

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

March 8, 2022, 7:00 PM

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

Attendees: Chair Kristine Tardiff, Councilor Stacey Brown, Members Jeff Lewis, Chris Kane, Emily Landry, Alternates Allison McGregor and Mark Coen

Absent: Vice-Chair Jim Owers, Members Rick Chormann and Katherine Healy

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

Public: Tom Tetreau, Stantec
Albert Richards, Resident
Jeremy Smith, Resident
Jeff Merritt, Granite Engineering
John Wichert, Granite Engineering
Amber Brouillette, Sunfox Farm
Greg Pollock, Sunfox Farm
Alex Green, Eversource
Ashley Friend, Eversource
Nicole Martin, VHB

Call to Order

The meeting was called to order by Chair Tardiff at 7:01 p.m.

1. Minutes

February 8, 2023

A motion was made by Mr. Lewis, seconded by Ms. Landry, to approve the minutes of February 8, 2023 with the revision that under the Trails report, the second paragraph begin with “At the Trails meeting” and the second sentence clarify that “Mr. Lewis reported.” Mr. Lewis asked that the motions and roll calls from the non-public minutes be listed as well. Ms. Landry would like the word “believe” inserted so that the line reads as “reached out to a hunter who lives in the area and does not believe...” All in favor. Motion passed unanimously.

2. Conditional Use Permit (CUP) applications by Amoskeag Beverages for disturbances to wetland buffers and the Shoreland Protection District as part of Major Site Plan approval for construction of a new 5,000 sf building and associated parking and drainage improvements at 138 Hall Street.

Jeff Merritt and John Wichert (Granite Engineering) presented the application. This project is not an expansion of property but a redistribution and reorganization of it to solve an issue with having one loading dock, causing a bottleneck. The contractors are taking the opportunity to reorganize the fleet storage and parking as well. There is no frontage on the river but the Shoreland Protection District associated with the river is on a portion of their property on the east side. The 75-foot buffer is the edge of Hall street and not on their property. There are a few wetland areas that flank the property. The applicant is proposing work within the 100-foot Shoreland buffer; portions of the buffer are already developed. Part of the project will be a massive improvement for storm water management. The building was originally built in the 60’s and added onto in the 80’s, leaving current conditions not meeting today’s standards. What is being done presently would be an improvement. Mr. Kane referenced the increase in impervious space. They have to go to Bow, Concord, and the State for the stormwater aspect of this application. The drainage will run south, then west, into a mitigation pond,

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and eventually into the Merrimack River. Construction begin date is anticipated for early spring 2023. They are on the agenda for the Planning Board meeting March 15th.

A motion was made by Mr. Lewis, seconded by Mr. Coen, to notify the Planning Board that the Conservation Commission holds no objections to this plan as presented. All in favor. Motion passed unanimously.

3. Conditional Use Permit (CUP) applications by Public Service of NH (dba Eversource) for disturbance of a wetland buffer, disturbance of the bluff buffer, disturbance of the flood hazard zone, and disturbance in the Shoreland Protection District for the replacement of utility poles along the C189, M108, and G146 lines, between Farmwood Road and Garvins Falls.

Tom Tetreau (Stantec) and Ashley Friend (Eversource) presented the application. The current poles in place are deteriorating. The poles under this application are in the same right of way as the P145 line, which is currently under construction; therefore, the contractors are making every effort to minimize the amount of time they are in the right of way and start work on these poles using the same access. Chairman Tardiff addresses the height of the poles and the visual impacts they may have. Mr. Tetreau stated that where there is an increase in height of the poles, it won't be more than 20 feet and is based on clearances. Visual impacts have not been officially analyzed. Ms. Friend reported that they do factor in visual impacts within a half mile of historic properties. They have filed a request for project review with the Department of Historic Resources. They received word back that there is no adverse impact. Regarding the handful of vernal pools noted and work adjacent to Turtle Pond, Mr. Tetreau stated that the construction follows Fish & Game practices to protect turtles and wildlife. Pole replacement on this line is anticipated for July 2023 but possibly the fall. The permits should be in hand around June – July from the State and federal level. The end of construction is anticipated to be early spring of 2024.

A motion was made by Mr. Lewis, seconded by Ms. Landry, to notify the Planning Board that the Conservation Commission holds no objections to this plan as presented. All in favor. Motion passed unanimously.

4. **NHDES Items**

- a. Nicole Martin (VHB) represented a Wetlands Permit Application by Public Service of NH (dba Eversource) for the proposed utility maintenance along the 115-kV V182 and F139 Electric Transmission Lines, between the Canterbury town line and Farmwood Road substation. Ms. Martin stated they are hoping to apply with the City for a Conditional Use Permit and DES for a dredge and fill permit in the coming weeks. The purpose of this meeting is to see if the Commission has any feedback or questions that can be addressed prior to the application being submitted. Ms. Martin gave a project overview. The company is updating their equipment to meet current utility standards, and anticipate beginning in June or July 2023 and run into winter of 2024. They foresee about 2.9 acres of wetland impact. Timber mats will be used. Natural Heritage Bureau, NH Fish & Game, US Fish and Wildlife Service have all been coordinated with. Other coordination has happened with Upper Merrimack Local Advisory Committee, and NH Division of Historical Resources. VHB will go back out to verify the potential vernal pools in June and July to evaluate the level of life. Army Corps reviewed the application. Reports came back as “may effect” for some species. This is being addressed. The full application will be submitted as well as a CUP. Chairman Tardiff would like the vernal pool duration of the

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impact to be addressed. Eversource is going to attempt to meet a mat timeframe as close to one growing season to minimize the impact. Mr. Lewis feels it should be presented again when the application is submitted. Ms. Friend would appreciate any follow up as soon as possible to avoid lengthening the application process.

5. City Open Space & Easements

- a. Greg Pollock and Amber Brouillette from Sunfox Farm are seeking to obtain a permit to host a sunflower festival August 12th through 20th at the Gully Hill fields. Parking has been coordinated with NHTI with shuttles delivering public to the event. The event is anticipated to host twenty vendor spots, porta potties, an 30x60 foot event tent. Under this tent is where there will be a small stage with local musicians throughout the day on weekends. A small generator will be needed. Food vendors (3) are anticipated. Expecting 7,000 to 10,000 people. The sunflower field will be on the river side. The representatives are splitting the lot into three planting sections, providing a three-year rotation on the property. There is anticipated to be 20 acres of sunflowers this year, with a trial period of oil seed pumpkins and corn for cornmeal in the other areas. The rest of the area would be cover crops such as white clover. An area of cover crop fields will be mowed down before the festival to accommodate the vendors and tent. Pets will not be allowed due to the population and liability it brings. Construction of the adjoining trail and six to eight car parking lot is brought up. Ms. Fenstermacher stated that this parking lot development will begin after the event takes place. The hosts are keeping the event simple this year to get on their feet and learn the property. They have secured 20 parking spaces at 6 Loudon Road and anticipate using some of those spaces for handicap parking. The festival timeframe is focused around the blooming of sunflowers. Festival entry will be \$10 per adult, children under 10 are free. Weekdays it is \$8. They will be open 10 to 6. They intend to incorporate farm to table dinners during the event, beginning at 6 p.m. and ending around 8:30, with seating for 30 people. The sunset should accommodate the lighting for the most part and be complimented by battery powered lighting where and when needed. Ms. Fenstermacher reported that Ms. Pacik (Deputy City Solicitor) wanted the Commission to know Sunfox Farm applied is requesting BYOB alcohol use as part of their permit just for the dinner time. They are collecting trash in bins, each night cleaning them using their truck. Damage and compression have been addressed. They are working on options for the busses to be able to turn around to exit without reversing. Mr. Pollock is hopeful that this festival will bring business to the surrounding companies. Concern was brought up regarding people parking in the surrounding parking lots rather than utilizing the NHTI shuttles. Beth will email Central NH Bicycle Coalition regarding the use of their mobile covered bicycle rack structure for parking to encourage this mode of transportation. This event will be rain or shine. Anticipate 350 cars per day on the weekends, but on the weekdays, maybe 5-10 cars at any given time. The leased 6 Loudon Rd parking would host weekday parking. There will be about ten support staff and twenty vendors. Councilor Brown will reach out to Terry Page of the CAT bus system about promoting public transportation for the event. This event application is required to be a yearly process, so there is opportunity to address lessons learned when they apply again next year. Parking is the biggest logistical hurdle at this point. Mr. Lewis would like to cap / limit the number of vendor trucks for the first year. Mr. Pollock foresees the vendors walking their tables out to their set up spot but a handful of food vendors / trucks would need to drive on the field. Miscellaneous, inconsistent vehicle possibilities would be for porta-potty maintenance, trash pickup and public monitoring. Ms. Brouillette is working to coordinate services from the Concord Library, possibly as a vendor. Chairman Tardiff would like to regroup with them after the event to see their thoughts on how it went.

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Following up on the discussion from last month, the proposed fireworks for the Black Ice Event are not going to occur on the field due to potential for soil contamination. They will be lit off from the Everett Arena parking lot.

