

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 8, 2022, 7:00 PM

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

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Stacey Brown, Member Jeff Lewis, Rick Chormann, Katherine Healy, Emily Landry, Alternate Allison McGregor, Alternate Mark Coen

Absent: Member Chris Kane

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

Public: Rebecca Ross
Keith Martel - Liberty Woods (item #2)
Greg Bakos, VHB (item # 3)

Call to Order

The meeting was called to order by Chair Tardiff at 7:03 p.m.

1. Minutes

January 11, 2023

A motion was made by Mr. Coen, seconded by Vice-Chair Owers, to approve the minutes of January 11, 2023. All in favor. Motion passed unanimously.

2. Liberty Woods, LLC requests a [Conditional Use Permit \(CUP\)](#) for disturbance to the 50 ft wetland buffer at 58 Reserve Place in the Open Space Residential (RO) District.

Keith Martel of Liberty Woods presented the application. He explained the proposed site improvements that cause the impacts to the buffers. An existing drainage easement and the wetlands reduce the buildable area, and looking to form a 90-degree angle so that the driveway can have a safe landing from Reserve Place down into the house. They tried to create as big of a back yard while minimizing wetland buffer impacts. This lot was approved under a subdivision in 2005, which showed the proposed driveway in the wetland buffer. Mr. Lewis commented that the plan suggested a culvert along the property line. Mr. Martel clarified that the stormwater is being directed away from the driveway, and a culvert will not be necessary.

Motion by Mr. Lewis, seconded by Ms. Landry, to notify the Planning Board that there are no objections to this plan as presented. All in favor. Motion passed unanimously.

3. VHB, on behalf of the City of Concord, to discuss the proposed Merrimack River Greenway Trail through the Gully Hill fields.

Greg Bakos from VHB was present to share the proposed design on behalf of the City. He summarized that the trail will be shifted further away from the river and will not use the existing farm road as previously proposed. It will be within the 100-year flood plain. The tree line along the river is about 30 feet wide. The lease signed with the farmers took this plan into account. The lot is extremely flat; however, the stormwater flows toward the river. Therefore, they have designed a swale that will capture and prevent water from eroding or covering the path. The path will be 12-foot-wide, paved, and 2,600 feet long. At the City's request, they added several six-foot-wide gravel path spurs to direct access to the river. They will plant trees along the way. A guardrail will be installed along the along

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

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the parking lot and entire length of northern boundary. State permits are limited to a shoreland permit; the plan meets the requirements for a trail exclusion for AoT. Since the plan includes filling within the floodplain, a CUP application will be filed with the City. The fill will consist of the gravel base for the path. Top soil being removed for the path is being transferred to the former farm road and planted upon for restoration. The goal is to go out to bid in late spring. City Engineering hasn't provided a full review of the plans. Mr. Bakos stated their hope for the completion date of this phase to be around September. There is a grant from LWCF for \$275,000, and the Friends of the Merrimack River Greenway Trail has raised \$275,000. Latest estimate is closer to \$700,000.

Mr. Lewis stated that the City should confirm that the guardrails will not be impacted by the snow removal operations by the adjacent property owner.

Mr. Bakos stated that this meeting was only intended to be a briefing and update on the design. The permit applications will be submitted within a couple months. The Commission stated that they do not need to review the plans again as part of the permit process.

4. NHDES Items

5. Reports

a. Trails – Jeff Lewis

At tonight's Trails meeting, there was discussion on activity, vandalism of signs on Oak Hill, and the Swope parking lot expansion which is now complete. A trail steward shared a request to plow the parking lot at Mast Yard. It was explained that this service isn't in the budget and but Ms. Fenstermacher will follow-up with General Services to find out if it is possible to add this since it is more of a pull-off, and could easily be done with a couple of swipes. There are four parking lots that are currently plowed and budgeted for.

At the Trails meeting, Matt Bowser from NEMBA proposed a new trail at Broken Ground. Mr. Lewis reported that Trails Committee members had concerns with wildlife impacts, and recommended that this be evaluated further. The question was raised whether or not this trail should be explored further or is Conservation Commission not interested. Vice-Chair Owers observed that this would add about a mile and a half to Ry's Way trail. Difficulty level would be novice, intermediate. It was clarified that a wildlife study is part of the checklist and happens first. Chair Tardiff thinks this is worthy of discussion but also further study. She also raised concerns that when the property was acquired, the advocates from the neighborhood wanted to protect this land for wildlife, and the additional trails may not be in line with the discussions had at that time. Mr. Chormann asked the Committee to remember the purview as Conservation Commission and not Parks & Recreation; trails are a complement to the conservation land, they should not be given priority over other values.

