

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

October 12, 2022, 7:00 PM

City Hall, 2nd Fl Conference Room, 41 Green Street

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Stacey Brown, Members Rick Chormann, Katherine Healy, Chris Kane, and Alternate Mark Coen.

Absent: Emily Landry, Jeff Lewis, and Alternate Allison McGregor.

Staff: Beth Fenstermacher, Assistant City Planner

Public: Jessica Schulz, Mayor Jim Bouley, and Rebecca Ross

Call to Order

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

1. Minutes

October 12, 2022

A motion was made by Mr. Owers, seconded by Mr. Chormann, to approve the minutes of September 14, 2022, as written. The motion passed with Mr. Kane abstaining.

2. TF Bernier, on behalf of Black Water Loop, LLC, requests Conditional Use Permit approval for disturbance of a wetland buffer and steep slopes at 128 Horse Hill Road.

Tim Bernier represented the application. There are no wetlands impacted for the proposed driveway; however, the site conditions require a crossing through the wetland buffer (1,765 feet of wetland buffer impacted). An 18-inch culvert will be used under the driveway with a plunge pool. There are two wetlands close together, the water seeps into the ground and then comes back up. The design accounts for drainage down the driveway. The size of the culvert was calculated by the hydrologist in the office. The culvert covers a 25-year storm event and was checked that it would not overtop the driveway with a 50 and 100 year storm event. Velocity of water checked and used to determine rip rap. Designers feel comfortable that a flashy storm event could be accommodated.

Mr. Cohen recommended approval of the CUP with no comments. Mr. Kane seconded, unanimously approved.

3. NHDES Items

There were no NHDES items to address.

4. Reports

a. Trails

Ms. Tardiff attended the earlier Trails meeting and gave an update. Updates are needed to the 90-foot bridge at Jim Hill River Walk since the eco pressure treated wood didn't hold up as expected. Ron Klemarczk will demo and rebuild the bridge Tuesday and Wednesday, October 25 and 26. Americorp Volunteers removed invasives at Merrill Park. Carl Matson, the Open Space and Trail Ranger, is very busy doing conservation easement monitoring. He will discontinue work for the season sometime in November. The Sept. 24, 2022 hike was very well attended. Biketober is Oct. 20 at Red River Theatre from 6-8pm. A series of short films will be shown including drone footage of the Merrimack River Greenway Trail, Knowlton Trails, and more. Mr. Owers is

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featured biking on trails. The film covers trail etiquette and more. Councilor Stacey Brown is getting a group to meet at Memorial Field at 5:00pm to bike over to Red River Theatre to view the film.

b. *Forestry Report*

The forestry report was distributed for review. Eversource is replacing Poles on the 189 and 145 lines near Broken Ground trails. The area looks very different.

c. *Tree Committee*

Members of Tree Committee were present at the Farmers Market and spoke with 2 more people interested in joining the Tree Committee. One potential member attended the last meeting and expressed concern about a letter from the utility company saying they were coming to cut down trees that was sent to landowners in the South End, but landowners were upset since they didn't know that they could have said they didn't want trees removed from their property. Liz McKinley, Community Forester from NH Division of Forest and Lands reported there are grant opportunities from the Federal Govt. through the infrastructure Act for Urban Forestry. Ted Diers and John Regan from the Tree Committee, Beth, and a grant coordinator from DES will meet to discuss whether the City can be eligible for a planning grant for urban forestry. This grant ties into green infrastructure and stormwater management, and the proposal is due in June. The outcome of the planning grant would be a city-wide street tree plan. The next Tree subcommittee meeting is Friday Oct. 28 at 8am.

d. *Local River Advisory Committees*

Michelle Tremblay from UMLAC will be coming to the Nov. 9th Conservation Committee meeting to give a presentation on the results from the Turkey River Restoration and Management Plan project. The grant was small; therefore, maps and the report could not be printed. Report can be found on the Upper Merrimack River website. There are still 3 vacancies to fill on the Local River Advisory Committees. Claire Lund is our one representative for Concord on UMLAC.

5. City Open Space and Easements

a. *Gully Hill RFP*

This will be a 5 year lease with four 5 year renewable options. The lessee can sublease up to 25 acres of the 57 acre parcel. Term of the lease is Jan. 1 through Dec. 31. Bids are due October 20th. There were many questions from the pre-bid phase, which Beth reviewed with the Commission for answers that will go out on Friday. Is there access to the Merrimack River for irrigation? Yes, there can be some sort of conduit under the Merrimack River Greenway Trail so there is no interruption to the trail. Will mowing be required in the 100 foot buffer? Can the lessee mow to keep down invasives? Once the MRGT trail is in place, the Parks and Recreation Dept. is responsible for the trail so the lessee will need to coordinate with the Parks and Recreation Dept. regarding these questions. Any work will require coordination with the Conservation Commission as well. Who monitors the buffer area? The Conservation Commission does the monitoring as part of the annual easement monitoring. Can invasives be treated in the buffer area so that crops are not impacted? This would require a State Permit. The city would apply for the permit in coordination with the lessee. Once the MRGT trail is established, there

