

Mr. Lewis reported there was a discussion about adding a bench adjacent to the beaver pond at Broken Ground. Gail Page from the committee previously introduced this as something she would like to have added to this trail system, and there is now a boy scout interested in constructing the bench as a project. Ms. Fenstermacher stated that the Trails Committee previously discussed this bench in February, and it was decided that Ms. Page would mark proposed locations for the Commission to visit and review, and the land owned by Unitil on the west side of the pond would be avoided. Ms. Tardiff agreed that this was the last discussion. Mr. Lewis stated that some members were concerned about wildlife impacts since the people are already feeding the beavers, and the heron have left. The Trails Committee recommended placing the bench closer to the road in a location on the east side of the pond, since it is already disturbed, and to talk with the Conservation Commission and Fish & Game.

Mr. Chormann and Mr. Owers both stated that they are not in favor of adding a new bench to this location. Although the area is already disturbed, we should not encourage further disturbance and there is no justification for greater wildlife impact. There was discussion about creating some type of criteria establishing where benches are appropriate on City lands. Councilor Todd stated

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that there is a similar process for Parks & Recreation, and Council looks at criteria before accepting donations and where benches will go.

Ms. Tardiff stated that this bench is a goal for the Trails Subcommittee and suggested that Ms. Page mark out the spot for Commission members to visit on their own to determine if the spot is appropriate for a bench. In addition, we should reach out to Fish & Game. Ms. Fenstermacher will reach out to Ms. Page, and will notify the members when the spot is marked.

b. *Forestry Report*

The September forestry report was circulated to members for review.

c. *Tree Committee*

Ms. Fenstermacher stated that the Tree Committee reported that there is a public hearing happening at the same time as this meeting regarding proposed street bump-outs and tree plantings on South Street and S. State Street. She will share the results with the Commission after the next Tree Committee meeting. Ms. Tardiff asked if there was funding available through Safe Routes to Schools. Ms. Fenstermacher will pass this suggestion on to Karen Hill, the City's Transportation Engineer.

d. *Local River Advisory Committees*

Ms. Fenstermacher noted that there has been a recommendation for a committee member. Councilor Todd confirmed that this is on the November City Council agenda.

7. City Open Space and Easements

a. *Spear Park and Richards Community Forest*

Ms. Fenstermacher reported that during the annual monitoring visit with the Forest Society, new encroachments on the Spears Park and Richards Forest lots were observed. Jason Cross at 92 Sanborn Road continues to mow City property without a signed agreement, and it appears that he is now mowing wetlands. Also, the horse farm on Sanborn Road has constructed a firing range along the property line, and berms associated with the range are on City property. Mr. Chormann expressed concern with the concentration of lead in this area and the potential environmental impacts.

In addition, a fenced in horse area encroaches on City land. Ms. Fenstermacher will speak with the Solicitors office and will follow up with the abutters.

Ms. Fenstermacher also reported that she met with Dan Geiger (wetland scientist) and Doug Thomson of Thomson Landscaping regarding restoring the stream on the Spears lot that was historically filled in by a former tenant of the horse farm. Mr. Thomson is generously donating the time and equipment to complete the work within the next couple of weeks.

b. *Mowing at Lehtinen Park*

Ms. Fenstermacher reported that a member of the community (Natch Graves) sent an email to the Mayor and City Councilors regarding the field at Lehtinen Park expressing concern that the field was mowed too early in the season and the City was destroying a pollinator habitat. Ms. Fenstermacher was not aware who was mowing the field, and with the help of the Parks & Recreation Director, it was determined that Mr. Robert Kirsch, the abutter, has been mowing the

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property for over 25 years. He had done research with another neighbor, and was under the impression that he was mowing at the right time to help pollinators. However, he indicated that mowing the fields was a financial burden and he requested that the City now take over the mowing of the fields. Commission members were in favor of taking this task over from Mr. Kirsch. Members suggested that we look into grant opportunities to cover the cost for maintaining open habitats. Ms. Fenstermacher will reach out to Heidi Holman at Fish & Game. Councilor Todd requested that Ms. Fenstermacher respond to Mr. Graves, and copy members of City Council that were on the original email.

c. *Trees adjacent to 51 Welcome Drive*

Ms. Fenstermacher reported that the owner of 51 Welcome Drive submitted a complaint to the City regarding potential hazardous trees on the adjacent Welcome Drive conservation property. Since it is Conservation land, the City Arborist referred this to Planning. Ms. Fenstermacher and Mr. Klemarczyk visited the site, and Mr. Klemarczyk determined that the trees were not an imminent threat; however, they were aging and may have to come down in the next few years. Mr. Klemarczyk suggested that he do a Forest Management Plan for the Welcome Drive open space property and do a timber sale, and, at the same time, take care of the trees of concern.

Members of the Commission were very concerned that the City Arborist will not look at trees on Conservation land. Lengthy discussion ensued. Ms. Fenstermacher stated that this would need to be an internal policy change directed by City Council.

There was discussion about reviewing the City's insurance policy and getting a legal interpretation. It was suggested that it be determined if this is a timing issue, if not an imminent hazard. Since the Commission has been notified by an abutter that it is a concern, what is the City required to do. Ms. Fenstermacher will follow up with the City Solicitor.

The Commission members agreed to authorize Mr. Klemarczyk to draft a Forest Management Plan for the property. Mr. Kane would like to be involved in the site walk.

8. City Council/Planning Board

- a.** Councilor Todd confirmed that the UMLAC appointee is on the November Council agenda. He added that Emily Landry was appointed to the Conservation Commission at Council's September meeting. He reported that the Planning Board approved the Conditional Use Permit for Wheelabrator for the payment of a fee in lieu of tree planting. He stated that this is a great opportunity to get trees planted in the right place and ensure success. He also reported that Pitco Frialator project was approved by the Planning Board, which included a CUP for impacts to the Aquifer Protection District.

9. Follow-up/On-going Items:

a. *Conservation Preserves*

This item is ongoing and another work session will be scheduled. The remaining properties to review are the Country Hill properties and Gully Hill Rd. farm fields. Ms. Fenstermacher will follow up with City Administration about whether the Council Ad Hoc Committee will reconvene to determine whether to go back out to bid to lease the farm fields when the current lease expires next year. That will determine the timing for the continued Commission discussion on those properties.

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b. MRGT

Mr. Kane stated that there were no new updates.

c. Education/Outreach: ConcordTV videos, 50th anniversary ideas

Ms. Fenstermacher reported that she requested a list of the original Commission members as well as City Council members at the time of creation from the Clerk's office. In addition, she identified the first six properties purchased by the Commission. Ms. Caron will do additional research on these properties. Ms. Tardiff will schedule a time to come in to review more files. She requested that all members go through files and provide relevant information and photos of prior members to include in the presentation. In order to present to Council at their December meeting, the presentation should be completed in mid-November.

d. Conservation Easement Standard Templates

Continued to a future meeting.

10. Other Business

- a. Airport Development*** – Members read an article in the Concord Monitor regarding future development at the Airport. The article mentioned that the City would be revisiting the conservation areas at the airport. Ms. Fenstermacher was not aware of this, and will follow up.
- b. Hutchins Street Property*** – Mr. Lewis has been in touch with the property owners who are considering conserving their property. As a first step, the Commission would like to do a site visit. Ms. Fenstermacher will send out a Doodle poll to schedule a site visit during the first couple of weeks of November.

Adjournment

There being no further business, Mr. Lewis made a motion, second by Mr. Kane, to adjourn the meeting at 9:07 p.m. The motion passed unanimously.

Respectfully submitted,
Beth Fenstermacher
Assistant City Planner