

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

April 13, 2022, 7:00 PM

Council Chambers, 37 Green Street

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Stacey Brown, Members Chris Kane, Jeff Lewis, Rick Chormann, Alternate Allison McGregor, and Alternate Mark Coen.

Absent: Kathy Healy, and Emily Landry

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

Public: Mayor Bouley, Rebecca Ross

Call to Order

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

The Commission welcomed new alternate members McGregor and Coen. Ms. Tardiff noted that Ms. Landry's status is now a regular member.

1. Minutes

March 9, 2022

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the minutes of March 9, 2022, with minor edits that do not alter the content of the meeting. The motion passed unanimously.

2. Stantec Consulting Services Inc., on behalf of Public Service of New Hampshire d/b/a Eversource Energy, requests Conditional Use Permits for disturbance to the wetland buffer, disturbance to the shoreland protection district, and work within the Floodway, for the P145 Transmission Line Rebuild Project.

Tom Tetreau from Stantec along with Sarah Hoodlet from Eversource represented the application.

Mr. Tetreau explained that the project is various replacements on Eversource's P145 transmission line; all existing structures along the existing P145 corridor require replacement due to deterioration from age, cracking, rot, and/or woodpecker damage. He stated that five Conditional Use Permits are required due to impacts to the 50-foot wetland buffer zone, 50-foot bluff buffer, Flood Hazard District, the Shoreland Protection District, and the height and location changes in the residential districts.

A discussion was held regarding the wetland impacts; total impact is about four acres, which includes the access; the biggest impact is to the wetland buffer on all the delineated wetlands. Mr. Tetreau stated that there are 10 structures in the shoreland and around the rivers; one is a newer substation.

Ms. Tardiff referenced the table with the heights of the poles noted and asked if a visual impact assessment was completed. Ms. Hoodlet explained that an assessment was not completed. She indicated the increase in height is an average increase of 12 feet. She added that she is looking into visual impacts from the pole heights at Turtle Pond and Loudon Road. Ms. Fenstermacher added that she reviewed the visual impact assessment that was completed on behalf of the City for Northern Pass, we indicated that most of the vegetation is 50' – 75' and there would be no visual impact for poles below that height. She added that the majority of the poles for this project are below 75 feet. However, Loudon Road is higher for clearance. She stated that poles for Northern Pass were higher

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up to 95 feet or higher, so this will not likely have the same visual impacts that were a concern with Northern Pass

Mr. Lewis asked about the process. Ms. Fenstermacher stated that the five CUP applications are going before the Planning Board next week and the Board will look at the visual impacts. All applications pertaining to wetlands will be PBN's, Permit by Notifications. It was also noted that an AOT permit will be applied for.

Mr. Owers asked if the structures and impacts are all permanent. Mr. Tetreau replied yes most will be permanent. He explained that the areas will all be seeded and they will add mulch to the area; however, most of the area is existing disturbance for access roads. He added that they always leave the area in better condition.

Mr. Lewis asked if there is a wildlife study done. Mr. Tetreau replied yes and stated that there is a species protection plan they are developing with Fish and Game; it is part of the comprehensive development plan. Mr. Lewis requested a copy be provided to the Commission.

Mr. Kane asked if there is any report regarding invasive species. Mr. Tetreau replied yes and added that they will be doing an assessment later in the spring when the species are grown and he noted that there is a botanicals survey planned for the summer.

Mr. Owers made a motion, second by Mr. Lewis, to recommend approval with no objections based on the plans reviewed. The motion passed unanimously.

3. NHDES Items

There were no NHDES items to address.

4. Reports

a. Trails

Mr. Lewis attended the Trails Subcommittee meeting and provided an update to the Commission. He stated that the Subcommittee is being very active with their goals this year. They would like to create a connector trail from Locke Road to Sewalls Falls Road, which will likely impact some private property. He stated that he will update the Commission accordingly report back. This process will also need to go through the new trails' procedure and criteria checklist.

Mr. Lewis stated that the Subcommittee had a goal last year to create a procedure for trail closures. He explained that the Subcommittee was tasked with establishing new trails and created criteria and a process, which starts at the trails subcommittee and then presented to the Commission. The same would be the process for closing a trail. This may be due to potential wildlife impacts, public benefit, and/or safety concerns. He stated that the process for closing a trail should be the same and this proposal mimics that criteria requiring a public hearing for closing trails as well.

A discussion was held regarding if the verbiage is clear that this procedure is for permanent closures only, and not for seasonal closures. Mr. Lewis stated that this is a request to permanently discontinue a trail. This led to additional discussion regarding monitoring rogue trails. Ms. Fenstermacher stated that the City does not have any capability to monitor rogue trails other than adding signage. Councilor Brown stated that Strava tracks usage. Mr. Owers added that it can

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also be a great way to find rogue trails. Ms. Tardiff asked if the City should be following a process for rogue trails when they are not City property.