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will be a buffer maintained by the Parks and Recreation Dept. between the crops and any invasives so this shouldn't be an issue. Is there public access to the leased land? Farmers with perennial crops don't want disturbance to crops from the public. Need educational information about specific crop and how to stay off leased land posted in the kiosk at site. The Conservation Commission will work to put up signage. Can vehicles get on leased land? The Parks and Recreation Dept. will put up a gate near kiosk. Beth will coordinate with the Parks and Recreation Dept. Are temporary structures allowed on leased land, like sheds or greenhouses? Yes with approval from the Conservation Commission. The city will not be liable for damage to structures

One of the bidders is interested in agritourism. They would like to have their annual sunflower festival on the leased land which they charge a fee to attend. No parking will be allowed on leased land. Parking could be obtained by coordinating with the landowners of the parking lot adjacent to leased land. There are new owners of 6 Loudon Road so this may affect the MRGT since the previous owners allowed parking on their property to people accessing the MRGT. Any festival would need to get an event permit, this would be the responsibility of the lessee. Question regarding Article 4-6, soliciting money and advertising, will be sent to the city solicitor. An ad-hoc committee will be needed to select lessee. Beth will send out doodle poll to select meeting date the week of Oct. 24.

b. 197 Oak Hill Road – request for waiver to notice sale

Per the easement deed, the owners of this property must notify the Conservation Commission 30 days before selling property. This is a cluster development easement. The closing of the property is set for Oct. 21 and we just recently received notification so they are not meeting the 30 day notice and are asking for waiver. There is no public access on this property, which is a single house lot, and the easement is entirely on the adjacent property of this cluster subdivision, so there are no issues and the Conservation Commission has no concerns.

6. City Council/Planning Board

a. Draft Code Phase 1

City Planner Heather Shank will prepare summary of changes to code that will impact conservation easements. Therefore, this item will be on the Nov. Conservation Commission agenda.

7. Follow-up/On-going Items:

a. Conservation Easement Standard Templates

Work to continue on this again will resume in the winter. Beth previously forwarded templates from the city solicitor.

b. Conservation Preserves

Nothing new to update.

c. MRGT

MRGT has applied for grants and needs numerous grants to accomplish work. There is a deadline to get work done. PanAm sold their property to CSX so now the legal department must repeat all the work that has been done to date.

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d. *ARM Project List - Turkey River Restoration and Management Plan*

See 4.d. above

8. Other Business

a. *Green Burial request*

Beth received a request from a couple who want to be buried on Conservation land using the green burial method, which means burying a body with only a light shroud. State Law states that as soon as you bury a body the area becomes a cemetery and then would be under the jurisdiction of the Parks and Recreation Dept. Any type of green burial must be done on private property and not on municipal land.

b. *W. Locke Road tree removal request*

The Skyhawks club sublets a portion of the W. Locke Road property. They are requesting to remove trees that are dead and interfering with their operations. They flagged 9 trees to be removed, Beth and Ron visited the site and allowed all but 3 trees, which are alive and fine, to be removed. There will still be a small grove of trees at this site. The club will cut the trees themselves. The Commission approved the removal of the trees that were recommended by Ron, and require that the Skyhawks haul the wood away.

c. *Locke Road homeless camp clean up*

At the end of Locke Rd by the cell phone tower there is a homeless encampment that has been at the site for a couple of years. This property is City owned and has a Forest Society easement. The homeless people have now been moved by the Police Department and clean up is required by the conservation easement. Estimated amount to clean up the site by Clean Harbors is 3 to 4 days at \$10,000 per day. The Conservation Commission does not have enough money in the budget to pay for this clean up so request will need to go to City Council for funds. Now that the homeless people have been removed, the police will monitor the site to ensure they do not return. Question posed whether this clean-up item should be a line item in the budget. The public is unaware of the amount of money required to clean up homeless encampment sites. Mr. Coen motioned to submit a formal request to the City Council to request funding to pay for clean-up and to provide history of issues and summary of expenditures in the request. Mr. Kane seconded. The motion passed unanimously.

d. Beth received a request from a resident of Nashua to do metal detecting on the Gully Hill property. The Parks and Recreation Dept. do not allow metal detecting on their property since people start digging and do not restore the holes made. After discussion, the Conservation Commission decided to deny this request to be consistent with the Parks and Recreation Dept., and also to be cognisant of potential impact to the farmers' operations.

9. Non-public session – not held

Adjournment

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There being no further business, Mr. Kane made a motion, second by Mr. Chormann, to adjourn the meeting at 8:42 p.m. The motion passed unanimously.

Respectfully submitted,

Katherine Healy, Conservation Commission member