

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 14, 2024, 7:00 PM

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

Attendees: Jim Owers, Members Emily Landry, Rick Chormann, Allison McGregor, Katherine Healy, Councilor Michele Horne, Alternate Mark Coen

Absent: Chair Kristine Tardiff, Vice-Chair Jeff Lewis

Staff: AnneMarie Skinner, Assistant City Planner/Acting City Planner
Krista Tremblay, Administrative Specialist II

Public: Tim Blagden (Concord-Lake Sunapee Rail Trail)
Ron Klemarczyk (Forest Resource Consultant)
Fran Philippe (Trails Subcommittee)
Erin Lambert (Wilcox & Barton)
Rebecca Ross

Call to Order

The meeting was called to order by Jim Owers at 6:59 p.m.

1. Approve January 10, 2024 meeting minutes

A motion was made by Mr. Chormann, seconded by Mr. Coen, to approve the minutes of January 10, 2024. All in favor. The motion passed unanimously.

2. CUP – Lake Sunapee Rail Trail for disturbance to wetland buffer

Tim Blagden, applicant, presented for Lake Sunapee Rail Trail conditional use permit application for disturbance to wetland buffers. They have built a mile and quarter of rail trail. They have an existing trail parking lot at 25 Fisherville Rd between Aranosi Oil and Lad Welding. The trail has been built in several phases. What they are asking for permission to do is finishing going down the line to Carter Hill Rd. There is a mile and quarter on the ground and looking to finish off the other mile and a quarter. Mr. Blagden stated people are using the trail today. It's all on the old railroad grade. Mr. Blagden stated the property at the end is owned by the City of Concord. There is a piece owned by a private citizen that has granted an easement. There is another piece owned by a private entity where the City of Concord has a recreational easement on the railroad grade. They have a license from the City to be there. The last piece is privately owned and there is easement on that property. That is how the 2 ½ miles came to be. There are four pieces of property all pancake flat on the former railroad grade. They are quite close to the great bog on Bog Rd, so while they are quite close to a wetland they are not going into the wetland. The railroad is an impervious surface and has not been maintained for the last 60 years. There are some organics on the impervious surface they would look to scrape off. They would take some trees that have crowded the railroad corridor. Then, they would put down stone dust. They try to have a 10-foot-wide trail surface. They try to clear an extra two feet on either side. This gives people a chance for a rest or to install a bench or kiosk without having to get an additional easement. The easement is typically 30 feet wide and they are using maybe 14 feet of it.

Mr. Owers asked there is a diagram of where the buffer impacts are located?

Mr. Blagden showed where there is a little bit of buffer closer to the trail. They walked the trail and

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marked the buffer.

Mr. Owers asked if the impact was where the railroad had actually gone? He asked if they are elevated above the wetlands?

Mr. Blagden stated yes.

Mr. Owers stated they happen to be in that location but not in the wetland.

Mr. Blagden stated correct. They are close and mindful they are close. They flagged before the snow came.

Mr. Owers asked what is the next step from here?

Ms. Skinner stated that Mr. Blagden submitted the conditional use permit and site plan application. The first step is the determination of completeness. The determination of completeness is scheduled for the Planning Board on February 21, 2024. However, that is being postponed to March 20, 2024 at the request of Mr. Blagden. There is one item that needs to be submitted for Planning Board to be able to deemed complete.

Mr. Blagden stated they need a drainage report. He stated they are going to ask for a waiver.

Mr. Owers stated all they need from Conservation Commission is comments for the Planning Board on the disturbance to wetland.

Mr. Blagden stated Chris Cane did flagging and it is still there.

Mr. Owers asked the Conservation Commission if there are any questions?

Ms. Landry asked if it is an existing trail being improved?

Mr. Blagden stated yes.

Ms. Landry stated it makes sense to her.

Mr. Owers stated he does not think we have any comments and it should be approved.

Mr. Blagden stated one more thing. This piece of property here is not in the wetland. The property in between Bog Rd and the trail he spoke with the owner and he will let use as an access point to do the work as a log yard for the trees to come out. On the way out they will put a gate there with a key that the City of Concord will have access to.

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Mr. Owers made a motion to recommend approval as submitted. Ms. Landry seconded. All in favor. The motion passed unanimously.

3. CUP – 388 Loudon Road for disturbance to wetland buffer

Erin Lambert (Wilcox & Barton) presented the application. Ms. Lambert stated she was not available to attend the meeting last month. However, she read the Conservation Commission comments. She will put into context as to what they are looking to accomplish for the site and then go over some changes made in response to the Conservation Commission comments from last month. Ms. Lambert stated she made some changes in response to their concerns. The building is 6,900 square feet. It is almost a three-acre site. However, a significant portion is wetland and in wetland buffer.

Ms. McGregor arrived at 7:12 p.m.

Ms. Lambert stated currently the building has a septic system and did not have any storm water controls. Almost all of the storm water runs directly to the wetland. There are a couple of catch basins in the front but the majority of the lot runs directly to the wetland. With the redevelopment it will be on municipal water and sewer. So, they are alleviating that environmental concern. The stormwater standards are significantly different than from when it was built. All of the run off from the building and the majority of the parking lot is directed to the underground infiltration galleries. The benefit of that is it treats the storm water while it controls it and it recharges groundwater. The plan that was previously submitted had 2,100 square feet of wetland impacts. The building required 40 parking spaces per the ordinance. The parking would be for employees, for visitors dropping off a car and because he does transmission work he needs a place to store cars that might be waiting for a part to arrive. There is a combination of the minimum parking needed and created storage spaces but they do not count as City spaces because they do not have the same requirements. There is 2,100 square feet of wetland impacts. Ms. Lambert stated she was aware there was a concern about do we need to be in the buffer? Can they consolidate? She noted she looked at it from two different points of view. Are they building more pavement and parking than they need? Also, is there a way to consolidate to reduce the impacts? The building will have 12 bays, which means it will need a little more parking. The parking that will be required is 48 spaces. They revised and there is not as much parking in the back. More of the site will be directed to infiltration galleries and water will go into groundwater recharge with less going to the back. The 14 storage spaces are in the back and do not count as parking spaces because they do not have a drive out. The City of Concord requires to have a head in space, a 90-degree space, and a 24-foot-wide aisle.

Mr. Owers asked if the blue area is the buffer impact?

Ms. Lambert stated yes. She was able to pull the grading forward. Originally the impact to the buffer was 2,100 square feet. They have pulled in as much as they can and now the buffer impacts are more like 1,200 to 1,300 square feet. The reason for this is in order for them to facilitate the underground storm water she discussed they need to have an overflow for it. It is designed to control the larger storms. They designed it

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with an overflow. The way the grades are will keep it out of the buffer and the other they are requesting to put in the buffer. With the wetland and the way the site is graded a lot of water goes in two directions. So, the finger of wetlands has kind of extended into the site. They are requesting permission to disturb temporarily and then put it back into a vegetated stated with the exception of the outlet for the stormwater overflow. All of the pavement and other features would be outside of the wetland buffer. They have removed parking. There will be more water going to the underground infiltration and less flowing directly to the wetland. Ms. Lambert stated she has heard all of the Conservation Commission concerns and she has done everything she can to pull it in, minimizing the impacts, and making sure they are building what they need. They currently need about 50 cars within their seven lifts. So, with 10 to 12 bays the 62 car spaces are really what they need to effectively manage the operation.

Mr. Owers asked the Conservation Commission if there are any questions. He stated he did have Mr. Lewis, member of Conservation Commission that is not present at this meeting, review this application and he sent comments to Ms. Skinner and Mr. Owers. Mr. Owers stated he will read some of the questions Mr. Lewis asked. Mr. Lewis asked that the original plan did not show actual square footage of the buffer impact which should be added to the plan. Mr. Owers stated he thinks they have done that now.

Ms. Lambert responded it is in their narrative but she will make sure it is on the plan.

Mr. Owers asked next question provided by Mr. Lewis. The plan shows monitoring wells. Mr. Lewis wanted to know whether those are being active and if so, what they are monitoring?

Ms. Lambert stated they are not active. They are a remnant from something that DES had the prior owner investigate and they are not in use. They will be de-commissioning them and the septic system will be removed.

Mr. Owers asked next question from Mr. Lewis memo. Mr. Lewis asked if they are not being actively used can you do something to restore a portion of the wetland buffer that has been previously disturbed on the site?

Ms. Lambert stated sure. She asked if that would just be with some native vegetation?

Mr. Owers stated Mr. Lewis did not say in his memo. However, Mr. Owers felt that would be a logical conclusion. Mr. Owers stated the next question from Mr. Lewis asking about the fact that a lot of this is going to be automotive and so there could be a higher incidence of hydrocarbon volatile organics and so forth being dropped down onto the pavement and getting into the run off not the groundwater. Mr. Lewis was asking the possible use of oil water separators?

Ms. Lambert stated they could but they are not required by city or state. One of the nice things about having these two-point sources is that the water will infiltrate there so they know where it is going. They could add hoods or something like that.

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Mr. Owers stated that is exactly what Mr. Lewis was suggesting.

Ms. Lambert stated they can do hoods in the catch basin.

Mr. Owers stated the other thing Mr. Lewis suggested, and Mr. Owers would consider including a condition that is subject to City Engineering Staff ensuring all aspects of the stormwater management requirements of the site plan regulations are being met, including required pre-treatment from a high-low area.

Ms. Skinner stated it goes without saying that they have to comply with all the site plan regulations, and they are not requesting any waivers from site plan regulations. So, they have to comply with all the site plan regulations.

Mr. Owers stated he thinks Mr. Lewis was asking for a specific Engineering review.

Ms. Skinner stated Engineering does review it.

Mr. Owers stated the other question from Mr. Lewis was about riprap aprons at both outlet locations. Mr. Lewis is concerned that the apron at FES-2 extend to the toe of the fill slope.

Ms. Lambert stated when you have an outlet they put riprap so that it dissipates the energy so you do not create scour at the outlet pipe.

Mr. Owers stated there are monitoring wells that are not being used. They will make an effort to restore a portion of the prior wetland buffer. They will use hooded catch basins and apron on the drainage design. Those are Mr. Lewis's comments and asked if anyone else from the Conservation Commission has any questions? No one from the Commission had any questions.

Mr. Owers made a motion to recommend approval subject to the various items which were mentioned from the memo provided by Mr. Lewis. Mr. Chormann seconded. All in favor. Ms. McGregor abstained from vote. Passed unanimously, less Ms. McGregor's abstention.

4. Letter of support for RAISE grant - motion to authorize the Chair to write a letter on behalf of the Commission

Ms. Skinner stated she attached to the agenda the Rebuilding American Infrastructure with Sustainability and Equity grant request. This is for construction of portions of the Merrimack River Greenway Trail. Ms. Fenstermacher went to City Council with it and she is wondering if the Conservation Commission would be willing to write a letter of support for the grant. Apparently, Conservation Commission did this a couple years ago for another similar grant. Ms. Fenstermacher provided Ms. Skinner an example of a letter to write and have Chair Tardiff sign.

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Mr. Owers made a motion for Chair Tardiff to sign the letter in support of the RAISE grant. Ms. Healy seconded. All in favor. The motion passed unanimously.

5. NHDES Items

- a. For your information only – no action needed – PBN for 73 Carter Hill Rd
Ms. Skinner stated it is simply for their information. It is a notice received.

6. Reports

- a. Trails Report
Ms. Skinner stated the trails report consists of the minutes from last month.

Mr. Owers asked if Ms. Skinner attended the meeting tonight?

Ms. Skinner stated she was at meeting tonight. She noted they approved the minutes and then skipped over some items to get to the item on the agenda to look at the procedure for trail approval that was adopted in 2018. They wanted to make amendments to that and started going through that list. In the midst of that conversation, they became aware of the new NEMBA trail they recommended approval for and that it was being carved out as a corridor rather than a trail. Then there was discussion about their concern that perhaps the trail is not going where they recommended to the Conservation Commission that it be located. The Trails Subcommittee then made a motion that passed unanimously to recommend that the Conservation Commission request a hold on construction of the new Broken Ground NEMBA trail to provide clarification of the exact location of the trail and the definition of corridor.

Mr. Owers stated Mr. Bowser from NEMBA needs to come in but they cannot do it now with snow on the ground. Mr. Owers noted his understanding is that they cannot tell you exactly where it is going to go until they start laying out the trail.

Ms. Skinner stated she believes that is their concern. In their mind they were thinking that what was presented to them, the red line, is exactly where it was going to go. When it was walked with that flagging that was the exact location. But it is now being described as a corridor and that the exact location of the trail is within the corridor. They want to know where the exact location of the trail is located.

Mr. Owers stated he thinks the only way they can do that is by flagging it exactly where it will be. Ms. Skinner stated that was their motion and it is up for discussion with the Conservation Commission. She noted that was pretty much the whole meeting.

Mr. Coen asked about the downside if there is a delay?

Mr. Owers stated they do not know exactly where trail will go until they look at field conditions. He

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noted they are talking about maybe 10 feet on either side. You only flag enough to see the next flag. Unless you stick a flag down every 10 feet. This is the procedure they have followed on every trail they have built.

