

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

June 8, 2022, 7:00 PM

Council Chambers, 37 Green Street

Attendees: Vice-Chair Jim Owers, Councilor Stacey Brown, Members Jeff Lewis, Emily Landry, and Alternate Mark Coen. Chris Kane arrived at 7:05 p.m.

Absent: Chair Kristine Tardiff, Kathy Healy, Rick Chormann, and Alternate Allison McGregor.

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

Public: Rebecca Ross

**Call to Order**

The meeting was called to order by Vice-Chair Owers at 7:00 p.m.

**1. Minutes**

*May 11, 2022*

A motion was made by Mr. Lewis, seconded by Mr. Coen, to approve the minutes of May 11, 2022, with one minor edit that does not alter the content of the meeting. The motion passed unanimously.

*Chris Kane arrived at 7:05.*

**2. Public Hearing regarding the acquisition of a conservation easement on land located on Oak Hill Road, identified as Map 23Z, Lot 20 and Map 23Z, Lot 3 on the City Tax Map.**

Mr. Owers opened the public hearing at 7:05 to discuss the acquisition of a conservation easement on the Potter Farm property along with 5 Rivers Conservation Trust. The amount will be \$224,500 coming from the City Conservation Trust Fund per RSA 36-A:5. The total amount is \$449,000. Mr. Owers gave an overview of the property noting that the property is two parcels and is 87+/- acres located next to other City-owned and State-owned conservation land. The Potters easement will exclude 5 acres for their use. He added that the City will take an executory interest in the easement.

Jeff Evans, Director of Conservation at 5 Rivers was also in attendance. He explained that 5 Rivers will oversee the easement transactions and stewardship.

Mr. Lewis asked if there have been any thoughts on the land closest to the pond and pulling back the agriculture. Ms. Fenstermacher replied yes, this is included in the easement document. She stated that the Commission will have the opportunity to review the easement documents and discussions will continue regarding pedestrian access and a few other items. Mr. Owers mentioned the easement will allow for moving the nearby trail; however, that will not occur at this time.

Mr. Kane stated that this parcel has been a goal of the Commission for many years and briefly noted the history of the land. He asked about the reserved rights for further exclusions. Mr. Evans replied that there is one for 5 to 5½ acres. Ms. Fenstermacher stated that there is also allowance for agricultural buildings within the easement, such as a barn or a shed; no additional development.

Mr. Coen commented that this is a beautiful property. He asked how much of the historic background influences the property/easements. Mr. Evans explained that they do look into the property as it is now but although the history makes the story of a property more compelling it is not a factor on the

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scoring sheets. He added that this is one of two properties they have with the family lineage going back to the 1800's.

With no further comments, Mr. Owers closed the public hearing at 7:13 p.m.

Mr. Owers made a motion, second by Mr. Lewis, to disperse \$224,500 from the Conservation Trust Fund per RSA 36-A:5, for the easement acquisition of the Potter property and to recommend that City Council accept an executory interest with the easement.

Mr. Lewis stated that there should be some protection along the pond as there is agricultural use right up to the pond, which could become a polluter of the pond. He stated that he understands that the NRCS requires public access and is not concerned about that; however, he would like to see public access on the northern side of the street and supports minimal access, since we have seen conflicts with public access on other agricultural lands. Mr. Owers stated that there is a snowmobile access, and he too encouraged minimal access.

The motion passed unanimously.

Ms. Fenstermacher stated that this would now move to City Council for July with a public hearing set for August.

3. Bow Pioneers Snowmobile Club requests to install water control devices at the beaver pond, Desjardins property, Currier Road.

Mark Dube and Ian Smith of the Bow Pioneers Snowmobile Club were present to speak to the installation of control devices at the beaver pond off Currier Road.

Mr. Dube, trails master, stated that this is currently the trail up to Beech Hill. He has been having issues with beavers and he is concerned with the pond flooding due to the beaver's dam and undermining the trail causing more damage. He stated that they are requesting permission from the City of Concord and Conservation Commission to do this work in the pond. They are also requesting financial assistance from the City because over the past year the snowmobile club has repaired and replaced a bridge on another trail, at \$60,000, which ended up costing much more than they had budgeted for. He stated that without some assistance the pond levels will continue to increase and cause damage to the trail.

