

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

December 14, 2022, 7:00 PM

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

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

Absent: Members Emily Landry and Katherine Healy

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

Public: Cindy Theriault (Wilcox & Barton)  
Nick Golan (TF Moran)

**Call to Order**

The meeting was called to order by Chair Tardiff at 7:02 p.m.

**1. Minutes**

*November 9, 2022*

A motion was made by Mr. Lewis, seconded by Mr. Chormann, to approve the minutes of November 9, 2022, as written. All in favor. Motion passed unanimously.

2. Wilcox & Barton on behalf of Morrill Mill Pond, LLC, requesting a Conditional Use Permit for impacts to the wetland buffer associated with a Major Site Plan application for a restaurant with drive through and retail space, at 10 Whitney Road in the Industrial (IN) District.

Ms. Cindy Theriault from Wilcox & Barton presented the project; David and Laurie Rauseo from Morrill Mill Pond, LLC were also present. She indicated that the proposed project will have a 3,604 square foot temporary impact and a 1,195 square foot permanent impact. The plan reflects drainage flowing over land to the southwest. Currently, the work area is cleared up to the wetland buffer line. The tree line that runs along the 50-foot buffer will remain intact. Mr. Lewis reviewed the drainage plans and felt that the proposed infiltration seemed sufficient. The grading below the retaining wall will remain as is. They are scheduled to attend the Planning Board on December 21 for public hearing.

Motion by Mr. Owers, seconded by Mr. Lewis, to notify the Planning Board that there were no objections to the plans as presented. Motion passes unanimously.

3. TF Moran, on behalf of Unitil, requests two Conditional Use Permits (CUPs) for disturbance of wetland buffers and disturbance of the Shoreland Protection District to allow improvements in the utility right of way along the 36 and 38 lines, which cross the Institutional (IS), Industrial (IN), and Open Space Residential (RO) Districts.

Mr. Nick Golan from TF Moran presented the project for Unitil. He specified the location of the 36 line to be 85 Second Street and the 38 line to be Fort Eddy Road to Hazen Drive, running from behind the state offices and both across the Merrimack River. They are relative to the areas of impact. All areas are within the existing right away. Vegetation is maintained as part of the Vegetation Maintenance Program. East side of the project shows a wetland crossing. Wood matting will be used to reduce permanent impact to the area. This is a reconductoring project as well, running a new line across consistent with the gravel paths that are out there now. Two state permits are associated with

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

December 14, 2022, 7:00 PM

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

this project: Shoreland Permit by notification and the Wetland Statutory notification. Both of those are five-day reviews. They will be filed following meeting with the Conservation Commission. Proposed access goes through conservation property. It is Mr. Golan's understanding that there will not be need to remove vegetation. Mr. Kane noted the rare plants/vegetation behind the state offices. The project dates are anticipated to be through winter months, limiting impact to vegetation. Natural Heritage Bureau was contacted. Staff has been out there to evaluate the site. This project goes before the Planning Board next December 21<sup>st</sup>.

Motion by Mr. Lewis, seconded by Mr. Owers, to notify the Planning Board that there were no objections to the plans as presented Motion passes unanimously.

**4. NEDES Items**

- a. Forestry notification was received for Carter Hill Orchard. They will be doing some thinning in their maple sugar bush. It will not be near trails.
- b. Notice of Incomplete permit for proposed trail upgrades at NH Audubon. The letter indicated that there was a hit on sensitive species, and more information is needed by DES. Ms. Fenstermacher will follow up with them for more information on the proposed trail work.

**5. Reports**

- a. *Trails – Jeff Lewis*

The December meeting of the Trails subcommittee was cancelled. Nothing to report.

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

There was discussion held regarding site walks on the (potential trail) Broken Ground Oak Hill Connector (trail corridor/magenta trail). Members working on this project are looking for the best connection to avoid wetlands and private property; however, the trail may need to go on the Hoag property for a short distance. Trails subcommittee Chair Scott Daniels drafted a letter to the Hoag family. It has yet to be reviewed. It is anticipated to go out this week to see if they would entertain this trail being developed. The trail should not encroach on their land other than some wet areas being built around to higher ground. The Commission will wait to hear back on what the Hoag family decides.

Second site walk occurred to discuss the potential of moving the West End Farm trail over onto the Country Hill property.

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

Last meeting was December 7<sup>th</sup>. Councilor Brown presented the next tour to be on Memorial Day at Blossom Hill. The Sustainable Tree Program has a wait list. We should still have enough money in the fund to pay for half the cost of the trees. Manchester put out an RFP a couple weeks ago for a nursery or landscape contractor to give them a price where citizens could purchase a tree and the contractor would (potentially) assist in planting them. Mr. Ryan Rambeau and Ms. Fenstermacher are watching this, with the potential of Concord doing something similar and applying for a grant for residential tree plantings. A proposal was made for holding an outreach campaign in the spring to help people with info on planting and keeping trees alive and healthy. There are some federal funds that will be coming available; however, the details of the grants are not yet available. Ms. Liz McKinley (community forester for the State) is watching this fund at the state level. Ms. Fenstermacher noted that big projects are needed in order to request these funds. These funds are anticipated to flow into 2023. Ms. Tardiff

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

December 14, 2022, 7:00 PM

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

mentioned consideration of a city nursery. The Heights are the only neighborhood in Concord who qualifies for these funds at this time. The Greenspace Coalition may be able to help gather residential support for tree planting in this area. A suggestion was made by Mr. Kane to use these funds for trees along (what will be) the Merrimack River Greenway Trail.

Mr. Matt Walsh had a meeting last week to discuss upcoming projects in Penacook, including proposed tree plantings as part of the paving project. The goal is for the Tree Committee to reach out to Penacook residents in January or February to get them to agree to plant trees in their front yards. Depending on how many participate, Concord may be able to fund the whole thing with existing funds in the Street Tree fund.

*d. Local River Advisory Committees*

(See 8c)

**6. City Open Space and Easements**

*a. Gully Hill RFP*

The agricultural lease was awarded to Sunfox Farm, LLC. The lease is being drafted for execution later this month.

*b. Easement Monitoring*

Mr. Matson (Easement Monitor) finished all of his easements. Ms. Fenstermacher has to review the reports. Mr. Matson stated there was nothing egregious or different than previous. Ms. Fenstermacher will try to provide a summary of his work for the next meeting.

**7. City Council/Planning Board**

*a. Draft Code Phase 1*

Ms. Shank hasn't been able to look at it yet.

*b. Homeless Locations*

Council approved a \$35,000 (General Fund) cleanup of the homeless area at Locke Road this past Monday, December 12<sup>th</sup>. Criminal activity, neighborhood concern, and public health and safety all trigger removal of homeless camps on City land. Businesses were seeing loss of inventory, human waste encroaching on rivers' edge, criminal activity, and public health and safety impacts were escalating. It is estimated over 100 people are known to be homeless in the City, but more likely to be closer to 300. The need to clear-cut during cleanup is not anticipated. New homeless establishments should be reported to the CPD as opposed to Ms. Fenstermacher. City Manager is working clean-up costs into the budget as a permanent line item.

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

*a. Conservation Easement Standard Templates (subcommittee in January, date TBD)*

Ms. Fenstermacher will send out a doodle poll to pick a date/time for a meeting.

*b. Conservation Preserves*

Mr. Kane and Ms. Fenstermacher met and went through all the remaining pieces. Mr. Kane will standardize the language in the report. Goal is to discuss the report in January.

*c. Turkey River Watershed Management Plan (meeting w/City staff in January, date TBD)*

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

December 14, 2022, 7:00 PM

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

Ms. Fenstermacher followed up on last month's meeting. Ms. Drukker, Ms. Fenstermacher, and General Services gentlemen are meeting with Michele and Steve next month (potentially Friday, January 20<sup>th</sup> around noon). Ms. Fenstermacher will confirm the date and time with the team. Whoever wants to attend is welcome.

*d. MRGT*

A grant application was submitted yesterday by the Friends of the Merrimack Greenway Trail for the section off Gully Hill. The County had ARPA money leftover and is issuing grants. The Friends went for \$150,000 to come up with their portion of the match of the LWCF grant. Ms. Fenstermacher met with Mr. Greg Bakos from VHB to go over site plans for this section of the trail. They have to go through the Planning Board process. The plan is for them to attend the January Conservation Commission meeting with a plan.

**9. Other Business**

*a. Membership Renewal*

Mr. Lewis would like to remain on the Conservation Commission but recognized the rules being considered by Council that could cause a conflict of interest between paid and volunteer positions, impacting long standing members of various Committees. The Commission would like him to stay.

No other positions "expire" until 2024.

*b. Sealed Non-public Minutes Process / Procedure*

The Committee reviewed the policies and procedures on sealed minutes. A motion was made by Mr. Kane, seconded by Mr. Chormann, to approve the sealed minutes (no public discussion) from November as presented. All in favor. Motion passed unanimously. Ms. Fenstermacher will check with the City Solicitor's Office to find out the City policy of unsealing minutes.

*c. Other Business*

Councilor Brown indicated that she is working with Scott Brown (Trails subcommittee Chair) and NEMBA on a proposal for a mountain bike pump track. She identified 3 sites. Chair Tardiff stated that we would need to review language of easement deeds to confirm whether this use is allowed. Councilor Brown will be doing more research and if ready to present at the January meeting, will notify Ms. Fenstermacher in time for this item to be placed on the agenda.

Chair Tardiff brought up that Laurel Horne has applied for the "adopt a spot" program to maintain the butterfly way station at Rollins Park. Anyone interested in helping out, let her know.

Mr. Lewis suggests opening up meetings to the public for comments or discussion. Board agrees, if there is time at the end of meetings.

**10. Non-public session**

Mr. Kane motioned to enter non-public session at 8:27 p.m. for the discussion of the acquisition

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

December 14, 2022, 7:00 PM

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

of conservation property in accordance with RSA 91-A:3, II(d), seconded by Mr. Coen. The motion passed unanimously with a roll call as follows:

Mr. Lewis – in favor  
Mr. Kane – in favor  
Mr. Chormann – in favor  
Mr. Coen – in favor  
Ms. Brown – no vote  
Mr. Owers – in favor  
Ms. McGregor – in favor  
Ms. Tardiff – in favor

Mr. Lewis made a motion, second by Mr. Chormann, to come out of non-public session at 8:38 p.m. The motion passed unanimously with a roll call vote as follows:

Mr. Lewis – in favor  
Mr. Kane – in favor  
Mr. Chormann – in favor  
Mr. Coen – in favor  
Ms. Brown – no vote  
Mr. Owers – in favor  
Ms. McGregor – in favor  
Ms. Tardiff – 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:

Mr. Lewis – in favor  
Mr. Kane – in favor  
Mr. Chormann – in favor  
Mr. Coen – in favor  
Ms. Brown – no vote  
Mr. Owers – in favor  
Ms. McGregor – in favor  
Ms. Tardiff – in favor

**Adjournment**

There being no further business, Jeff made a motion, second by Chris, to adjourn the meeting at 8:40 p.m. The motion passed unanimously.

Respectfully submitted,

Alicen Twardosky

Administrative Specialist