

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

March 13, 2024, 7:00 p.m.

City Hall, 2nd Fl Conference Rm, 41 Green St

Attendees: Chair Kristine Tardiff, Alternate Jim Owers, Members Rick Chormann, Alternate Allison McGregor, Councilor Michele Horne, Mark Coen

Absent: Vice-Chair Jeff Lewis, Emily Landry, and Katherine Healy

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

Public: Nicholas Holmes (NEMBA)
Matt Bowser (NEMBA)
Andrew Gould
Rebecca Ross

1. Call to Order

The meeting was called to order by Chair Tardiff at 7:04 p.m.

2. Minutes – Approve February 8, 2024 and February 14, 2024 meeting minutes

A motion was made by Mr. Chormann, seconded by Mr. Coen, to approved the minutes of February 8, 2024 with some corrections. All in favor. The motion passed unanimously.

A motion was made by Mr. Owers, seconded by Ms. McGregor, to approve the minutes of February 14, 2024. All in favor. The motion passed unanimously.

3. New Business

a. Potential new member Trails Subcommittee – Andrew Gould

Andrew Gould is a member of Ward 7 in Concord. He moved to Concord and loves the open space. He wants to give back and help with trails. Mr. Gould stated he has experience. He has traveled and biked all over the world. He has a natural resource background a little of forestry, wetlands, and environmental conservation. Mr. Gould stated with his background he would like to be a member of the Trails Subcommittee.

Mr. Owers nominated Andrew Gould for a regular member spot on the Trails Subcommittee.

Chair Tardiff asked if there are any alternates left that need to move up?

Mr. Owers stated there is one that has applied and two are empty.

Chair Tardiff asked if anyone on the Commission has any questions for Mr. Gould? Chair Tardiff stated it sounds like Mr. Gould would be interested in trail expansion and trail maintenance. Chair Tardiff stated they are not in an active period of expanding the trail network right now. The work the Conservation Commission is doing now is monitoring the trails, along with maintenance. Chair Tardiff stated her concern if he is expecting trail expansion.

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Mr. Gould stated he understood and still is interested in being a member of the Trails Subcommittee.

Chair Tardiff stated there is a motion from Mr. Owers and a second from Mr. Chormann. All in favor. The motion passed unanimously.

- b. New Hampshire Wildlife Federation Conservation Committee – improve turtle nesting sites

Chair Tardiff stated there is a letter of interest from the New Hampshire Wildlife Federation Conservation Commission to do some turtle nesting site work off Stickney Hill. Chair Tardiff stated it is consistent with the Conservation Commission's goal of conservation land use. She asked if Mr. Klemarczyk has had a chance to look at it?

Ms. Skinner stated she is not sure if Mr. Klemarczyk has looked at it.

Ms. McGregor asked how Conservation Commission makes decisions on groups or organizations to work with?

Chair Tardiff stated she can contact them to ask a few questions. Chair Tardiff noted when she originally saw this she thought it was a part of the state. She asked if it is a separate group.

Ms. Skinner answered yes, he is part of the New Hampshire Wildlife Federation Conservation Commission and not with a state entity.

Mr. Chormann asked if this technique has been used anywhere? Mr. Chormann stated he has not heard of a pile of sand becoming a turtle nesting habitat.

Mr. Chormann stated they are trying to get this done before June when nesting season starts.

Chair Tardiff asked if they will need to sign a waiver for the work they will be doing?

Ms. Skinner stated probably.

Chair Tardiff stated if they seem above board they could give permission for one year.

Mr. Chormann stated they might want signage to show it is a sensitive area.

Ms. Skinner stated they could invite them to attend the April meeting. Ms. Skinner will contact Mr. Klemarczyk to attend the April meeting as well.

4. Reports

- a. Trails Subcommittee meeting minutes February 14, 2024

Mr. Owers stated at the last meeting there was an issue and confusion as to where the new NEMBA

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trail would go in light of the line on the map that is marked. The trail might not actually go there and how far can they deviate from the line. Mr. Owers stated Mr. Bowser from NEMBA is present at the meeting. Mr. Owers stated this also will cover agenda item 5c as well. The Trails Subcommittee voted to say that if there is a deviation of more than 50 feet from the marked trail NEMBA will contact Mr. Klemarczyk to explain why it is they want to make the deviation – either there are wet areas or something in the ground they want to avoid. The Trails Subcommittee is looking to move ahead with building the trail. Mr. Owers stated that will solve everything.

Councilor Horne asked about the 50 feet.

Mr. Owers stated they can go 50 feet on either side. If for some reason they come to a situation where they have to go beyond the 50-foot deviation, then NEMBA will contact Mr. Klemarczyk and they will review it to come up with a solution.

Mr. Bowser handed out paperwork to the Conservation Commission. Mr. Bowser stated they try to follow the flag route the best they can. The big difference between scoping a trail, flagging a trail, and building a trail is once you get into the meat of the trail it can change fast due to soils, wetland areas, or the slope is steeper than expected which requires switchbacks to minimize erosion. They are all about making maintainable trails that are sustainable. Mr. Bowser stated they try to prevent from having to go back to a trail to fix something because they did a fall line trail that went down a steep slope. They have defined corridor which is 50 feet on either side of the flagging. They will try to stick to the flagging; however, they might have to deviate depending on conditions on the ground. Mr. Bowser stated they are building biking trails but they find half of the users are runners, walkers, etc. He stated they are not creating crazy jumps and if there is a jump they create a walk around for people. The map is the proposed trail and he marked where they could have to deviate. The two criteria are slope and wetness. Mr. Bowser stated he believes the Trails Subcommittee is happy with the proposed trail.

Ms. McGregor asked if 50 feet is reasonable?

Mr. Bowser stated yes and if they do need to go more than 50 feet, they will contact Mr. Klemarczyk.

Chair Tardiff stated for the trail building over the years working with Mr. Klemarczyk he has gone out and had him flag it. Once you are out there constructing you have to deal with things you might not have seen when you flagged it.

Ms. McGregor stated she appreciated Mr. Bowser coming back to discuss this trail. This will be important moving forward.

Mr. Coen asked Mr. Bowser when they started building trails?

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Mr. Bowser stated in 2018 they built Ry's Way.

Mr. Coen stated there are over 80 miles of trails in the conservation area. He was surprised about the lack of definition for a trail being built. Mr. Coen stated that is amazing because he does not feel there have been any other issues.

Mr. Bowser stated a lot of the trails in Concord are point to point connections and they are not holding up very well. Mr. Bowser noted they take great price in building sustainable trails. Over the course of the seven mountain bike trail areas they have 60-80 miles of mountain bike specific trails in their footprint and cover Concord, Franklin, Tilton, Laconia, and Hopkinton. They spend a lot of time building trails and making sure they are sustainable as possible. They do not have the volunteer power to have everybody out in all of the trail systems fixing stuff that they did not build right the first place. Mr. Bowser stated this is his 23rd year building trails for NEMBA and feels they are pretty good at the process at this point. Mr. Bowser stated he is very clear when they do the trail walks he will point out the flags are here and point out if switchbacks are needed.

Ms. McGregor stated that is part of the new trail process that was developed and includes the defining.

Mr. Coen stated he was surprised it was not defined 10 years ago.

Mr. Owers stated there was no process 10 years ago.

Mr. Owers stated the key thing is the consultation if they need to go beyond 50 feet. Mr. Owers noted they could add that to future memos of understanding.

Mr. Bowser stated there should be a procedure for elevating those types of things. Mr. Bowser stated there should be a process in place in case Mr. Klemarczyk is not available.

Mr. Owers made motion to allow NEMBA to move forward with trail process subject to the discussion today and if there is a deviation outside the corridor beyond the fifty feet they will notify Mr. Klemarczyk or the Trails Subcommittee. Ms. McGregor seconded. All in favor. The motion passed unanimously.

Mr. Owers stated there is one more thing on Trails. Mr. Owers noted Trails was told they need to develop a bypass to go over the north end of the stone wall at the end of District 5 Rd. Mr. Owers stated there seems to be some confusion. They do not know where the bypass will go. There were only three people on the Trails Subcommittee that could vote so no action was taken. Mr. Owers stated Conservation Commission needs to come up with what the Trails Subcommittee is supposed to do.

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Ms. McGregor asked if they should give them the drawing.

Chair Tardiff suggested they set up a group secession.

Ms. Skinner stated the bypass does not matter if goes to a trail because that is not what the settlement agreement says. The settlement agreement says establish a formal city trail northerly of the stone wall along the northerly side of the discontinued section of the District Five Rd to create an effective bypass of the discontinued portion of District Five Rd abutting the Woodard property in order to provide access to city-owned land.

Mr. Owers stated that is the problem because you have a bypass that stops unless there is a trail connect.

Ms. McGregor asked if District Five Rd goes to another part of city property?

Mr. Owers stated that a member of the Trails Subcommittee noted that the city does not have rights to all of District Five Rd even beyond the disputed portion.