Mr. Dube explained that the proposal is to place water control devices made out of rebar and pipe, which makes approximately an eight inch fence right in the water. The fence does not interfere with the beaver's habitat and the water still moves along. He added that there are three of these fences being used on properties in other municipalities. Photos were provided for review. Discussion ensued relative to the process of placing the fences in the water. Mr. Dube stated that he would like to begin doing the work as soon as possible.

Ms. Ross expressed concern with the pond and water ways as any substantial changes would affect water levels in the pond on their property, and cause a backup. Mr. Dube replied that the work or fences would not have any impacts to that side or to the Ross's property.

Mr. Coen asked what the Snowmobile Association is contributing to the project and he requested that the snowmobile club submit a letter in writing with a description of what they would be providing and donating and what the funds would be used for. Mr. Dube replied the club will be doing all of the

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labor for the project, and providing machinery. He stated that they are requesting \$2,600 to help cover materials.

Mr. Owers stated that the City will benefit from their work; this is Corridor 11 which heads into the Town of Hopkinton.

Mr. Owers made a motion, second by Mr. Lewis, to grant permission to the Bow Pioneers Snowmobile Association and to pay \$2,600.00 to the Association to assist with materials to the pond and trail.

Mr. Lewis supported the project; however, commented that permits may be required to do the work with NHDES and NH Fish and Game. Mr. Dube stated that there was no opposition and he was granted permission from NHDES and FNG and no permitting was necessary for a similar project in Bow. Mr. Lewis suggested a conditional approval due to the possibility of needing permits.

Mr. Lewis questioned whether this was a public benefit, or just for the snowmobile club. Mr. Owers stated that there is access to the Leadbeater and Desjardins parcels and for future trails. He stated that the snowmobile club has permission to access these trails.

Mr. Owers amended the motion to grant permission to the Bow Pioneers Snowmobile Association and to pay \$2,600.00 to the Association to assist with materials to the pond and trail and to include that the approval is a conditional approval contingent on assurance from DES and NHF&G that no permitting is required. Second by Mr. Lewis.

The Commission requested that the Association notify the Commission when work will begin.

The motion passed unanimously.

*Mr. Kane left at 7:49 p.m.*

**4. NHDES Items**

There were no NHDES items to address.

**5. Reports**

**a. Trails**

Mr. Lewis attended the Trails Subcommittee meeting and provided an update to the Commission. He stated that the Subcommittee has been doing the trail maintenance and work days are being scheduled for Merrill Park and the Oak Hill trails.

Mr. Lewis stated that there was a discussion held relative to goals, including historic signage, invasive species removal, as well as a conversation about coming up with a leaf removal policy from the trails with signage to discourage any leaf removal. The leaf removal policy discussion will be revisited by the Trails Committee in September.

Mr. Lewis stated that the recent group hikes have been successful. Other hikes are planned for July and August.

Mr. Lewis mentioned that the discussion about adding the Concord-Lake Sunapee Rail Trail to the City's trail guide is pending due to litigation on a portion of that trail.

The Trail Ranger position update was provided by Ms. Fenstermacher. She stated that she has been talking with people within the industry and would like to have someone with enforcement background. She proposed that the position be changed to a seasonal position with a higher rate

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of pay and a shorter time frame. The salary was \$18.50 per hour for 20 hours per week, year round. She would like to propose the timeframe from April to October. The item is going to Council Monday and if approved, she will go forward with a job description next week and plan to post soon.

*i. Trail Closure Procedure*

The proposed trail closure procedure verbiage was emailed. Mr. Lewis stated that there is no rush to get approval as the Subcommittee is not looking to close any trails at this time.

Discussion ensued regarding one step of the proposed procedure which states that the Commission would decide whether to hold a public hearing to close a trail, similar to the process of adopting a new trail. The Commission agreed that they would determine if a hearing was necessary. Mr. Owers stated that similar to the new trail criteria, there should be criteria to close a trail as well. Ms. Ross commented that there may not be a choice for the Commission to close a trail if it were due to litigation and court ordered.

Mr. Lewis stated that he would ask the Subcommittee to present a criteria list.

*b.* The Forestry report was reviewed.

*c. Tree Committee*

Ms. Fenstermacher stated that the Tree Committee will be doing a site walk June 15<sup>th</sup> at 8 a.m. to identify potential tree plantings in Penacook.

In addition, Bob Pollock is hosting a tree tour scheduled for Saturday with NHTI students. Tree Committee members and Conservation Commission members are invited; starts at NHTI at 9 a.m.