Mr. Klemarczyk, forestry consultant for the City of Concord, stated the concern was where the proposed trail is located is where they had a timber sale back winter 2019-2020 where a spongy moth killed off a bunch of the oaks. So, Mr. Klemarczyk was going to be setting up a salvage to get oaks before they become worthless. When he walked the route that was flagged he was under the assumption that was where the trail was going to go. There was no mention about the word corridor. He stated he walked the path three times with various groups and that was the actual trail route. When he was out there a few weeks ago flagging out skidder trails where they were going to remove the large oaks, he noticed a large area, couple acres, all the dead trees and underbrush had been cleared out and it looked like an open park. The flags were a lot farther than 10 feet from the line that was flagged out. The impacts there are the policy of the City of Concord is to leave buffer zones along the trails. When you start zig zagging this trail in this corridor then suddenly you are not buffering the trail you are buffering the corridor which then it takes a lot of land out of timber production. The more trails are out there the less commercial timber land there is. The money from the timber sales goes into the City of Concord Forestry budget, which basically covers the whole forest management program. The trails and bridges do not cost the tax payers any money. What happened at Oak Hill Mr. Klemarczyk had done a timber sale. The main skidder trail became the hiking trail and the log yard became the parking lot. So, subsequent timber sales loggers had to build a whole new log yard, which is an added expense, which lowered the value of the timber. Plus, the original skid trails went to where the timber was and now all the good timber that he thought he would be managing is now off limits because it is buffered. Mr. Klemarczyk agrees in putting buffer zones and that they are important along the trails. What happened with this NEMBA trail is he was under the impression they were approving the actual trail location and now suddenly it is much wider. Mr. Klemarczyk stated Mr. Bowser from NEMBA said it was a corridor. Mr. Klemarczyk stated that was not presented to us when they were walking the trail.

Mr. Owers stated Mr. Klemarczyk received a very detailed memo from Mr. Bowser at NEMBA. He stated the fact was that someone went out there and started cutting when they were not authorized nor a part of NEMBA.

Mr. Klemarczyk stated when he emailed Mr. Bowser at NEMBA he noted he would move the stuff if Mr. Klemarczyk wanted them to. He stated when they were presented with this trail location there was no mention of the word corridor. He noted he would rather hold things up until they receive a definition of the word corridor and get a better idea where the trail is going to be within the corridor.

Mr. Owers asked if it would make sense to get the work done and then they can figure out where to put the trail?

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Mr. Klemarczyk stated they cannot do anything until after mud season. His concern was that suddenly there was a wide corridor and he thought they were looking at a specific trail location.

Ms. Landry asked if the corridor is marked?

Mr. Klemarczyk stated the flag line is marking the corridor and they thought they were looking at the actual trail.

Ms. Landry stated someone else, not a part of NEMBA, came and cut down brush in a random location.

Mr. Klemarczyk stated it was along the trail.

Ms. McGregor asked how far off from the marked pieces?

Mr. Klemarczyk stated it was in an area over in 50 feet from some places.

Mr. Owers stated it was an unauthorized person going in there. He noted he walked the trail before they voted on it at Conservation Commission. Mr. Owers does not understand why they are suspending the trail because of something this person did.

Ms. Landry stated they do not know if it is directly connected. The question is still where is the trail going?

Mr. Klemarczyk stated they were not cutting live trees. They were cutting along the trail. He noted someone knew the trail was going there. His concern is the concept of corridor versus the flagged route that they thought was going to be the actual trail.

Mr. Coen asked for a map to get a visual.

Ms. McGregor stated in the future trail development there should be discussion about whether they are discussing corridors or direct locations. For this one especially considering the extensive amount of discussion they have had around this trail and being that the places of biggest impact were going to be by the wetlands area. There was also a full discussion on where it is intersecting a trail network that is already in existence. She suggested today they define what that corridor is and put a feet marker on it from where they flagged it.

Mr. Owers stated there is a log yard in this area and the original plan was to follow the skidder trail. However, they received a number of biology reports saying because the ground had been opened up and the ground was disturbed it would be a good area possibly for snakes and turtles. So, as a result of that the trail was moved. Mr. Owers pointed out the area where someone went and got overly zealous

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and started cutting a lot of stuff in there. He noted it was pretty clear where the trail was going to go. Mr. Owers stated you cannot actually pinpoint the exact location until you are on the ground with a shovel, a pickaxe and a rogue hoe moving along the trail itself.

Mr. Coen asked if there is any issue with the upper part of the trail? Is there one specific area?

Mr. Klemarczyk stated what is shown is what was flagged and what the Trails Subcommittee and Mr. Klemarczyk thought was where the actual trail was going to go. What had happened on the Green Trail, which is Ry's Way, they had flagged the route. Then when he marked for the timber sale he left a large buffer zone along the Ry's Way trail. He put the timber sale up for bid. The trees were marked. Mr. Klemarczyk stated when he went to pay out the skidder trails for the logger to follow suddenly he found that Ry's Way had actually been built off of that flagged trail and into the timber management area where they were going to do the cutting. Now, the logger bought the trees and thought had the authority to cut them. Mr. Klemarczyk stated the logger was cutting the trees. Mr. Klemarczyk noted he had to move brush off the trail with the stuff that broke off. He received complaints about why are they cutting so close to the trail when he had actually left a buffer zone.

Mr. Owers stated the only two people from the Trails Subcommittee, Fran Philippe and Gail Page, walked this trail and when they did this section did not exist. When there was a Conservation Commission walk there was only one member, Kristine Tardiff, that showed up for the walk.

Ms. Philippe stated she feels the issue here is that when they are given a map like this with a trail marked on it and they walk it and it is flagged pretty much in the same place. Yes, there are rocks and things we have to go around but not off 30 or 40 feet. When the Trails Subcommittee recommended the Conservation Commission approve this it is with the understanding that it is going to be as they see it. Not something much wider and becoming a corridor which is a term that the Trails Subcommittee has seen or used. It is a precedent for other trail development that could happen. If it is known that the trail recommended by the Trail Subcommittee to the Conservation Commission that is approved does not have to happen that way. They can do it the way they want. Ms. Philippe stated she knows it is only a small part of the trail but it is setting a precedent. Ms. Philippe stated it is not the way the Trails Subcommittee has been run. It is not the way they have had things approved. They don't want this to be something that starts in the future that could be.

Mr. Owers stated if you went out there and looked at where it is flagged that is very, very close to where the trail is going. He stated there was a rogue actor that went out there, got over zealous and stated cutting things that he had no right to do.

Ms. Philippe stated we do not know it was a rogue actor.

Mr. Owers stated they know it was not a NEMBA person. Mr. Bowser wrote a very detailed memo about what happened.

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Ms. McGregor stated she agreed there has to be some precedent. They have been developing this trail and the new trail process this whole time. Ms. McGregor asked if there is a chance to send it back to the Trails Subcommittee to define the word corridor.

Mr. Owers stated he does not think NEMBA has signed the MOU with the City of Concord. He stated they were not going to be out there doing things.

Ms. McGregor stated the concern seems to be when they are forming a new trail and the trail gets marked are they saying that is the exact location of the trail? Do they have to come back for permission to move it? Or, can they give them a designated buffer in the initial ask? Ms. McGregor stated they did not do that and that is not how it was originally discussed. It is fair they thought they assumed there would be some sort of breath to move. She noted it is fair to assume that it would be relatively close to there. Ms. McGregor stated it is reasonable to delay it.

Ms. Owers stated it is reasonable if you want a definition of buffer. It could be rocks, stuff in the way of the trail, a hole or tree overturned.

Ms. McGregor thinks that is something that is appropriate to send back to Trails Subcommittee to decide is it five feet, 10 feet or 20 feet? That is what the Trails Subcommittee is there to make decisions.

Ms. Ross stated that is exactly what they are asking for. Just before everything does continue underway and things are cut or moved that we ensure that we have a meeting of the minds. She stated the email received from Mr. Bowser caused concern that is now referencing a corridor which is a new concept to the Trail Subcommittee. They want to make sure they have the same understanding. They are aware there will be minor adjustments. The Trails Subcommittee would like the opportunity to have them come in and explain what they are thinking, what do they mean when they use the word corridor and make sure we are on the same page.

Mr. Owers asked if he can get Mr. Boswer from NEMBA to come to the meeting in March if that will work?

Ms. Landry stated the goal is to get a definition of a corridor. Then some communication if they are going to deviate from the corridor to talk with Conservation Commission to get permission to deviate from the defined corridor.

Ms. Healy stated they do not want to hold up the process.

Ms. Philippe asked if they will put a hold on the development of the trail just in case some other unknown person goes out and does any more clearing?

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Ms. McGregor stated if the MOU is not signed they cannot be out there.

Mr. Owers stated they are not going to out there until the end of April or May.

Ms. Skinner stated the MOU was signed by NEMBA February 9, 2024.

Ms. McGregor made a motion that there is no clearing by NEMBA and no construction on the new Broken Ground Trail until the next Trails Subcommittee meeting is held and followed up by the approval of what a corridor is or definition of a corridor, with a hold until the next Conservation Commission meeting in March. Ms. Landry seconded. Mr. Owers abstained from voting. All in favor. The motion passed 6-1.

Ms. Skinner stated the Trails Subcommittee did look at the Onyx Mall Trail. She stated the Trails Subcommittee needed more information from the Onyx developer in relation to the boundary lines, property lines, and state-owned property. Ms. Skinner will communicate that to the developer.

b. Forestry Report

Ms. Skinner stated the forestry report is in the packet. The one thing that she wanted to add with communication of the report is the forester budget for FY 2025. Items include general trail maintenance, West End Farm Trail\Country Hills re-route? Merrill Park erosion control, replacing a 42-foot boardwalk at the Jim Hill Riverwalk, Richards Trail construction without volunteers, Swope Park erosion control, water sealing bridges and plank walks. Then for mowing there is Broad Cove off Reynolds Rd, Langley Parkway when dry, and Long Pond Rd log yard. Then there is the boundary blazing or painting of Julie Dr and the survey to set the missing corner. Under forest inventory and managements plans is Julie Drive. Then the timber sales proposed is Country Hill.

c. Tree Subcommittee Minutes from January 26, 2024 meeting

Ms. Skinner attached the minutes for the meeting to Conservation Commission agenda in case they have any questions.

d. Local River Advisory Committees

Ms. Skinner has nothing to report for this agenda item.

7. City Open Space and Easements – the draft of the Commission’s standard conservation easement template has been sent to Legal for review

Ms. Skinner stated Legal has completed a review as of a few hours ago and that will be a topic for a non-public session for next meeting.

8. City Council/Planning Board

Ms. Skinner stated the two items that came before them tonight will be at the March 20, 2024 Planning

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Board meeting.

9. Housekeeping amendment to bylaws (clean version with correction) to make 5 alternates

Mr. Owers asked if they need to vote on this item.

Ms. Skinner stated they do need to vote. Right now, the bylaws say three alternates and needs to be five alternates as per code ordinance. This is the clean version that needs to be adopted showing five alternates.

Mr. Owers made a motion to adopt the version that includes five alternate members. Mr. Chormann seconded. All in favor. The motion passed unanimously.

10. Easement Monitoring – what is monitored and what is not

Ms. Skinner stated there is City-owned conservation land and none of that is monitored. The only items monitored are the City-owned easements on privately-owned property. Ms. Skinner noted the easement monitoring performed by Carl Matson is for the easements that are on privately-owned property.

Mr. Owers suggested sometime to adopt a procedure to monitoring the City-owned conservation lands.

Ms. Skinner stated Carl Matson is only part time. With the number of properties and acreage that is owned she would almost say he would need to be bumped up to full time and he would need another full-time person.

Mr. Owers does think they should be doing that.

Ms. Landry stated it would be nice to make a schedule to be on the ground every five years on each property.

Mr. Owers stated land trusts do that and monitor their own properties.

Ms. Landry stated they have different standards that land trusts adhere to.

Mr. Owers stated the City should be looking at their own property.

Mr. Klemarczyk stated he used to do that back when the City had a lot less acreage.

Ms. Skinner stated the areas are not all city owned. There is City-owned conservation land, trail easements, city-owned easements on privately-owned property and a few of them coincide but most of them do not. They are all different things. The trails are kind of monitored by trail stewards to the best of their ability. When the public calls with trash or something then either Carl or Ron will go out and take care of it.

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Mr. Coen stated this is an opportunity to approach the City Council for funding that was cut years ago to 50% and to get it back for property management of the conservation lands.

Ms. Skinner stated the land use tax agenda item was bumped to March for Conservation Commission to have a full discussion.

Five Rivers – discuss requested follow-up items

Ms. Skinner stated on the Clark property they had requested that the City Forester blaze the boundary.

The other issue was the Hardy property. Ms. Skinner stated she believes at the last meeting Conservation Commission directed her to send a letter to Hofmann the abutter which she did. Ms. Skinner noted this has been an issue since 2009. Ms. Skinner stated she is not sure why this has not been fixed by now.

Ms. McGregor asked if this is the one they were looking at last week with the pictures of the camper, cars, and boats?

Ms. Skinner stated yes and they have been notified a few times. It has been noted in the monitoring report every year. She did send them a letter. They responded they were going to take care of it right away. Ms. Skinner stated that Five Rivers also mentioned other things in their letter. They requested placing large stones, restoring the hard pack road to its natural condition and the City remove the items if the Hofmanns do not remove them.

Mr. Chormann asked what did the Hofmanns agree to do? Move the stuff off the land?

Ms. Skinner stated yes and read the letter from Five Rivers requesting that the extension of the private road where the encroachment has occurred be discontinued and restored to its previous condition. The City might consider placing some large stones across it to prevent future motorized vehicle access. Ideally, they would like for the conserved land that they have converted to hard packed road to be restored to its natural condition and would like the City to have the owners of the abutting parcel to remove their personal property immediately. If they refuse to or fail to comply Five Rivers asks that the City of Concord remove the abutters personal property from the conserved land. Ms. Skinner stated she needs to notify Five Rivers when and how this was resolved. They are happy to chat with us about the solutions and how the City plans to implements them. Ms. Skinner asked the Conservation Commission if they want to put any funding towards restoring the road to hard pack and placing some large stones?

Ms. Landry asked where did the road come from and is it on conservation land?

Mr. Klemarczyk stated the Hardy property abuts the B & M lot which is off of Elm Street. So, when the City acquired the property back in the early 90's they were not aware there were driveways that accessed the camps along the Contoocook River. Then the Hardy lot is open space after they subdivided off the camp lots. There were already existing roads and people-built structures. So, some of the encroachment

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happened prior to the City acquiring the property. They did a title search and nothing showed up in the deeds for right-of-way for the driveways that go through the land. Since the City of Concord has purchased the land some of the camps have turned into year-round houses. Suddenly the road was widened for snow and snow plowing.

Mr. Owers asked what Five Rivers wants the Conservation Commission to do?

Ms. Skinner stated for sure they are requesting the removal of the encroaching personal property.

Mr. Chormann asked if they want boulders along the property line?

Mr. Klemarczyk stated yes.

Mr. Owers asked how much it would cost?

Mr. Klemarczyk stated in the past if General Services is doing a construction job they may have boulders to get rid of or we would need to hire someone.

Ms. Skinner stated right now it's important to get rid of the trash and debris. She will contact General Services to let them know we are looking for large rocks. Ms. Skinner will report back to Five Rivers with the plan. She did give a deadline for the people to remove the items immediately and they did respond. However, they have not notified Ms. Skinner that the items have been removed.

Mr. Coen asked for the date of the response.

Ms. Skinner stated it was sent February 6, 2024.

Ms. Healy suggested to send another notification with a date to get the items removed.

Ms. Skinner stated she can do that.

Mr. Chormann wanted to know if they need to move the items to their property?

Ms. Skinner stated yes.

Mr. Chormann suggested to send someone out next week to check on the property.

Society for the Protection of New Hampshire Forests – any planned changes?

Ms. Skinner stated there are five easements held by the Society and she needs to confirm with them that there are not management changes or plans to exercise any of the reserve rights permitted by the easements. She noted that they are aware of the proposed trail on the Richards property. This is for

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Richards, Spear, Gold Star, West Portsmouth Street, and Unutil.

City-owned Conservation Land with CE to State agencies – discuss required follow-up items

Ms. Skinner stated that is the Haller property and they need to contact the owner to remove the wire fence and contact the abutters to remove the truck liner from the site. Then on the Emmons property they need there is a fence encroachment and a liner from a small truck that needs to be unloaded. Ms. Skinner stated she needs permission from the Conservation Commission to proceed forward with those items on the Haller and Emmons property.

Ms. Landry asked if these were all found when monitoring?

Ms. Skinner stated yes.

Ms. Landry made a motion for AnneMarie Skinner to contact land owners regarding the variety of things. Mr. Owers seconded. All in favor. The motion passed unanimously.

Privately-owned Properties with CE to City – discuss follow-up items

Ms. Skinner stated there are 28 that have trash, debris, and/or encroachment. She noted they all appear to have been there for quite some time as noted by Carl Matson in his reports.

Mr. Owers asked Ms. Skinner to send a letter.

Ms. Landry asked who monitored the easements before Carl Matson.

Mr. Klemarczyk stated the City would hire interns in the summer. The first trail ranger was Mel and she would do easements. Mr. Klemarczyk noted none of the summer interns had background in conservation or land boundaries. It was a quick way to look at a lot of properties.

Ms. Landry suggested to start with the more permanent things that are riskier.

Mr. Owers stated that might be a good way to go triage it.

Ms. Skinner stated the Unutil one has a number of issues. There is one that has a bridge and a tree house. There is one that has a fence and two tree houses.

Mr. Owers asked how long this has been going on.

Ms. Skinner stated these are from this year. The privately-owned properties with easements held by the City are monitored by Carl Matson every year.

Mr. Owers stated we need to follow up with letters. He is not sure how they will proceed with

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punishments or sanctions but at least this will be a start.

11. Appoint Rik van Riel as a regular member rather than an alternate member of the Trails

Subcommittee – Mr. Owers made a motion to appoint Rik van Riel as a permanent regular member to the Trails Subcommittee from being an alternate member. Ms. Landry seconded. All in favor. Mr. Owers abstained from voting.

