

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

July 12, 2022, 7:00 PM

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

- Attendees: Vice-Chair Jim Owers, Members Jeff Lewis, Katherine Healy, and Alternate Mark Coen
- Absent: Chair Kristine Tardiff, Members Chris Kane, Rick Chormann, and Emily Landry, Alternate Allison McGregor, Councilor Stacey Brown
- Staff: Heather Shank, City Planner
Beth Fenstermacher, Director of Special Projects
Alec Bass, Senior Planner
Alicen Twardosky, Administrative Specialist
- Public: Nick Palmisano, CPM Properties
Karen Spencer, CPM Properties
Matt Peterson, Keach Nordstrom
Sawyer Peterson, Keach Nordstrom
Matt Bowser, NEMBA
Nick Holmes, NEMBA

Call to Order

The meeting was called to order by Vice Chair Jim Owers at 6:56 p.m.

1. Minutes

June 1st, 2023

A motion was made by Mr. Lewis, seconded by Vice Chair Owers, to approve the minutes of June 14, 2023. All in favor. Motion passed unanimously.

2. Keach Nordstrom, on behalf of James Palmisano, requests a Conditional Use Permit (CUP) for disturbance of a wetland buffer associated with a Major Site Plan application for construction of a new 144-unit age restricted residential development at 33 Old Loudon Road. Also seeking feedback on a trail connection.

Nick Palmisano (CPM) and Matt Peterson (CPM) represented the application.

An old white house has been razed that existed on the property. Staff asked them to do a trail easement on their property for a trail connection between Portsmouth Street and Old Loudon Road. There is an existing footpath that crosses on to the adjacent property though is not part of the City trail system. The Applicant proposed giving a 15-foot trail easement to the City for future construction of a formal trail.

The drainage for the whole site is captured through four catch basins. The developers are proposing a gazebo and passive recreation areas. They are constructing a retaining wall just outside the wetland buffer. Grading for the retaining wall will create minor temporary impacts, therefore they are asking for a CUP. The total impact equals 2,425 feet. The temporary impact equals 1,141 feet. Erosion control is factored into the plan. Landscape designs were presented. Dark sky compliant lighting is reflected in the plan. Daylighting of the drainage overflows are proposed in two locations just inside the wetland buffer. There are no actual wetland impacts.

Mr. Lewis clarified the design for the trail. Currently it is an informal trail. The trail is not within the power line easement. The trail would follow the existing foot path. Hodges Development on the

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adjacent property to the west would also need to grant an easement to complete the connection to Portsmouth Street. Vice Chair Owers is in favor of this amenity as it was proposed in the Trail Master Plan.

The development is not anticipated to be visible from highway 393. No new variances are necessary at this time. The regulations allow for 165 units but are building 144. The variance was for height and length of the building.

They are on the Planning Board agenda for July 19th. Th July hearing is only for feedback They are seeking approval at the August Planning Board meeting.

Mr. Lewis asked if there would be any disturbance to any endangered species. Cindy Balcius (Stoney Ridge Environmental) will be doing the wildlife study. Mr. Peterson stated there was nothing reported back from the archeological study. Mr. Lewis would like the City to obtain a copy of the wildlife and habitat reports. Mr. Lewis suggested extending the stormwater outflow drainage aprons all the way to the bottom of the slopes to prevent erosion. There was agreement among Members that a slightly greater disturbance to the wetland buffer to ensure protection of the slope was preferable.

Mr. Peterson will double check with his Engineer regarding the dam seen on the plans presented. Mr. Lewis cannot find any record of this in the City's records. Mr. Lewis asked that the City's Engineering Department look into this.

On a motion made by Vice Chair Owers, seconded by Mr. Coen, the Commission members voted to recommend approval of the CUP with Mr. Lewis's comments considered. All in favor. Motion passed unanimously.

3. NEMBA requesting to construct a trail extension within the Broken Ground Trail network (proposal, wildlife info)

Matt Bowser (NEMBA) and Nick Holmes (NEMBA) presented the proposal.

In 2018 they worked with the City on the Ry's Way Trail. Now they are proposing a wooded trail connecting to Nowell Loop, totaling 1.08 miles. There were no threatened or endangered wildlife species that raised concern in the proposed trail area based on the Dan Geiger wildlife report. NEMBA and Jim Owers from the Conservation Commission have met with the Trails Committee to review this trail several times and done a number of trail walks, with one more planned before the end of August.

Vice Chair Owers stated that he will recuse himself from the final vote due to potential conflict since he is working with NEMBA and contributed to funding the wildlife study (but not the logistical votes to get to the public hearing) and suggested a vote be taken to set the public hearing. He noted that a public hearing is not required, though he thinks one should occur. He suggested that the Public Hearing to take place in September.

It was noted that one of the questions previously raised by the Commission is whether or not there was a commitment made during the acquisition of the Broken Ground property to protect wildlife over the desire for recreational development. Vice Chair Owers wanted to provide documentation that there was never a priority given to recreation or wildlife and reviewed reports from the City Planner at the time reflecting that. The other main question was what kind of wildlife existed and the impact it would have. Dan Geiger (Oak Hill Environmental Services) was hired to analyze this. He presented a report of what he found and stated that there would not be a significant impact to wildlife habitats. Fish & Game suggested to seasonally close the existing Marsh Loop trail either permanently or at

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least during breeding months.