The trail closure process was reviewed. Mr. Lewis stated that the Trails Subcommittee is asking the Commission to advance the process. Members will further review. The item was continued to the May agenda. Ms. Fenstermacher will circulate the procedures for both trail construction and closure.

Mr. Lewis stated that there is a volunteer work day scheduled for the Sugarball Trail on April 14th.

i. Riley Trails - Relocation

Ms. Fenstermacher stated that a request from NH Fish and Game (NHF&G) to relocate or decommission a portion of the Riley Trail at the Hoit Marsh. Jim Oehler from NHF&G contacted Ron Klemarczyk regarding permissions for the viewing platform and trail as apparently there are areas of the City trail where F&G believe that it encroaches onto State property.

It has been determined that NHF&G built the platform in 2002 under the direction of Judy Silverburg (NHF&G) through a grant, and City volunteers helped with the project. NHF&G has requested proof of an agreement. She has not been able to find any type of an agreement from 2002. Ms. Fenstermacher stated that the layout looks like the entire trail is on City property. The State's survey indicates that the trail is on State property.

Discussion ensued. Ms. Fenstermacher stated that if the City would like to continue to access the viewing platform a licensing agreement will be necessary and the issue will need to go to City Council. She added that Mr. Klemarczyk has showed that the shift for the trail would only be a few feet. She noted that people are using this portion of the trail to access the State water body for fishing and the City should not be responsible for closing the trail or monitoring to ensure it is not being used.

Mr. Owers suggested relocation of the areas where NHF&G believe there is an encroachment and then add an additional 10 feet to make sure it is clear where the trail is. He added that he would like to move forward with a license agreement to allow people to continue to use the viewing area. Members agreed. Ms. Fenstermacher will send a response to Mr. Oehler.

Mr. Lewis stated that Earth Day events will be a trail clean up April 23 and a hike of Knowlton Woods.

Mr. Lewis stated that all trail stewards are working on the Spring check-ups, and were invited to attend the May meeting to discuss the reports.

Mr. Lewis stated that the Subcommittee has nominated Erin Waters to be an alternate member. Mr. Lewis made a motion, second by Mr. Owers, to appoint Erin Waters to the Trails Subcommittee as an alternate member. The motion passed unanimously.

Mr. Lewis noted that the Boy Scouts of America have withdrawn making a bench for the Broken Ground trail. Gail Page from the subcommittee is looking for other sources of volunteers to get the bench constructed.

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b. *Forestry Report and Budget*

The forestry report was linked.

c. *Tree Committee*

Councilor Brown explained that she has been working with Bob Pollock to document significant trees around the City. They have only met to confirm locations; Blossom Hill Cemetery and White Park. She mentioned a potential project and fundraiser for a tree poster similar to the steeples poster. Ms. Fenstermacher stated that the Tree Committee thought this was a great idea and suggested there be a graphic designer. Discussion ensued regarding other funding opportunities.

Ms. Fenstermacher stated that Arbor Day is April 29th. A potential location for events will be at Thompson Park at 10 a.m.

Additional discussion was held regarding other ideas to make the public aware of the Sustainable Tree Program. Ms. Fenstermacher reported that the committee members are looking into getting a booth at the farmers market to distribute information. They will hand out information fliers, including one with proper mulching of trees information. The committee is looking into getting saplings donated which could be handed out to people to take and plant. She added that they were successful with their efforts with reaching out to homeowners along South State Street; five new trees will be planted as part of the paving project.

d. *Local River Advisory Committees*

Ms. Fenstermacher stated that she heard from Michele Tremblay regarding concerns with the proposed school development on Clinton Street, and that UMLAC will be watching this move forward with a concern for the protection of the Turkey River Watershed. She noted that the watershed protection plan will be completed soon, and she will forward to the Commission when it is available.

5. *City Open Space and Easements*

a. *Lehtinen Park Maintenance*

Ms. Fenstermacher explained there was a complaint made relative to the mowing of the field area at the park during the Monarch migration season. It was discovered that this field was mowed by a neighbor for several years. At the suggestion from Chris Kane, she reached out to Fish & Game about possible maintenance for promoting pollinator habitat. A schedule has been developed by Heidi Holman who suggested three mowing options. She stated that FORECO could do the mowing for the City as part of the existing contract, she will get a price from FORECO, but believes they currently charge approximately \$300 per mow as part of the wildlife management contract. She explained that Ms. Holman is working with NH Audubon to train monarch monitors, and this site would be a monitoring station for that program. This would also be an educational opportunity for trail users. Commission members were supportive of the recommendations and questions which was the preferred schedule. She stated that Ms. Holman is leaning more towards mowing 1/3 of the site per year on an alternating annual mow schedule. The Commission recommended moving forward, and requested that Ms. Fenstermacher follow up with FORECO for a cost estimate.