Ms. Fenstermacher stated that the Tree Committee joined the Merrimack County Conservation District booth at the farmers market showing proper mulching techniques; it was very successful.

Councilor Brown stated that she has been working with Bob Pollock to identify the trees in the State House complex and they are working to create a tour noting the historic values of the trees and the environmental benefits, as well as identifying the growth patterns. She added that she has connected with an artist that will be able to paint trees for calendars and note cards to be sold.

*d. Local River Advisory Committees*

No update available.

**6. City Open Space and Easements**

Ms. Fenstermacher stated that the easement monitoring will be one of the duties of the trail ranger position or an intern from the Central NH Regional Planning Commission could assist with this.

Ms. Landry noted that she does have experience with monitoring.

**7. City Council/Planning Board**

A discussion was held regarding the budget. Councilor Brown noted that there is less than \$5,000 for trees. She suggested that there be additional funds used from the Tree Trust Fund.

Ms. Fenstermacher noted that there is no update relative to the Planning Board.

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**8. Follow-up/On-going Items:**

**a. Conservation Preserves**

Nothing new to update.

**b. MRGT**

An update was given relative to the PanAm property, Ms. Fenstermacher reported that she believes the City will acquire the land in September.

Councilor Brown stated that she has been working on the MRGT Triathlon and permitting with the City for the event. She indicated that they have permission from Ben Kelly, 6 Loudon Road, to use their parking lot for the event. She stated that there will be no impacts to the farmers from this event. Ms. Fenstermacher stated that since the kayak launch is not on City property, there should be no issue with the event with regards to the easements that the State holds on the City property. She added that there may be permits required for any temporary docks from NHDES, and MRGT will have to determine this before the event.

**c. Education/Outreach**

Ms. Fenstermacher reported that ConcordTV will be doing an educational video on City trees, they are attending a walk with Bob Pollock on Saturday to record his presentation to the group

Ms. Fenstermacher reported that there will be an invasive removals event with the Merrimack River Watershed Council at some point this summer to educate residents on identification and proper removal. Councilor Brown stated that NHTI students are doing a very similar project on the NHTI campus soon. Councilor Brown will check into this item further.

In addition, Councilor Brown noted that the Concord High School students are moving forward with their planting plan at the high school campus. Ms. Fenstermacher indicated that she never heard back from the students regarding a funding request, and it is too late at this point since the money is earmarked for other plantings. Councilor Brown stated that working with the Concord High School would be a great opportunity for next year.

**d. Conservation Easement Standard Templates – postponed to future meeting**

**9. Other Business**

***Forest Society Proposal***

Ms. Fenstermacher stated that the Forest Society is working with the Morrill Dairy Farm to purchase a conservation easement on their 208 acre property in Penacook. General discussion ensued. Commission members were enthusiastic about this easement acquisition.

Mr. Lewis made a motion, second by Mr. Owers, to support the Forest Society's acquisition of a conservation easement on the Morrill property. The motion passed unanimously.

***Gully Hill***

Councilor Brown mentioned the Gully Hill property being included in the scope of the Kiwanis Park design. Ms. Fenstermacher stated that this was only for the area along the trail, and a potential overlook at the wetland area. Mr. Owers commented that the Gully Hill land was purchased with conservation funds and was not sure of there being any proposal of the area.

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**10. Non-Public Session**

Mr. Owers made a motion, second by Mr. Coen, to enter into a non-public session at 8:31 p.m. per RSA 91-A:3, II(e).

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

Mr. Owers – in favor

Mr. Lewis – in favor

Ms. Landry – in favor

Mr. Coen – in favor

Mr. Lewis made a motion, second by Mr. Owers, to come out of non-public session at 8:36 p.m. per RSA 91-A:3, II(e).

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

Mr. Owers – in favor

Mr. Lewis – in favor

Ms. Landry – in favor

Mr. Coen – in favor

Mr. Lewis made a motion, second by Ms. Landry, 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:

Mr. Owers – in favor

Mr. Lewis – in favor

Ms. Landry – in favor

Mr. Coen – in favor

Mr. Lewis made a motion, second by Ms. Landry, to appropriate \$3,000 for professional services and to grant Ms. Tardiff full authority to represent the Commission on any legal proceedings to settle the case.

The motion passed unanimously.

**Adjournment**

There being no further business, Mr. Lewis made a motion, second by Mr. Owers, to adjourn the meeting at 8:37 p.m. The motion passed unanimously.

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist