

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 11, 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, Katherine Healy, Alternates Allison McGregor and  
Mark Coen

Absent: Members Jeff Lewis, Chris Kane, Emily Landry

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

Public: Nick Golon (TF Moran)  
Dr. Edward Jacoby  
Megan DeVorse  
Barbara & Peter Reid  
Rebecca Ross

**Call to Order**

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

**1. Minutes**

*December 14, 2022*

A motion was made by Mr. Chormann, seconded by Vice-Chair Owers, to approve the minutes of December 14, 2022, with the edit to item 5b to read West End Farm trail, not West End Fire trail. All in favor. Motion passed unanimously.

**2. NHDES Items**

- a. *(application linked to agenda)* Standard Dredge & Fill Permit Application for permanent impact to 26,692 sf of wetlands for the construction of a proposed hospitality venue at 3 - 7 Break O' Day Drive

Nick Golon from TFMoran represented the application. He stated that they were before the Commission previously, and since then it has been determined that contributing towards Potter Farm Easement acquisition as mitigation may not work; therefore, they are reaching out to other organizations for other mitigation projects. Has only heard back from National Protection of Forests. Ms. Fenstermacher stated that she is working with the Interim City Engineer to identify a potential project; there is a stream restoration project currently in the CIP for Fall construction.

Mr. Golon reports that there is nothing different on the final submitted DES application than was presented in September.

Ms. Fenstermacher provided further clarification on why the Potter Farm project will not work, due to conflicting restriction requirements between DES and NRCS with regards to the agricultural use. Ms. Fenstermacher will send the information regarding the potential stream bank restoration project to Mr. Golon for him to submit to Army Corps for approval.

A motion was made by Vice-Chair Owers that we have no comments on the DES application, seconded by Mr. Coen. All in favor. Motion passed unanimously.

**3. Reports**

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 11, 2022, 7:00 PM

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

a. *Trails – Chair Tardiff*

- i. Chair Tardiff attended the Trail Subcommittee meeting that preceded this meeting. Discussion was had regarding: Ron and other volunteers cleaned up over 30 trees that fell during the recent storm; a review of 2022 goals; they are deciding whether to take a break on group hikes over the next couple of months. The Committee also discussed filling term expirations. The Trails subcommittee chair will reach out to alternates have posed interest in coming on as members, leaving spots open for those that have shown desire to join the Committee as alternates.

They talked about the request from City Council to ban hunting at Broken Ground. Consensus was to not issue the ban but maintain status quo. Discussion about ADA compliant trails. Audubon is doing one right now. The Committee would like to see more information put on the web regarding opportunities for this.

- ii. The Conservation Commission discussed potential expansion of Swope Parking Lot. Currently there is a lot of overflow onto the road. The property expansion area is already identified. The projected cost for this work is \$1800.00, broken down as eight hours of labor and 24 yards of ledge pack; the work can be done by the logger that is currently in the area completing this year's timber harvest. Ms. Fenstermacher will contact Phil Donovan (abutter) regarding the project. Mr. Donovan's had previously expressed concern that further expansion of the parking lot would add headlight glare into his property. Ms. Fenstermacher suggested the possibility of a berm being placed between the abutter and the lot. Members were concerned this may impede the view from the road posing a safety concern. If the abutter is satisfied with these measures, work can be done within the next week.

Ms. McGregor asked if there is a way to monitor whether or not the benefits of the additional parking spots were worth the investment. The Commission agreed that there will not be consideration made regarding parking across the street in the reservoir area.

Motion by Vice-Chair Owers, seconded by Ms. Healy to expand the parking lot as discussed using funds from the Timber Harvest. No discussion. All in favor, motion passed unanimously.

- iii. Membership term renewals: Greg Mannesto, Gail Page, and Rik van Riel (alt)

Mr. Chormann moved for terms to be reappointed for 3 years, seconded by Vice-Chair Owers. No discussion. All in favor, motion passed unanimously.

Ms. Fenstermacher noted that Judy Weatherbee chose to not renew her term.

b. *Forestry Report*

The Forestry Report was passed around, there were no questions or comments.

c. *Tree Committee (linked to agenda)*

The Tree Committee has not met since the last Conservation meeting; no new items to address.

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 11, 2022, 7:00 PM

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

*d. Local River Advisory Committees*

Meeting next month at the City-wide Community Center. Chair Tardiff informed the gallery that there is one spot open on each, the Merrimack and Contoocook River Advisory Committees.

**4. City Open Space and Easements**

*a. Summary of Easements*

Ms. Fenstermacher will finish the review and provide a summary in February.

**5. City Council/Planning Board**

*a. (letter linked to agenda)* Referral from City Council – Request to ban hunting at Broken Ground Trails. The Commission members received a copy of a letter that was sent to City Council requesting to ban hunting at Broken Ground Trails. The initial discussion amongst members was that hunting has always been consistent with multiple uses of the conservation lands, and that they do not recommend a ban on hunting. Information is posted at trails identifying where hunting is allowed. There are a couple properties that hunting is not permitted and that information is provided on the City's webpage for people who are not comfortable hiking where hunting is permitted.

*b.* Megan DeVorsey wrote the request to City Council and was present at the meeting and discussed the events of the day in question and the deer entrails that were left on the trail. She raised concern that this is where the double homicide happened last year, and gun shots could be traumatizing for hikers, and perhaps hunting is no longer an appropriate use of that land. Dr. Jacoby provided Go-Pro footage of the sound of the gunshots and images of the deer entrails. Councilor Brown advocated for trail etiquette for hunting around trails, and mentioned that she reached out to Fish and Game for their response as to whether the events were illegal. Ms. Fenstermacher noted that the trail in question is located on Unutil land and the City does not have jurisdiction over it to ban hunting. Ms. Fenstermacher stated that pursuit should be done from the City of Concord and not City Council. Councilor Coen asked if Ms. DeVorsey or Dr. Jacoby notified the police or Fish & Game; the response was that the police were notified but they were told they do not have jurisdiction and that they should call Fish & Game. Fish & Game was not notified of the incident at that time. Councilor Brown reached out to Fish & Game after receiving the letter from Ms. DeVorsey in November. Councilor Brown voiced her desire for the Go-Pro footage to be viewed by Fish and Game. Vice-Chair Owers would like these people identified and discipline measures taken. Ms. McGregor suggested closing hiking trails for two-week gun period of hunting. Ms. Healy asked for research to be done regarding how many deer are tagged from these areas / Concord.

Chair Tardiff suggested starting with a letter to Fish and Game that includes the gravity of the situation and allow them to respond to us, then bring the discussion back to the table. Vice-Chair Owers and Mr. Coen would like to have a representative from Fish and Game at a Conservation Commission meeting and discuss how to handle these situations. Chair Tardiff suggested inviting Trails subcommittee members to join on the meeting. At this time, Fish and Game could also provide the deer count provided by the tags. Ms. McGregor indicated that this should be addressed before Spring turkey hunting season begins.

Ms. Ross suggested making a concerted effort to explain multiuse of the trails to the public, not

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 11, 2022, 7:00 PM

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

just educating people to report hunters. The request from a couple years ago to close down Ry's Way trail during hunting season was brought up. Ms. Fenstermacher reminded those present that one of the reason's the Commission did not support that request was that closing trails gives a false sense of security to hunters that hikers won't be out there, yet hikers don't always abide by the rules and could cause conflict.

Result of conversation: Get a letter out to Fish and Game. Place this back on the agenda once we hear back from them. Ensure trailheads are posted. When we are ready for response, issue to Council.

In conclusion, regarding banning hunting on Broken Ground (though a good portion of these trails are not on City property), the Commission would like to pursue following up on this incident before making any recommendation to Council regarding banning hunting on any of the trails.

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

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

Ms. Fenstermacher will send out a date and time for the meeting, and can email the templates for review if needed.

*b. Conservation Preserves:*

This item was postponed to a future meeting pending an updated spreadsheet from Chris Kane.