Mr. Lewis cautions that they are underestimating how many people will show up to the sunflower festival and they really think through parking carefully. The sunflowers are scheduled to be planted in June. Ms. Fenstermacher will coordinate with farmers once the greenway trail is planned to mark out the limits of the trail so they now the area to plant seeds and to avoid impacts.

Mr. Lewis motioned, seconded by Ms. Landry, to recommend approval of the event as proposed with the limitations in place regarding vehicular activity on the field limited to only vendors. All in favor. Motion passes unanimously.

b. Request from Second Start School to place bird boxes on Morono Park property

Ms. Fenstermacher shared a request from a science teacher at the school, whose class is working with the Audubon Society. They would like to place bird boxes as part of their study within the trailed areas, an alternate habitat for bird species, to encourage some that they haven't seen in a while to habituate. These areas will be monitored by adults and students, with students doing reports on their findings. They will share their data with the Commission. The State has an easement on this property. Ms. Fenstermacher reached out to them and they have no concerns. The Commission did not have any concern with the request.

c. Ms. Fenstermacher shared a request through Ron Klemarczyk from Jolene Kimball, a private property owner, who is requesting temporary access to private property via Long Pond Rd/Little Pond Rd logging road. They are trying to avoid creating another logging yard. The City's property is watershed land and we have an easement on St. Paul's school land. Ms. Fenstermacher spoke with Marco Philippon at the Water Department, and he has no concerns. Timeframe is unknown but anticipated to be within the summer months. Ron K. said the logger will cut down trees to open the vista, as well as mow the log yard for the City. Mr. Kane voiced concern regarding washing equipment to not spread invasive species before working on the land. Ms. Fenstermacher will address this. The Commission did not have any concern with the request.

d. Ms. Fenstermacher shared a request from NHACC to host a wetland training at Locke Road. Registration for this is already open for Friday, May 19th at 4 p.m. There will be field stations set up that feature functions, etc. Chairman Tardiff asked for the City to barter for a couple spots for Commission attendees. Chairman Tardiff asked that in the future they ask permission prior to publicizing the event. The Commission did not have any concern with the request.

e. Ms. Fenstermacher shared a request from UNH Professional Development & Training to host four soil science/wetlands workshops at Broken Ground: May 19th, June 9th, 13th, and 19th. They've been granted permission from the Conservation Commission in past years. The event coordinators will encourage people to squeeze into the parking areas and carpool. Again, Chairman Tardiff would like the City to barter for spots to attend as sponsors. The Commission did not have any concern with the request.

f. Update on Richards Community Forest

Albert Richards is in attendance, as well as Jeremy Smith, a neighbor that uses that property. Ms. Fenstermacher updated the Conservation Commission on the potential of expanding the trails

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onto the Richards' property. A prior conversation happened in 2022 to discuss concerns both parties had. The City's concerns were the extensive wetlands and the deed stating wood removing and safety of those utilizing the trails. Ron wants to go out in the Spring to flag a proposed loop. Once we have worked with the family to get assurance that David Richards (Albert's brother) won't be back out there, we will begin phase one. Concern was raised regarding ATV use out there. Ron placed signs out there. Chairman Tardiff suggested looking at location and naming of the trails with Mr. Richards when the snow melts. Mr. Lewis addressed the wetland logistics and bridges and consideration taken for maintenance of the trail(s). Mr. Richards pointed out the best location to host the trail. Another phase can be done in the other portion of the parcel once the logging is confirmed to be done. The Forest Society holds an easement on the parcel and will need to be consulted as well. There is concern regarding bridges that have been placed with no one knowing who did them. Once snow melts and Ron is available, a site visit will be scheduled.

- g. Ms. Fenstermacher shared a request from 3 Farmwood Rd to removal a total of five potentially hazard white pine trees that the owner would like to cut. Three are right on the boundary line so technically he owns 1/2 of each tree. Of the three, one is about 24 inches in diameter and leans toward his backyard. It also contains the remnants of an old treehouse as evidenced by the abundance of nails sticking through rotted pieces of lumber about 8 feet up the trunk. The next one is about 20 inches in diameter and the third one is about 14 inches diameter. All three have wire fence grown into the trunk. The other two consist of a 16-inch diameter forked pine that is partially split at the fork and the other is a dead 12-inch diameter pine. Those two trees are on City land. The site has a history of blowdown which probably started with the Farmwood Road development. Whereas the owner (Jared Libby) is removing almost all of the trees in his backyard area, those stems will become more susceptible to blowdown. Ron did not see any reason why he shouldn't be allowed to cut them.

As long as the property owner is paying for the work, the Conservation Commission is fine with the removal of the trees.