The Marsh Loop Trail is not being affected right now. On the whole, there are more hikers than bikers on Marsh Loop and the other trails. Mr. Lewis feels impacts do not increase with bikers versus hikers. He suggested the trail availability be consistent, open or closed. He would like it made clear that the Commission doesn't want to close any trails, just open the one proposed.

Ron Klemarczyk plans to walk this site again with a wildlife biologist from UNH Extension for another opinion. A site walk is being planned for after July 19th.

The Trails Subcommittee did briefly discuss the next steps for this proposal at tonight's meeting. They said the site walk can be scheduled without them, just let them know when it is and those that can make it will show up. Ms. Shank will do a doodle pole to evaluate a good time, probably August. Mr. Klemarczyk and Ms. Shank plan to attend.

On a motion made by Vice Chair Owers, seconded by Mr. Coen, the Board voted to set the public hearing for the September 13th 2023 Conservation Commission meeting. All in favor. Motion passed unanimously.

4. NHDES Items

Nothing new to report.

5. Reports

a. Trails –

Broken Ground was discussed at the Trails meeting.

Richard's Forest was discussed as well. A draft trail evaluation report was put together by Mr. Lewis. Mr. Klemarczyk gave an overview of the proposed trail and conditions. A site walk is scheduled for July 31st for Commission and Trails members. The committees are attempting to schedule it for when the Richards family is available. Mr. Lewis will reach out to Fish & Game in response to the NHB Datacheck recommendation to see if they have wildlife or habitat related concerns.

Mr. Klemarczyk reviewed the trail maintenance he's completed. He plans to have a timber sale this fall. Carl Matson is refurbishing, updating signage, and painting kiosks.

Ms. McGregor is leading a hike on August 12th at Morono Park. The September hike will be led by Mr. Matson, yet to be dated. Ms. Philippe would like a work day to remove bittersweet from Broken Ground Trail. Ms. Fenstermacher would like a work day for maintenance on Batchelder Trail.

Aaron Monier needs to be voted in as a full member. He has volunteered to be the Recording Secretary. He is already acting as a Committee Secretary.

On a motion made by Mr. Lewis, seconded by Vice Chair Owers, Mr. Monier the Commission approved Mr. Monier as a full member of the Trails Subcommittee. All in favor. Motion passed unanimously.

b. Forestry Report –

The physical report was presented. No discussion.

c. Tree Committee –

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There is no July meeting scheduled. In September, the Commission members will be exploring new planting opportunities in the Pembroke Road area, which will be part of the 2024 paving program.

d. Local River Advisory Committees –

Jessica Schultz was supposed to attend a recent UMLAC meeting to be considered for membership, but Ms. Fenstermacher hasn't heard on this.

6. City Open Space & Easements

Five Rivers Conservation Trust wants the City to take over the remaining funds that were set aside for Carter Hill Orchard and Winant Park as part of the original donation of the land. The criteria for the funds are restrictive to the point that the funds have not been able to be disbursed, even for work done on the properties. Five Rivers is still working on the proposal, and will reach out in the coming months.

7. City Council / Planning Board

Nothing new to report.

8. Follow-up / On-going Items:

a. Fireworks at Gully Hill Farm Fields

The Sunfox Farm response was provided to the Commission members.

Vice Chair Owers motioned, seconded by Mr. Coen, to prohibit fireworks on Gully Hill Fields to honor the Lessee's request. As part of the discussion, Mr. Lewis commented that this should be applied to all Conservation properties as this use does not align with the goals of conservation land. All in favor. Motion passed unanimously.

b. Follow up Trail items:

i. Request to memorialize Tom Walton at trails off Broad Cove Road.

No one has heard any further follow up from the original requestor on this since the discussion last month. This is postponed until a future meeting.

ii. Request to place bench on Swope Park trail Penacook Lake overlook (print out provided).

Ms. Fenstermacher presented two versions of the dedication wording. Mr. Coen and Vice Chair Owers feel the business name should not be on the plate. Ms. Shank preferred the second option, but shortened.

The Commission decided the plate dedication should read as follows: "[Header] In honor of Don Brueggemann. [Sub-header] Thank you Don for your unwavering commitment and invaluable contributions to the Concord, NH community."

Vice Chair Owers motioned, seconded by Mr. Coen, to approve the bench and wording as amended by the Commission. All in favor. Motion passed unanimously.

iii. Request to eliminate parking lot on Currier Road - postponed to the August meeting

iv. Richards Community Forest Trail.

Discussed above under Trails Report.

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v. *Discontinued portion of District 5 Road – continued to the Fall*

c. *Conservation Easement Standard Templates – postponed to the August meeting*

d. *Conservation Preserves – postponed to the August meeting*

A physical map was presented to the Commission members. Discussion postponed to August meeting.

e. *MRGT*

Ms. Fenstermacher is anticipating going to bid in August for the agricultural field section. Staff is hopeful to begin construction in the fall. Staff met with the State regarding the CSX portion.

f. *Naming policy / procedure – postponed to the August meeting*

9. Other Business

a. *LUCT Quarterly Report*

The Quarterly Land Use Change Tax report was presented to the Commission members.

Adjournment

There being no further business, Ms. Healy made a motion, second by Mr. Lewis, to adjourn the meeting at 8:13 p.m. All in favor. The motion passed unanimously.

Respectfully Submitted,

Alicen Twardosky

Administrative Specialist