12. Follow-up/On-going Items:

- a. Conservation Land Preservation Discussion – follow-up meeting date

This was not discussed.

- b. Rene Marro and Patricia Turner complaints and request

Mr. Owers stated there was email correspondence from Rene Marro and Patricia Turner. He noted there is nothing they can do for enforcement.

Ms. Skinner stated she believes what they are asking is the trail or a portion of the trail be decommissioned.

Mr. Owers stated there is a procedure for that and they can follow it. He noted there is a process with the Trails Subcommittee.

Ms. Skinner stated that was on agenda for Trails Subcommittee and they did not get to it. At this time there is no process. There is a draft.

Mr. Owers stated if they want to proceed there will need to be a public meeting to discuss the trail closure and this will affect everyone that uses the trail not just select few. Mr. Owers stated they will continue this until the next meeting. He asked if the sign went up?

Ms. Skinner stated she was notified today the sign was ready for pick up. She will get it and have Mr. Klemarczyk install.

Ms. Horne asked if there was a gate to be installed?

Ms. McGregor stated if the signs did not work they would look at maybe doing that as a next step. However, they were going to see what happens with the sign and the trail camera.

Ms. Skinner stated the parking lot is not closed. There are no ordinances for the parking lot or trails to be closed.

Mr. Owers stated there should be a city ordinance for these remote parking lots to be only open during daylight hours. He also noted there should be a fine for being there overnight and maybe towing people.

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Mr. Klemarczyk stated there are some trail head parking lots that do say no parking between dusk and dawn or overnight.

Ms. Skinner stated there should not be any signs stating no parking from dusk to dawn. She noted if there is a request to close a trail the Conservation Commission makes the recommendation to close the trail and then it goes to City Council for the decision.

Mr. Owers stated there would need to be a public hearing on something like that as a lot of people could be upset.

Ms. Landry stated for the sign maybe they should not use the term “from dusk to dawn” because in winter it gets dark earlier. When people get out of work at 4 p.m. or 5 p.m. it is already dark. She suggested to put a time on it that is later for people to use the trail after work.

Ms. Skinner stated the trails are open.

Mr. Klemarczyk stated he will go by Swope and let know what sign says.

Ms. Skinner stated if there is anything about closure the sign will have to be removed.

Mr. Owers asked for this to be on the agenda for next month for possibility of city ordinance for closure of parking lots except during daylight hours.

c. Country Hills Estates

Ms. Skinner stated the Conservation Commission asked at the special meeting for Country Hills Estates to be added this month’s agenda.

Mr. Owers stated that was part of the preserves project.

Ms. Landry stated they are trying to clarify goals using the matrix and map. She will go through and organize use for each property. She noted Chair Tardiff was going to define the land uses titles.

Mr. Owers asked if they did this for end of March and set up a date?

Ms. Landry suggested a special meeting for the end of March.

Ms. Skinner will talk to Chair Tardiff to see what works for the end of March.

13. Miscellaneous updates from staff – AnneMarie Skinner

Timber Cut Intent

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Ms. Skinner put it in the agenda as a “for your information” for the Conservation Commission and it was already passed around.

Mr. Owers asked if these are the ones received by the Assessing Department?

Ms. Skinner stated yes.

Mr. Klemarczyk stated there is a timber tax which is roughly 10% of the value of the timber that was cut.

Merrimack Valley Middle School Rolfe Park trail fun run

Ms. Skinner wanted to let everyone know.

Amendment to Broken Ground MOU is out for signature by the City Manager

Ms. Skinner stated this has been signed.

FYI – chipping is not part of salvage/timber harvest

Mr. Owers reiterated that chipping is not part of salvage/timber harvesting.

Update on new member being appointed

Ms. Skinner stated City Council will vote in March on the new member.

14. Non-public session for the discussion of the acquisition of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community in accordance with RSA 91-A:3, II(d).

The non-public session was entered into at 9:03 p.m. At 9:19 p.m. the non-public session ended and the Commission entered into public session. Mr. Owers moved, seconded by Ms. Landry, to accept the proposed changes to the trail agreement. All in favor. The motion passed unanimously. Mr. Owers moved, seconded by Ms. Landry, to seal the minutes of the non-public session.

Adjournment

Ms. McGregor moved, seconded by Ms. Landry, to adjourn the meeting at 9:21 p.m. All in favor. The motion passed unanimously.

Respectfully Submitted,

Krista Tremblay
Administrative Specialist II