*c. Turkey River Watershed Management Plan (meeting w/City staff 1/20/23):*

Staff will be meeting with Michelle Tremblay and Steve Landry in 2<sup>nd</sup> floor conference room at 12:30 p.m. on January 20<sup>th</sup>, a few members of the Commission will attend.

*d. MRGT:*

The City is still waiting on CSX to review the purchase and sales agreement for the rail line property. VHB submitted draft plans for the Gully Hill portion that needs to be review internally. Hoping to start permitting in February for that section, and it will come to this Commission and then the Planning Board. Hoping for construction to commence this summer.

*e. Merrimack River Recreation and Open Space Corridor*

On January 19<sup>th</sup> at 6:00 p.m. at the Concord Community Center Parks & Recreation is hosting a public hearing on visioning for the Merrimack River Recreation and Open Space Corridor, which extends from Kiwanis Park south to Terrill Park, including the Gully Hill agricultural lands. Chair Tardiff encouraged members to attend.

**7. Other Business**

*a. FY2024 Budget:*

The budget was proposed to the Commission. Ms. Fenstermacher recommends not changing anything from the FY23 budget. The proposed Timber Harvest for next year will be the Bunten lot off of Exit 3. There is a significant hemlock stand, and the wooly adelgid has been discovered elsewhere in the City; Ron would like to harvest now before it reaches this lot. Dues line item was over budget because dues went up for NHACC; however, it does balance out within that

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 11, 2022, 7:00 PM

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

account. Monies for the homeless camp clean up project is being done as a separate item, not impacting the Conservation Commission budget. The ranger salary is also under the General Fund. Plowing is only for four parking lots. Councilor Brown asked about the tree replacement fund. Ms. Fenstermacher confirmed that this is a running allotment. Ms. McGregor would like to see us spend the tree money so it is not lost. The new farm lease increases revenues by \$5000.00 per year over the previous lease.

A motion was made by Vice-Chair Owers to approve the budget as presented, seconded by Mr. Chormann. No discussion. All in favor. Motion passes unanimously.

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

Ms. Fenstermacher had a conversation with Danielle Pacik regarding policies and procedures. The City Solicitor was supposed to review a draft of the proposed policy but has been out sick. Highlights of the meeting were unsealing minutes whenever a property (land acquisition) becomes acquired. Planning Division will make a list of those that qualify for unsealing. This list will also be sent to the Clerk's office. The Clerk's office will also be notified when minutes are sealed.

We do not have to vote to approve sealed minutes, simply reviewing is sufficient. The suggestion was made to vote to unseal the minutes when the discussion regarding acquisition of the property is had. The policy will be shared once it is finalized.

*c. Ms. McGregor inquired about seeking a grant to improve public access to trails. The bus system does not provide transportation on weekends. This is a TPAC issue. There is a trail map that has bus stops on it. Ms. Fenstermacher will find this and share it.*

*d. 51 Welcome Drive: Request for the City to remove (Conservation Land) trees around his property. Two trees did split in the windstorm and portions fell into the woods. Mr. Klemarczyk surveyed the site. He did say these two trees posed a potential hazard as they are now damaged; other trees on the property line did not appear to pose a potential hazard. Ms. Fenstermacher went out with a tree removal representative last Tuesday. He quoted the removal cost to be \$3500.00 for cutting them up and dispersing them into the woods. The property does not allow for machinery to assist in the project. Prior visits concluded that the hazard level was not conducive to the City paying to removing them. The concern is that this will start a precedent that the City will remove trees for *potential* hazards.*

The Commission does not recommend action at this point; there is not a great enough hazard to the dwelling to justify the expense. The Commission stated that he could remove those 2 trees at his own expense.

**Adjournment**

There being no further business, Vice-Chair Owers made a motion, second by Ms. Healy, to adjourn the meeting at 8:42 p.m. The motion passed unanimously.

Respectfully submitted,

Alicen Twardosky

Administrative Specialist

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 11, 2022, 7:00 PM

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