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b. *Rollins Park Pollinator Garden*

Ms. Fenstermacher stated that additional work will be done at the Rollins Park pollinator garden by Ms. Holman. The plan will be to till and seed the area and plant shrubs. The intention is to expand the area and create a more cohesive pollinator garden. She explained that this, along with other pollinator gardens planted in the City, will be mapped and added to the Homegrown National Park website, which maps pollinator gardens nation-wide. Ms. Tardiff indicated that she can help gather up volunteers for this project, if needed.

c. *Monitoring Easements*

Ms. Fenstermacher stated that Ms. Caron will be meeting with Mr. Kane for easement training. Ms. Caron will work on the easement monitoring in the upcoming months.

6. City Council/Planning Board

Councilor Brown stated that the Gully Hill report was submitted to City Council and the Mayor recommended that the project should be an RFP and it has been referred to FPAC. She stated that the Commission can take this opportunity to comment and add to the report as a prior meeting was not noticed properly. She stated that she would like to see plots for community gardens placed along northern boundary of property and add these plots in to the RFP.

Ms. Tardiff stated that the Gully Hill Ad hoc Committee has recommended the lease go back to the current farmer. The Commission would like a long term lease as it provides the care taker the time needed to care for the property and address soil conditions and maintain the land.

David Murray, farmer on River Road in Penacook, asked if the RFP would be up for discussion. He stated that the length of the lease is important as it gives the farmer an adequate amount of time to address the PH of the soils as levels do not change quickly. He stated that there is a lot of effort and energy put into large parcels of land to maintain it and get it ready for production. He stated that there is also a lot of big equipment required. He commented that the consideration of community gardening may not be the best use of this parcel. He referenced existing gardens on Clinton Street and NHTI property, both parcels are State owned and there is still space available at the NHTI garden. He added that should the City recommend the parcel for community gardens, then they should start small and slow. He believes that there should be someone available to police the issues that will arise. Overall, a longer lease would be better.

Mr. Owers asked what is considered a long enough timeframe. Mr. Morrill stated that 10 years is an ideal time for long term improvement; seven should be the minimum but it really depends on the PH of the soil. He added that the soil also depends on the vegetables planted. With a short term lease, farmers are not able to make the investment to put in perennial crops and there is not enough time to rotate the crops, which benefits the stewards of the field. Discussion ensued regarding lease terms and renewal options.

It was noted that the Morrill Farm is one of the few farms in NH for dairy cows that grow their feed for their cows; for 130 milking cows there needs to be 10,000 pounds of feed per day.

Mayor Bouley stated that this process will be done via RFP, that is not up for discussion. He indicated that most of the time the farmers will try to negotiate during the lease process.

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Councilor Brown referenced the ORIS letter and stated that she proposed community gardens. Mr. Coen recalled another entity appearing before the Commission previously; the Russell Foundation and they have since disbanded.

Mr. Morrill asked if there is an option to sublet if this is an RFP and stated that it is important to have one entity manage the land. He stated that he has done this with the Locke Road parcel.

Mr. Owers stated that he does not feel there should be different proposals. Ms. Tardiff agreed, should maintain the proposal and stay with a long term. Mr. Owers recommended that the leases be consistent.

Ms. Ross suggested that the Commission consider doing soil tests and include the information within the RFP.

Discussion ensued regarding the existing community gardens and if there should be language in the lease reserving garden areas. Mr. Coen stated that currently there are two community gardens with space available. He asked how are they working and policed and if there is a template already. He wondered if the gardens are successful and if there is such a great demand for more space as noted previously the NHTI gardens still have open space. He added that in the past Council did not want to lose out on any future opportunities for this area and the Commission wanted to maintain the area for agricultural uses and not have it cut up.

Ms. Tardiff stated that the Conservation Commission's position was to acquire the land and keep it in conservation as well as keeping it as one piece of land for agricultural purposes. With regard to the community gardens; look at it as stewards of land. City Council should address the need for community gardens.

Mayor Bouley stated that he recalled that Keith Richards intended the land be for agricultural uses. He thanked Councilor Brown for bringing the issue up; there have been some great conversations. He added that he appreciates the agriculture in the community. He commented that the State of NH is working to get out of the community garden business as they are not easy to manage. He added that it is important to leave the acreage all together. His recommendation was to improve the existing gardens, get water to the Clinton Street gardens. Discussion ensued regarding capital projects for the City and for future developments and improvements within the Clinton Street area. Mayor Bouley stated that the community gardens are a good thing if water was added. He thanked the Commission for their work and looked forward to a recommendation as it would weigh heavily on Council.