6. Reports

a. Trails – Jeff Lewis

No trails meeting tonight. Chair Scott Daniels has decided to resign. One more resignation is anticipated. An agenda item for next month is to evaluate the nomination procedure / process. The Commission should evaluate whether the trails committee is functioning the way Conservation Commission intends. Possibility was broached of having one of the Conservation Commission members chair the Trails Committee. Jeff has been the liaison between the Commission and Committee thus far. Ms. Fenstermacher stated that the Deputy Solicitor was looking into whether City Council should be appointing the Trails Committee members when they make decision for City property, managing and maintaining trails, and representing the City as boots on the ground. Chairman Tardiff will attend the Trails meeting in April to act as Chairperson and evaluate how it is functioning. Mr. Lewis feels it would be beneficial to voice critical things they should be doing, possibly using the Trails Master Plan as a guideline. Mr. Lewis stated there should be follow up with new members, and others that expressed interest to join. Ms. Tardiff will follow up on this.

b. Forestry Report (attached to agenda)

c. Tree Committee (linked to agenda)

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Ms. Fenstermacher highlighted Arbor Day plans for April 28th, confirmed this morning. Kimball Park is in the running due to proximity to the Boys and Girls Club. It is during school vacation week as an outreach to children. There will be an educational event on May 16th at Keach Park, led by Liz McKinley from Division of Forest and Lands, focusing on how to plant bare root trees and containerized trees. They are working on their annual report, hoping to highlight successes to support General Services budget request for \$10,000.00. Working on a tree champion award.

d. Local River Advisory Committees

Jessica Shultz is interested in doing UMLAC. She will attend next week and determine if she would like to be nominated. Mr. Coen has another nomination (Sonny Hunt) for the Contoocook North Branch LAC; he will let us know if interested.

7. City Council / Planning Board

Nothing new to share.

8. Follow-up / On-going Items:

a. Conservation Easement Standard Templates – Ms. Fenstermacher will send out proposed dates for another meeting.

b. Conservation Preserves

Richards land (mentioned above) working with the family to sign the area in regards to the family, possibly at the trailhead. Update the ones already there.

c. MRGT

Ms. Fenstermacher provided an update on the acquisition of the northern rail line from CSX. NHDOT is currently coordinating with CSX so that the acquisition can move forward without starting over.

9. Other Business

a. HB 2 and HB 655

Ms. Fenstermacher announced the budget removed and House bill to defund (34) boards. Ms. Fenstermacher will send a link to the Conservation Commission explaining this in detail. It is encouraged that individuals submit their opinions regarding their objections. The Commission will also submit an objection letter. Discussion would ensue regarding thoughts on this. Then those thoughts would be summarized in a letter. Mr. Lewis and Mr. Kane will work together on composing the letter tomorrow or Friday for submittal on Monday. Chair Tardiff will put it on letterhead for submittal. The letter should include mentioning of...easements and how they would have to be rewritten, licensed foresters, scientists, City Planner (Staff), landscape architects and the expertise needed in those positions. A motion was given by Ms. Landry, seconded by Mr. Coen to formulate a letter to be submitted in opposition of this House bill. All in favor. Motion passed unanimously.

b. Ms. Fenstermacher announced a “Saving Special Places” conference in April. There is money in the budget if anyone wants to attend. Email Ms. Fenstermacher and coordinate registration. Chairman Tardiff encourages early registration to maximize workshop options.

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10. *At 9:49 pm Mr. Lewis motioned for a non-public session, seconded by Ms. Landry for follow up discussion regarding the acquisition of conservation property in accordance with RSA 91-A:3, II(d). The motion passed unanimously with a role call as follows:*

Jeff Lewis, in favor
Mark Coen, in favor
Chris Kane, in favor
Emily Landry, in favor
Allison McGregor, in favor
Kristine Tardiff, in favor

At 9:54 pm Mr. Lewis motioned to exit non-public session, seconded by Mr. Kane. The motion passed unanimously with a role call as follows:

Jeff Lewis, in favor
Mark Coen, in favor
Chris Kane, in favor
Emily Landry, in favor
Allison McGregor, in favor
Kristine Tardiff, in favor

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

Jeff Lewis, in favor
Mark Coen, in favor
Chris Kane, in favor
Emily Landry, in favor
Allison McGregor, in favor
Kristine Tardiff, in favor

Adjournment

There being no further business, Chairman Tardiff made a motion, second by Ms. McGregor, to adjourn the meeting at 9:55 p.m. All in favor. The motion passed unanimously.

Respectfully Submitted,

Alicen Twardosky

Administrative Specialist