Vice Chair Owers will inform the Trails Subcommittee that the Conservation Commission is ok with moving forward through the checklist, and they want the wildlife impacts to be studied by a biologist / Fish and Game. Chair Tardiff will go back and look at history on acquisition of the property first.

There is a group hike planned at Swope Park on February 25th.

Trails subcommittee currently has two member and one alternate openings. Judy Weatherbee and Rob

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 8, 2022, 7:00 PM

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

Tallmadge stepped down. The chair of the trails committee is going to reach out to alternated Erin Waters to ask if she'd like to be promoted to full membership. Aaron Monier, Christi Benney, and Rebecca Ross have expressed interest in the committee. Vice-Chair Owers feels there is a conflict of interest with trails across land owned by Ms. Ross and her family. Rebecca feels there are conflicts with most volunteers on committees, they serve because they love the city. Her education and position will not compromise how she serves and she will recuse herself whenever needed. Mr. Chormann would like to see letters of interest from Aaron and Christi. Vice-Chair Owers recognizes Trails is an advisory committee, making him more comfortable with the potential conflicts of interest he pointed out prior regarding Ms. Ross.

Ms. Fenstermacher will email the request for letters of interest from those that haven't submitted one.

Deferring on Christi Benney, Mr. Lewis motioned, seconded by Mr. Chormann to approve Rebecca as a full member of the Trails Subcommittee and Aaron Mornier as an alternate. All in favor. Motion carries unanimously.

b. *Forestry Report (attached to agenda)*

c. *Tree Committee (linked to agenda)*

Ms. Fenstermacher announced the Penacook residence's possibility in taking part in the sustainable tree program. Letter should go out in the next week or so. The committee talked about ideas regarding improved education for property owners. They have planned an event for May 16th at 6 pm, on National Love A Tree Day, at the Community Center. Liz McKinley from Division and Forest and Lands offered to teach a class including about planting bare root trees, and will planting a tree at Keach Park. The committee is considering getting trees to give out. Ms. Healy suggested raffling off some trees. Next meeting is the 24th @ 8 am.

Regarding grants, we are still waiting on the federal government to tell the State how the money can be spent. The grants will be administered through the Division of Forest and Lands.

d. *Local River Advisory Committees*

i. [UMRLAC 2022 Annual report](#)

Mr. Coen stated that he has spoken to a resident, Sonny Hunt, who may be interested in filling one of the two positions that are open.

6. City Open Space and Easements

a. *Dimond Hill Farm – requesting funds for feasibility study*

NH Preservation Alliance is working a feasibility study to understand what measures need to be taken to adequately support farm operation and the preservation of the buildings, and is seeking contributions from all of the partners. A motion was made by Mr. Coen, seconded by Mr. Chormann, to appropriate \$1,500.00 for the feasibility study. All in favor. Motion passed unanimously.

b. *Summary of Easements*

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 8, 2022, 7:00 PM

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

Ms. Fenstermacher handed out a report. There were no new issues found. On the Richard Nault easement, previously identified homeless camp was cleaned up. Manchester Sand and Gravel camp has also been cleaned up. Walmart has an active camp so that cleanup was not completed. Ms. Fenstermacher will send out letters in March and send Mr. Matson out to follow up in May. Homeless camp at Locke Road has been cleaned up. Concord Police Department is monitoring the area.

- c. A request was received for the Black Ice Hockey fireworks to be moved to the Gully Hill Field. City Manager's office is reaching out to them and questioning whether or not they can be moved to Everett Arena or other location. Concerns were raised that the Gully Hill fields will be wet in March and any equipment for the fireworks could cause damage. In addition, any debris, gunpowder, or other substances may impact the soil. Ms. Fenstermacher also just found out that the fireworks during Midnight Merriment are also done there. There is nothing in the lease that allows for the fireworks. Commission members recommend that Ms. Fenstermacher reach out to the farmer to find out if this is acceptable. Depending on his response, this should be applied to Midnight Merriment as well. There needs to be consistency in this use, yes or no with no exceptions.
- d. Item Snowmobile permits: No one objects to renewing these permits, all of them.

7. City Council/Planning Board

- a. *Referral from City Council* – [Request to ban hunting at Broken Ground Trails](#) follow up

Ms. Fenstermacher spoke with Becky Fuda, Deer Project Coordinator from Fish & Game to follow up on the discussions from the January meeting. Ms. Fuda said that what the hunter did is not illegal. She feels it is an isolated incident, it is not something they hear about often. Regarding the Commission's request to determine who the hunter is based on where the deer was tagged, Ms. Fuda stated that the tags are city-wide; therefore, it cannot be determine who the hunter was. She did reach out to a hunter who lives in that area, and based on her discussion, does not believe he was the person. It is not an enforcement issue; therefore, there is not more they can do. She did confirm with the hunter education coordinator at Fish & Game that hunters are taught to not leave entrails on trails, and other etiquette and safety. She offered to help with language for educational signage. Chair Tardiff states that we need to follow up with City Council since it was a referral.

A motion was made by Mr. Coen, seconded by Mr. Lewis, to decline the recommendation to ban hunting at Broken Ground. All in favor. Motion passes.

Ms. Fenstermacher will write something up for City Council. Ms. McGregor would like signs reviewed to be sure there is a phone number to call for any violations.

8. Follow-up / On-going Items:

- a. *Conservation Easement Standard Templates*

There was a work session held, Ms. Landry is working on revising a template and will forward for review and further work.

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 8, 2022, 7:00 PM

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b. Conservation Preserves

Awaiting an updated spreadsheet from Mr. Kane.

c. Turkey River Watershed Management Plan

Ms. Fenstermacher will be submitting a report to Council asking them to accept the Management Plan, but wants to know if it should be done “in support of” or “on behalf of” the Conservation Commission. Ms. Fenstermacher is given the blessing of the Commission to include them.

d. MRGT (refer to item #3)

9. Other Business

- a.* Councilor Brown introduced an item regarding Swenson Granite. She stated that it appears that Swenson Granite may be applying for an alteration of terrain to expand operations. Councilor Brown is going out on Friday to take a look at the area with adjacent property owners to view concerns the abutters raised. Councilor Brown states there are complaints of constant blasting and improper disposal of waste water from the operations. Ms. Fenstermacher stated that if this is a potential Code violation, Councilor Brown should address Code with this concern, and not take the matter on herself.

10. Non-public Session

At 9:03 p.m. Vice-Chair Owers motioned for a non-public session, seconded by Ms. Healy for the discussion of the acquisition of conservation property in accordance with RSA 91-A:3, II(d) and consideration or negotiation of pending litigation filed by and against the City under RSA 91-A:3, II (e). The motion passed unanimously with a role call as follows:

Emily Landry, in favor
Jeff Lewis, in favor
Katherine Healy, in favor
Mark Coen, in favor
Vice-Chair Jim Owers, in favor
Allison McGregor, in favor
Rick Chormann, in favor
Chair Kristine Tardiff, in favor

At 10:01 p.m. Mr. Lewis motioned to exit the non-public session, seconded by Vice-Chair Owers. The motion passed unanimously with a role call as follows:

Emily Landry, in favor
Jeff Lewis, in favor
Katherine Healy, in favor
Mark Coen, in favor
Vice-Chair Jim Owers, in favor
Allison McGregor, in favor
Rick Chormann, in favor
Chair Kristine Tardiff, in favor

Mr. Lewis made a motion, second by Mr. Chormann, to seal the minutes per RSA 91-A:5, IV. The motion passed unanimously with a roll call vote as follows:

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 8, 2022, 7:00 PM

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

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Jeff Lewis, in favor
Katherine Healy, in favor
Mark Coen, in favor
Vice-Chair Jim Owers, in favor
Allison McGregor, in favor
Rick Chormann, in favor
Chair Kristine Tardiff, in favor

Adjournment

There being no further business, Chair Tardiff made a motion, second by Vice-Chair Owers, to adjourn the meeting at 10:09 p.m. The motion passed unanimously.

Respectfully submitted,

Alicen Twardosky

Administrative Specialist