

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING MINUTES June 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 Jeff Lewis, Chris Kane, Katherine Healy, Emily Landry and Rick Chormann, Alternates Mark Coen and Allison McGregor

Absent: None

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

Public: Brian Blackden, Grange  
Rita Matott, Tom Walton Trail  
Rebecca Ross

**Call to Order**

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

**1. Minutes**

*May 10, 2023*

A motion was made by Mr. Kane, seconded by Mr. Chormann, to approve the minutes of May 10, 2023. All in favor. Motion passed unanimously.

**2. Brian Blackden from the Grange (tree lighting ceremony fireworks) along with a representative from Atlas Fireworks, to follow up on fireworks decision at Gully Hill.**

Mr. Blackden brought a report showing research that the Commonwealth of Massachusetts did regarding the chemical Perchlorate out of concern of contamination of the land. As a result, Atlas set up best management practices at all of their firework shows. The State of NH has these practices in their regulations already. Debris is all cleaned up the same night under the supervision of the Fire Marshall's office. A rain fall / winter dissolves any remnants. In the south, Perchlorate produces itself indicating it is a natural substance. Mr. Blackden reports the EPA does not find any health concerns or risk in drinking water from Perchlorate. The event would be during the tree lighting event.

Councilor Brown asked Mr. Blackden about alternatives to a firework display, being sensitive to veterans with PTSD and wildlife that are impacted by fireworks, such as a drone display. Mr. Blackden stated this has been considered but is highly regulated by the FAA. There are many restricted zones in Concord due to the proximity to the airport and State House. Mr. Blackden also looked into a laser light show but visibility is nonexistent if it rains, whereas fireworks are still visible.

Mr. Lewis is averse to hosting fireworks on the conservation land. He also poses the thought that we would have to consider this outcome for any future applicants and the precedent this allowance could make. Ms. McGregor concurs with Mr. Lewis's sentiments.

The Commission made suggestions of other locations such as the parking lot of the State offices, landfill, Memorial Field, and Everett Arena. Mr. Blackden said they've looked into the Everett Arena, but, as with all locations, it is imperative that the diameter in every direction measure 420 feet from anything.

Chair Tardiff would like to share the supplied resources / information with the farmers (Lessees of the property) for their input. The Commission is aware that Mr. Blackden begins organizing for this in September and will work judiciously to reach a decision. It will be placed on July's agenda to allow

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING MINUTES June 14, 2022, 7:00 PM  
City Hall, 2<sup>nd</sup> Fl Conference Room, 41 Green Street

time to receive the feedback from the current Lessees.

Ms. Fenstermacher will also provide the lessee with the contact information for Matt from Atlas if he would like to talk to them directly.

The consensus of the Commission is that they do not feel confident that the chemicals from the fireworks would not impact the soil and future growth, especially if the property's goal is organic production.

3. City of Concord requests review of the following applications for the proposed Canal Street Riverfront Park, at 11 Canal Street.
  - a. Conditional Use Permit Application for disturbance within the Shoreland Protection District and Floodway for construction of walkways, two scenic overlooks, minor earthwork and landscaping.
  - b. NHDES Standard Dredge and Fill Wetlands Permit Application – minor project impacting less than 200 lf of watercourse shoreline for construction of decking.
  - c. Shoreland Permit Application

Ms. Fenstermacher did an overview of the project for the Commission. GPI did the design for this project. There are no endangered species of wildlife or plants. The parking lot will not be impervious at this time because the City does not have the equipment to maintain it. Part of the runoff will be returning to the City drainage. There is an existing cap placed to limit disturbance of the underlying contaminated soils, which limits grading and infiltration on the site.

Mr. Lewis asked that the Commission be consistent with their standards, aligning what is expected from the City to what is expected from developers and applicants. Mr. Chormann brought up an example regarding the lighting and how it could attract unwanted insects. Chair Tardiff considered whether the stormwater standards are being met, if not exceeding their current condition. This project has undergone a full review with the Engineering Department.

On a motion made by Ms. McGregor, seconded by Mr. Kane, the Board voted to recommend approval of the CUP, and indicate no comments on the DES permits. All in favor. Motion passed unanimously.

4. Kalapa Realty Trust, LLC requests a Conditional Use Permit for disturbance to a wetland buffer associated with Major Site Plan approval for a restricted residential development consisting of attached condominium units, along with at 61 Borough Road. (Club 55)

Ms. Fenstermacher gave a brief overview of this project. The Applicants were at the Zoning meeting next door so could not attend. The application was previous approved; however the previous owner did not move forward with construction, and the approval was revoked. Since the plan approval was revoked, the current owner who now has to go through the whole process again. As part of the previous approval, the Conservation Commission requested it be conditioned on the owner reseeding the disturbed wetland buffer with a native, no-mow seed mix.

Mr. Lewis noted the direct stormwater discharge to the wetlands. He feels the stone apron where the pipe daylight needs to extend to the bottom of the slope or all the way to the wetlands. He recommends the apron design be shown on the plan including how it was sized, and would like the approval to include these stipulations.

On a motion made by Vice Chair Owers, seconded by Mr. Kane, the Board voted to recommend approval subject to Mr. Lewis's comments and that the disturbed area be seeded with a native seed no-mow mix, except for control of invasives. All in favor. Motion passed unanimously.

5. **NHDES Items**

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING MINUTES June 14, 2022, 7:00 PM  
City Hall, 2<sup>nd</sup> Fl Conference Room, 41 Green Street

*(See items 3b and 3c)*

**6. Reports**

*a. Trails -*

i. Broken Ground NEMBA Trail update:

Vice Chair Owers gave an update on the Trails subcommittee's review of the proposal for the NEMBA trail. This property was purchased originally to protect wildlife and recreation. There is no Conservation Deed on the property where the trail is proposed. Review of this project began last month. The subcommittee voted to advance the proposal to the Commission for consideration. Mr. Lewis suggested another site walk and obtaining public input. Chair Tardiff would like to get a package together to include the checklist, research from Dan Geiger and from Fish and Game, minutes from the two meetings, answers to what funds were set aside, etc. for the Commission to review before next month's discussion. Vice Chair Owers will forward Ms. Fenstermacher the email correspondence from Fish and Game to distribute with the other information to Commission members.

Ms. Ross voiced concern over representation being reflected accurately when presenting projects.

Ms. Fenstermacher will send out a doodle-poll to set a site visit date and time. She will aim for early morning. She would like to wait for Mr. Klemarczyk to be back.

Chair Tardiff asked Vice Chair Owers to consider the possibility of perceived conflict with Vice Chair Owers voting.

ii. Richard's Community Forest Trail

Mr. Lewis stated that he is working on the criteria checklist, and will set up a site walk.

iii. Request to name a trail off Broad Cove Road in memory of Tom Walton

Ms. Matott spoke with Mr. Lewis on the phone prior to this meeting. She reviewed her relationship with Tom Walton and the attributes that make him a candidate for this tribute. He was a school teacher for many years. He was a light and brought life to many people of all ages. He was a man of the community. She would love to see a simple tribute in the Mast Yard parking lot. She is open to suggestion on what it looks like. Mr. Lewis stated that the Concord Monitor posted an article testifying to what Ms. Matott presented. Mr. Lewis would like to see the ideas of those that want to see this happen, rather than coming from the Commission. Councilor Brown suggested a picture of Tom with his kayak and a brief write up in the kiosk in the parking lot, like the one at Rye's Way.

Chair Tardiff proposed Ms. Matott meet with Mrs. Walton and bring back ideas of what they would like to see posted in the kiosk. Councilor Brown asked if a rock in the parking lot could host a plaque. Chair Tardiff pointed out that this would not be an isolated request.

iv. Request to place bench on Swope Park trail Penacook Lake overlook

The employees of The Works Café would like to place a bench, replacing the existing one, with a small plaque honoring the owner. They went to Five Rivers (Easement Holders) first, who then forwarded it to Conservation Commission with recommendation.

Vice Chair Owers motioned to place the bench. Mr. Kane seconded.

Mr. Coen fears this could temper the process the City has for naming honorees and placing

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING MINUTES June 14, 2022, 7:00 PM  
City Hall, 2<sup>nd</sup> Fl Conference Room, 41 Green Street

landmarks under the Facilities Naming Committee. Ms. Fenstermacher asked if the benches at the golf course were voted on to try and establish a path of consistency. Chair Tardiff stated the bench wouldn't be placed on maps like trails are. Ms. Fenstermacher found that memorial benches within parks are approved through Parks and Recreation. They evaluate size and design. There is a one-page application online.

Mr. Kane asked if the Commission knows what will be on the plaque. Ms. Fenstermacher read a general idea from the request.

Vice Chair Owers withdrew his first motion.

Ms. McGregor motioned, seconded by Mr. Chormann, to place the 60 x 35 bench. All in favor. Motion passed.

The Commission will ask for the language on the sign before voting on the plaque.

This agenda item will be added to the July meeting.

v. Request to eliminate parking lot on Currier Road

Ms. Fenstermacher gave a brief update, the request from Mr. Marro was previous forwarded to the Commission. An abutter has posted his own cameras on his property that are directed towards this parking lot on City-owned land. He sends pictures to Ms. Fenstermacher and the Police Department daily. He requested the parking lot be created but now does not want it out of fear of illegal activity. His attorney was notified by the City attorney that it was being built.

The parking lot went through the regulations of the State because it is off a State road. There are signs posted that the area is under surveillance.

Chair Tardiff will call the abutter to try and address his concerns. Consensus of the Commission is that this parking lot is not being closed.

vi. Discontinued portion of District 5 Road

Ms. Fenstermacher gave a brief overview. A settlement was registered at the Merrimack County Registry of Deeds. The City will put up signage at certain locations clarifying the allowed uses, per the settlement agreement. They are awaiting agreement from the Woodards regarding the language of the signs. Ms. Pacik (Deputy City Solicitor), Mr. Klemarczyk (City Forester), and Ms. Fenstermacher walked the property with the family to pick locations for the signs. Next steps are to create a bypass trail north of the stone wall on City property as public access is required under the grant for the acquisition of the Country Hills property. A goal is to also relocate the West End Farm trail, Ms. Fenstermacher and Ms. Tardiff will be meeting with the Rosses to discuss this relocation and other concerns.

Ms. Tardiff stated that Country Hill Estates property and the WEFT relocation needs to be added to a fall agenda. Vice Chair Owers will forward Mr. Klemarczyk's map plan for the relocation.

b. *Forestry Report* –

The physical report was presented. No discussion.

c. *Tree Committee* –

Tree Committee representatives have been attending the farmer's market. Councilor Brown would like to see another attempt made to host a tree giveaway and education event, maybe

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING MINUTES June 14, 2022, 7:00 PM  
City Hall, 2<sup>nd</sup> Fl Conference Room, 41 Green Street

linked to Mother's or Father's Day. She suggested also providing a card that has a hyperlink or QR code linking the buyers to the instructional video. Possibly promote at the schools.

Chair Tardiff has neighbors that are so excited about the trees being provided under the Sustainable Tree program.

*d. Local River Advisory Committees –*

Jessica Schultz's information has been shared with Michelle. Michelle sent a link of grants. With limited Staff this year, maybe next year will be an option.

**7. City Open Space & Easements**

*a. Consideration of request from Five Rivers to transfer funds for maintenance  
(postponed to July pending additional info from Five Rivers)*

*b. Request from Sunfox farm regarding future events at Gully Hill fields*

Greg and Amber are asking to place their camper on the property during the Sunflower Festival event for security purposes.

There will be a meeting the Monday after the first weekend (Code, Fire, Conservation Commission) to see how things worked.

There are no objections to permit approval for this year.

Their other request is to host their wedding there on a different occasion.

There are no objections to permit approval for this year because they are lease holders. This will not develop into an event space.

Ms. Fenstermacher will notify the Code Administrator of the decisions so that they may go through the event permitting process.

**8. City Council / Planning Board**

Councilor Brown reported that there will be an assessment of Memorial Field as well as a feasibility study for a bridge park over the highway between exits 13 and 14.

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

*a. Conservation Easement Standard Templates*

Ms. McGregor is working on the template with Ms. Landry. Discussion will happen in the coming months.

*b. [Conservation preserves](#)*

Due to time, this discussion was postponed to July to consider adopting what it covers. Mr. Lewis suggested adding a GIS layer and map appended to a 1-2 page summary with the spreadsheet, to present to Council. Make this a higher priority on the agenda next month than conservation easement discussion.

*c. MRGT*

Mr. Kane stated there will be a triathlon August 27<sup>th</sup>. Mr. Kane spoke on a recent site visit to determine how the trail will continue south of the Exit 13 development. The original layout is too steep; however a suitable alternative was identified, but follow up with that private property owner is

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING MINUTES June 14, 2022, 7:00 PM  
City Hall, 2<sup>nd</sup> Fl Conference Room, 41 Green Street

required.

*d.* Potter Farm Easement

This project is at the stage where a public hearing is needed to appropriate the funds and recommend the Deed be signed by the City Manager. Ms. Fenstermacher gave an update on the timeline, which has been delayed due to Staff changes at NRCS and delay in the survey being completed due to weather. The original closing date was supposed to be October, now it may be December. Ms. Fenstermacher is trying to get the City's duties completed so that the process doesn't get held up. The goal is for the July public hearing at the Commission and August public hearing at the City Council meeting. The Easement Deed is being reviewed by Deputy City Solicitor Pacik in the next week. There are questions regarding public access still that need to be discussed, this can occur at the July hearing.

**10. Other Business**

- a.* Chair Tardiff gave a review of the Five Rivers regional conservation planning meeting attended by some of the Conservation Commission members.
- b.* Group Hikes
  - i.* Councilor Brown stated that the hike with Mr. Swope went very well. There was favorable feedback.
  - ii.* Ms. McGregor stated the one she hosted at the Audubon Center went well also. She received feedback that pace was important. The hikes are being well received.
  - iii.* Chair Tardiff hosts in July at Sewalls Falls.
  - iv.* Councilor Brown stated that Morono Trail is a great option for a future hike. Ms. Fenstermacher will ask Mr. Matson to put the signs up on this trail.

**Adjournment**

There being no further business, Vice Chair Owers made a motion, second by Mr. Chormann, to adjourn the meeting at 9:47 p.m. All in favor. The motion passed unanimously.

Respectfully Submitted,

Alicen Twardosky  
Administrative Specialist