Mr. Kane asked if the lease was approved who has the authority for changing the use. Ms. Tardiff replied that Council has that right. Mr. Owers stated that Council can decide as to the use of the land and the lease terms. Ms. Tardiff stated that the lease should be back in perpetuity and the land should be kept all together and maintained for commercial agriculture; this is the best use of the land.

Mr. Lewis commented that he appreciated the input from the farming community.

Ms. Ross stated that the Adhoc Committee advocated for what we wanted and the need for gardens; it is a wonderful idea. She thanked Councilor Brown for spearheading the idea. She stated that the recommendation to Council should be to make a permanent easement but that will not be done by Council and she would like to see what Council would support. Community gardens should be on the table to be discussed as they are a better use than other types of uses previously discussed. She added

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that she would not want to see the area worked by anything that could potentially hurt the land for the farmers; that is a decision for someone else.

Mr. Chormann stated that there is a potential for a tree nursery for street trees all done by volunteers. This use has less management and cost less. This use could be a reserved use considered as an alternative to community gardens. There is the river and a water main with a potential well on Clinton Street, which is a much lower cost alternative to get the water to the site. He added that there could be rules established for each use.

Ms. Tardiff commented that there are issues with compatibility with community gardens and commercial grown crops.

Mr. Coen stated that he would support the RFP due to the history of the site. He asked if the subcommittee looked into other city lands for community gardens and if this is an ideal site. He asked if Gully Hill is the only option. Ms. Fenstermacher replied that the Energy and Environment Advisory Committee was also looking into options. Discussion ensued. Mr. Coen commented that the RFP process should move forward and the Commission can speak in favor or against.

A motion was made by Mr. Coen, seconded by Mr. Owers, to support a Request for Proposal (RFP) for the full 65 acres, and the lease should be for 10 years with four, five year renewals, and there will be no community gardens on the parcel.

Ms. Fenstermacher asked if the Commission would consider an option to renew certain things during the renewal process. She added that not all City leases have a sublet option. She asked if the Commission would allow the farmer(s) to decide if they would want to allow subletting and if the community garden groups would work with the farmer(s) as well.

Mr. Coen amended the motion to include granting permission to the farmer(s) to sublet a few acres of the 65 acre parcel for the sole purpose of agricultural uses, similar to Locke Road. Mr. Owers seconded the amendment.

The amended motion passed unanimously.

Councilor Brown commented that she appreciates the thoughtfulness and work of all who have been involved with the discussions and process.

Mr. Morrill thanked the Commission for their time on this matter.

Mayor Bouley stated that the Tree Committee has been doing a great job. He stated the community feels that there is a lack of trees in front of the legislative office building. He suggested that the Tree Committee look into this area; however, he noted that there may be some issues with planting trees due to security purposes.

7. Follow-up/On-going Items:

a. Conservation Preserves

Ms. Fenstermacher stated that this project has been completed. She will work with Mr. Kane to finalize the documentation with plans to submit to City Council as a consent report. The document will be presented to the Commission prior to going to City Council.

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b. MRGT

A public hearing for the acquisition of the Pan Am portion of the line from Storrs Street north to the Boscawen town line has been scheduled for the May City Council meeting. Mr. Kane and Mr. Owers are planning to attend that meeting. Mr. Kane announced that Northern Rail Trail received a grant and recently acquired the in Boscawen to the City line.

c. Education/Outreach – nothing discussed

d. Conservation Easement Standard Templates – postponed to future meeting

8. Other Business

There was no other business brought before the Commission.

9. Non-Public Session

Mr. Owers made a motion, second by Mr. Lewis, to enter into a non-public session at 9:27 p.m. per RSA 91-A:3, II(d).

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

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Lewis – in favor
Mr. Kane – in favor
Mr. Chormann – in favor
Ms. McGregor – in favor
Mr. Coen – in favor

Mr. Lewis made a motion, second by Mr. Coen, to come out of non-public session at 9:52 p.m. per RSA 91-A:3, II(d).

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

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Lewis – in favor
Mr. Kane – in favor
Mr. Chormann – in favor
Ms. McGregor – in favor
Mr. Coen – in favor

Mr. Lewis made a motion, second by Mr. Kane, to seal the minutes of the non-public session, per RSA 91-A:5, IV.

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

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Lewis – in favor
Mr. Kane – in favor
Mr. Chormann – in favor
Ms. McGregor – in favor

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Mr. Coen – in favor

Adjournment

There being no further business, Mr. Kane made a motion, second by Mr. Lewis, to adjourn the meeting at 9:53 p.m. The motion passed unanimously.

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist