

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

November 9, 2022, 7:00 PM

City Hall, 2<sup>nd</sup> Floor Conference Room, 41 Green Street

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

Absent: Emily Landry and Katherine Healy.

Staff: Beth Fenstermacher, Assistant City Planner  
Alicen Twardosky, Administrative Specialist

Public: Michele Tremblay and Steve Landry representing the Upper Merrimack Watershed Association, Jessica Schulz

**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. Chormann, seconded by Mr. Kane, to approve the minutes of October 12, 2022, as written. The motion passed with Mr. Lewis abstaining.

2. Michele Tremblay and Steve Landry, Upper Merrimack Local Advisory Committee (UMWA: [umwa@merrimackriver.org](mailto:umwa@merrimackriver.org)), to discuss the Turkey River Watershed Restoration and Management Plan

Ms. Tremblay and Mr. Landry defined what a watershed-based plan is, and described why they chose the Turkey River Watershed. The plan is a “9 element plan”, which is required by EPA for all section 319 funded watershed projects:

- o Element A: Identify causes and sources that need to be controlled to achieve necessary pollutant load reductions. (Phosphorus levels are particularly high in Turkey River)
- o Element B: Determine pollutant load reductions needed to meet water quality goals
- o Element C: Develop management measures to achieve water quality goals (BMP’s)
- o Element D: Estimate the technical and financial assistance needed to implement the plan.
- o Element E: Address Public Information and Education
- o Element F: Draft Implementation Schedule
- o Element G: Create interim measurable milestones
- o Element H: Criteria to measure progress
- o Element I: Monitoring nutrient reduction and other conditions (refer to pg. 3 of packet)

Ms. Tremblay and Mr. Landry introduced NH water quality standards for Class B waters.

They defined the Goldilocks Dilemma for how they determined the goals of watershed improvements –

1. Too extreme: Goal not realistically attainable
2. Not protective enough: Goal is achievable but may not prevent water quality impairments,
3. Just right: Attainable and will achieve WQ standards

Ms. Tremblay and Mr. Landry introduced a nutrient load model. Contrary to popular belief, farms are not the greatest source of the phosphorus (TP?) load. Residential land use is.

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Ms. Tremblay and Mr. Landry discussed Field Assessments for Structural BMP Concepts and scoring criteria. If all BMP's are constructed: TP Load reduced by 7.4 lbs/yr. and cost range equaling \$681K-\$1M (avg \$44K per site), for storm water related site improvements (with the exception of culverts).

Ms. Tremblay and Mr. Landry showed some examples of BMP sites (all included in the publicized plan) with proposed improvements: Turee Pond Boat Launch and Parking Area, Bow Parks and Recreation Parking Lot, Turkey River, St. Paul's School, Concord District Court (being the most stressed), and Abbot-Downing School.

They discussed the culvert Aquatic Organism Passage Improvement Program, and presented the Stream Crossing Structure Improvement Prioritization Metrics.

Ms. Tremblay and Mr. Landry showed how many stream crossings we have and a septic system risk analysis.

Ms. Tremblay and Mr. Landry communicated their desire for regulatory tools. Examples of such are strengthening municipal stormwater regulations, establishing town regulations to enable / promote installation of alternative wastewater treatment systems based on proximity to a waterbody (i.e. 200 meters) for new development, redeveloping and replacing failed systems, developing landscaping fertilizer ordinances.

There was discussion about the importance of changing Institutional Practices: Increase frequency of catch basin cleaning, following the Green Snow Pro program, Soak up the Rain program initiatives, etc.

They reviewed Evaluation Criteria and Monitoring:

1. 4 existing stations in the Turkey River mainstem,
2. More frequent TP monitoring needed,
3. Volunteers are hard to find to maintain consistent monitoring of areas, teams being the most advantageous.

Next steps discussed:

1. Review finalize the WRMP
2. BMP implementation for high priority sites
3. Coordination meetings

Mr. Landry emphasizes that Conservation Commissions are the ones that start and care about this process. Concord is encouraged to apply for the funds available. Mr. Lewis acknowledged the opportunity to do work with other towns.

Ms. Tremblay encouraged any volunteers interested to check out the Watershed Stewardship Program.

Ms. Fenstermacher will contact Ms. Tremblay after Thanksgiving for a follow up staff meeting (January 2023) during the day. Mr. Lewis and Chair Tardiff volunteered to attend the staff meeting as ConComm representatives. Ms. Fenstermacher will provide black and white copies of the report.

### 3. NHDES Items

Ms. Fenstermacher presented an after the fact dredge and fill permit for a residential property on Riverhill Ave. The property owner had hired a contractor to stabilize the bank of their yard along the Contoocook River; this work was done without a permit and they were issued a notice of violation from DES. The work has been completed, and in accordance with DES procedure, they provided the

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after the fact permit documents. Mr. Lewis reviewed the submitted materials, and did not have any comments or concerns.

**Reports**

**a. Trails – Jeff Lewis**

During the Trails Committee meeting, trail maintenance was discussed. Jim Hill Riverwalk work has been finished, replacing a 90-foot-long bridge. Carl is finishing up easement monitoring. He is on target to finish before being off for the winter. Scott Daniels is in the process of working with trail stewards for fall reporting. He will be collecting those within next month or so. Scott and other members are planning to walk the proposed Broken Ground connector. Still working on historic signage.

17 to 18 people attended the hike up Oak Hill in October. There will be another hike on Batchelder Mills the weekend of Thanksgiving, Saturday the 26<sup>th</sup>. There is no meeting in December.

General Services is doing some tree work at Mast Yard parking lot. Should only take one day. It has been posted that the parking lot is closed.

**b. Forestry Report (linked to agenda)**

**c. Tree Committee (linked to agenda)**

Ms. McGregor sought clarification on a focus point titled “trees in backyard” (referencing last month’s minutes). Ms. Fenstermacher clarified that people are being encouraged to plant trees in their back yard to increase the urban canopy. There is limited space in front yards in the downtown area. The tree committee is looking at applying for a grants to encourage people to plant in their back yards.

Councilor Brown and Tom Daigle sent letters requesting appointment to the tree subcommittee. Chair Tardiff stressed the importance of making sure we have geographic diversity / representation on (sub)committees. There are currently five members and no alternates on the committee.

Mr. Kane motioned to appoint Councilor Brown and Mr. Daigle to the Tree Subcommittee. Mr. Chormann seconded. All in favor. The motion passed unanimously.

**d. Local River Advisory Committees**

This was presented by Mr. Landry and Ms. Tremblay earlier in the evening.

**4. City Open Space and Easements**

**a. Gully Hill RFP**

**5. 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 December Conservation Commission agenda. Phase one and phase two being done together.

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

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**a. Conservation Easement Standard Templates**

Work to continue on this will resume in the winter. Ms. Fenstermacher previously forwarded templates from the City Solicitor. Winter may be a good time to create / establish a sub-committee. Beth will send out a doodle poll for January dates. Ms. McGregor, Mr. Lewis, Ms. Tardiff expressed interest in being on the subcommittee; Ms. Fenstermacher will reach out to the City Solicitor about attending the meeting as well.

**b. Conservation Preserves**

Nothing new to update. Ms. Fenstermacher and Mr. Kane meet tomorrow. Ms. Fenstermacher will email notes out after the meeting to assess as a small group before bringing it back to the big group. Details will be presented next month.

**c. MRGT**

Design of the Gully Hill section is under way. Friends of the MRGT are trying to raise money for the match. Mr. Kane noted that 6 Loudon Rd sold, which could impact the previous plans for the connection to Loudon Road. Ms. Fenstermacher stated that Dick Lemieux from FMRGT had reached out to the new owner. No closing date has been set for the rail trail section.

**7. Other Business**

**a. NHACC Conference Update –**

Mr. Owers and Councilor Brown attended the NHACC conference and summarized the sessions that they attended.

**b. Rossview Farm annual meeting, Beth Fenstermacher –**

Ms. Fenstermacher gave a summary of the annual meeting with DNCR, LCHIP, and the Ross's that was held on November 7th. She offered to provide minutes from this meeting once they are available if anyone wants a copy.

**c. Locke Road Homeless Camp –**

\$40,000 is required to clean this up. A public hearing at the December City Council will determine if the money is appropriated; the City Manager is recommending that the funds come from the General Fund. Ms. Fenstermacher will find out if it would be advantageous for Chair Tardiff to attend this meeting, held December 12th. Concord Police Department is monitoring this area to make sure no one returns in the meantime. The gate has been fixed. Chair Tardiff asked if there was a possibility of donating the bikes rather than recycling them for metal.

**d. Current use change tax –**

There was discussion about next steps for seeking the 100% of the Land Use Change Tax to go to the Conservation Fund. Chair Tardiff will pull together some data, and review land use change tax percentages over time, and how many acres are still in current use. Can the assessors generate a report? Chair Tardiff offers to peal through some information in December.

The Commission reviewed the current account funds: \$707,320 in the property acquisition fund; \$224,500 earmarked for Potter.

Ms. Fenstermacher will pull together data and work with the Assessor's office and send to Ms. Tardiff.

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There was a recommendation to create another fund for watershed protection; perhaps if Council is not amenable to 100% to the Conservation Trust, perhaps the other 50% of the LUCT funds could go towards watershed protection projects.

*e. Potter Farm Easement*

Ms. Fenstermacher gave an update on the timeline for the closing. The survey work was delayed, and they were not able to complete their work because of Wetlands along Turtle Pond. They need to wait until the ground freezes. Originally the closing was supposed to be in February. Now it will be pushed out, possibly until October 2023.

**8. Non-public session –**

Vice-Chair Owers motioned to enter into a non-public session at 9:14 pm, for the consideration of the confidential commercial and financial information that is exempt from public disclosure in accordance with RSA 91-A:3, II (j), seconded by Mr. Kane. The motion passed unanimously with a roll call vote as follows:

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

Mr. Lewis made a motion, second by Mr. Kane, to come out of non-public session at 10:02 p.m. The motion passed unanimously with a roll call vote as follows:

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

Mr. Lewis made a motion, second by Mr. Chormann, 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. McGregor – in favor  
Mr. Coen - in favor  
Mr. Chormann – in favor  
Mr. Kane – in favor  
Mr. Lewis – in favor  
Mr. Owers – in favor  
Ms. Tardiff – in favor

**Adjournment**

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There being no further business, Mr. Lewis made a motion, second by Chair Tardiff, to adjourn the meeting at 10:03 p.m. The motion passed unanimously.

Respectfully submitted,

Alicen Twardosky

Administrative Specialist