Chair Tardiff stated they should set up a special meeting or Conservation Commission members go to Trails Subcommittee meeting next month.

Ms. Skinner will add to the Trails Subcommittee agenda for next month for Chair Tardiff to attend and speak with the Trails Subcommittee regarding this bypass.

b. Forestry FY2025 Proposed Activity

Mr. Owers stated at the last meeting it was circulated. He asked Ms. Skinner to attach it to this meeting for the proposed budget for forestry next year. The number one item is a timber sale for Country Hills Estates. That caught his attention and Mr. Owers felt the rest of the Conservation Commission should read. Mr. Owers stated they need to establish a plan.

Chair Tardiff asked if Country Hills Estate has gone out for bid?

Ms. Skinner stated no but Mr. Klemarczyk is actively working on it.

Mr. Owers stated they need a time out until they decide what they are doing with this property.

Chair Tardiff stated they should halt until they have time to discuss the property and put on the agenda for the special meeting.

c. Tree Subcommittee meeting minutes February 23, 2024

Ms. Skinner added the minutes for information for the Conservation Commission.

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d. Local River Advisory Committees

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

e. New Hampshire Department of Environmental Services

a. Wetland Permit Application for White Park pond restoration

Ms. Skinner stated no action needed.

f. City Open Space and Easements

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

g. City Council/Planning Board

Ms. Skinner stated Tim Blagden is going to Planning Board March 20, 2024 and it is only going for determination of completeness. The public hearing for the application will be in April.

5. Old Business

a. Conservation Land Preservation Discussion follow-up meeting date – March 26, 2024, 6:00 p.m.

Ms. Skinner stated she changed it to March 26, 2024 as there are no rooms available on March 28, 2024.

Ms. McGregor stated she can do March 26, 2024 at 8:30 a.m.

Mr. Owers asked if they will discuss Country Hills Estates at the same time? It was indicated that it would be helpful if Mr. Klemarczyk attended the meeting.

Ms. Skinner asked if they want the meeting to be scheduled for 2 hours?

Chair Tardiff stated that should be enough time.

b. Conservation Easement Monitoring – update on responses and additional actions, if any

Ms. Skinner stated she asked for all responses to be received by today.

Ms. Skinner stated the Aversa and Mento easement has two property owners. One did not respond. The other owner responded that they will remove the fire pit once the snow has melted and the ground is no longer squishy.

Ms. Skinner stated on the Bradley easement that the property according to Carl Matson report has woolly adelgid on the trees. Ms. Bradley does not feel there is any woolly adelgid on the trees and will not be doing anything. Ms. Bradley wanted it noted that on Carl Matson's report it stated that he spoke with her husband and Mr. Matson did not speak with her husband.

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Ms. Skinner stated on the Carter-Keller easement the property owner responded they will remove the piece of old metal.

Ms. Skinner stated on the Emmons city-owned property the state has an easement on that. Ms. Skinner noted David Haller, an abutter, responded that the items are not on the Haller property and thinks they are on the city-owned property. Ms. Skinner asked if the Conservation Commission wants to follow up and get the boundaries blazed and determine where the items are?

Chair Tardiff stated they would have been blazed at time they received the easement.

Ms. Skinner stated on the Compensation Funds easement there is a washer drum they will remove.

Ms. Skinner stated she has not received a response on the Concord Terminal easement, the Davis Easement, the Delta Dental easement, or the Emerald Abode easement.

Ms. Skinner stated on the Griffin easement they were adamant that the ATV and tarpaulin are not in the easement. They want a survey to prove that they are in the easement.

Ms. Skinner stated the Heather Lane easement has responded they have removed the broken lattice fence panel.

Ms. Skinner stated the Hope Butterworth easement responded they will remove the water tank at the end of April.

Ms. Skinner stated the Knight easement responded the item is not on his property and is therefore not on the easement.

Ms. Skinner stated the Manchester Sand and Gravel Easement has not responded.

Ms. Skinner stated the Oak Creek Condo Association has not responded.

Ms. Skinner stated the Oak Knoll easement responded they will remove by the end of April.

Ms. Skinner stated the Pines easement at the Pines at Hayward Brook property owner association the address for the association that the tax assessor has is incorrect. Ms. Skinner suggested to send a letter to all of the property owners.

Chair Tardiff seconded that suggestion.

Ms. Skinner will send letters to the property owners.

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Ms. Skinner stated the Primrose easement there was no response.

Ms. Skinner the Prince easement has four different property owners and she received responses from three of the four. All three say the items are not on their property.

Ms. Skinner stated the Rearden easement she has not received response.

Ms. Skinner stated the Silver easement there are two property owners and received responses from both. One stated it is not on their property. The other one acknowledged it is the Deer Meadows mobile home association. He stated he will remove all of the items and would like assistance with the removal of the items. Ms. Skinner stated that is not something that the city will do and she will call him to make aware. Ms. Skinner stated the list of items was lengthy.

Ms. Skinner stated the Taylor easement they responded saying that the items are not on their property.

Ms. Skinner stated the Verris Financial easement has two property owners and she has not received a response.

Ms. Skinner stated the Walker Reserve HOA she has received an email and needs to provide them more information.

Ms. Skinner stated the Wilson easement the property owner responded they are unable to locate the tires noted in the report.

Ms. Skinner stated the Hardy number two easement has not removed items. She asked for them to report back to her when the items were removed and she has not heard back from them.

Ms. Skinner stated she did contact General Services about large boulders due to request from Five Rivers. General Services does not have any large boulders or any future projects that might have large boulders. The abutter will remove the items. If they do not then the city will have to remove the items. This is city-owned property and Five Rivers has the easement. Ms. Skinner stated this has been an issue since 2009. They like the idea of placing boulders as a physical barrier but also as a reminder the land is conserved. Five Rivers suggested to place along the property boundary from the survey pin found under the boat to the woods.

Chair Tardiff asked what needs to be removed?

Ms. Skinner stated there is a boat, camper shelf, and old equipment.

Mr. Owers asked about a couple big logs?

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Ms. Skinner stated that would work too.

Mr. Coen suggested drop a tree on site by line to mark.

Mr. Coen asked based on the information presented it sounds as though most of the owners are stating they are not on their property?

Ms. Skinner stated correct. Ms. Skinner noted some of the people are new property owners and might not be aware of items. Also, people do not know where the line of the easement is in relation to their property.

Mr. Coen a property owner allows an easement to the city and he asked if the city has a survey mark the property easement?

Chair Tardiff stated yes, it is recorded at the time of the subdivision and the subdivision plat will have the boundaries marked.

Ms. Skinner stated these are all old easements.

Ms. McGregor asked how Carl Matson knows the boundary?

Ms. Skinner stated he uses a handheld GPS and it is only accurate within a certain number of feet.

Mr. Chormann suggested to identify the most egregious cases and allocate some resources to have a survey done and the boundary marked.

Ms. Skinner stated just about half of them have acknowledged and will take care of it. So, the ones saying it is not, go through and prioritize based on issue.

Mr. Chormann stated if there are resources in the Conservation Commission that would support a survey.

Chair Tardiff noted the recorded plats should have a survey. Chair Tardiff stated they might have to go out and try to locate the monuments.

Ms. Skinner stated none of them will be new surveys because they have the legal description for all of them. It will be a matter of having the surveyor marking the boundaries of the easement.

- c. Broken Ground NEMBA new trail – MOU and Addendum MOU

Chair Tardiff stated this agenda item was already covered in the other agenda item.

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6. Staff updates

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

Other business

Ms. McGregor noted in the past it was discussed that Carl Matson had a lot of property to cover. They had discussed solutions for getting him to different property faster. There is an electric cargo mountain bike that was recently released. It has been well reviewed. It is E-assist. It is easy to use and has tail cargo for hauling logs. It can be hauled in the back of a pick-up truck.

Chair Tardiff stated before had Carl Matson there was a summer intern but it was a different person every summer.

Ms. Skinner stated right now he is covering all conservation easements. If you wanted to add city-owned property that is more area to cover.

Ms. McGregor will get more information.

Chair Tardiff sent an email about the saving special places. It is the annual land preservation conference coming up Saturday, April 6, 2024 from 8:00 a.m. to 2:45 p.m. In the past if someone would like to attend the city will provide payment for Conservation Commission members. It is limited to 200 participants.

7. Non-public session for consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present, in accordance with RSA 91-A:3, II(1); and, 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 8:30 p.m. At 8:59 p.m. the non-public session ended and the Commission entered into public session. Mr. Owers moved, seconded by Mr. Chormann, to accept the proposed changes. All in favor. The motion passed unanimously. Mr. Owers moved, seconded by Mr. Chormann, to seal the minutes of the non-public session.

Adjournment

Chair Tardiff moved, seconded by Mr. Owers, to adjourn the meeting at 9:00 p.m. All in favor. The motion passed unanimously.

Respectfully Submitted,

Krista Tremblay
Administrative Specialist II