

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

July 9, 2025, 7:00 p.m.

Council Chambers, 37 Green St

Conservation Commission Attendees: Mark Coen, Councilor Michele Horne, Emily Landry, Vice-Chair Jeff Lewis, and Kevin Porter

Conservation Commission Absent Members: Rick Chormann, Katherine Healy, Tracey Lesser, Alternate Jim Owers, and Chair Kristine Tardiff

Conservation Trails Subcommittee Members: Mark Cheever, Andy Gould, Jason Massa, Nick Holmes, Frank Phillipe, and Rebecca Ross

Staff: AnneMarie Skinner, City Planner
Kearsten O'Brien, Senior Planner
Krista Tremblay, Administrative Technician III
Ron Klemarczyk, FORECO, Contract Consultant Forester
Carl Matson, City of Concord Trail Ranger

Public: Don Ross (District Five Rd, Concord)
Greg Pollock
Maxwell Hanker

1. West End Farm Trail **Site Walk at 5:00 p.m.** (Meet at Currier Road and Carpool to District 5 Road)

2. **Call to Order at 7:00 p.m. in Council Chambers**

The meeting was called to order by Vice-Chair Lewis at 7:01 p.m.

3. Joint meeting with Trails Subcommittee to discuss site walk

Vice-Chair Lewis stated they just completed today a site walk with the Trails Subcommittee, noting those who participated in the site walk as Jeff Lewis, Ron Klemarczyk, Carl Matson, Michelle Horne, Kevin Porter, Mark Cheever, Andy Gould, Jason Massa, Nick Holmes, Max Hankard, Rebecca Ross, Don Ross, and Jim Owers.

Vice-Chair Lewis stated they met at the Currier Rd parking lot and carpoled to District Five Rd. Mr. Klemarczyk led a walk along the proposed new bypass trail along the discontinued portion of the road and down the proposed layout for the new West End Farm bypass.

Mr. Klemarczyk noted the green area on the map is the route they walked. Mr. Klemarczyk noted on the topography map the flat areas are wetlands and there are several streams. Mr. Klemarczyk stated a wetland permit was filed with the state.

Vice-Chair Lewis asked Mr. Klemarczyk to elaborate on the wetland permit.

Mr. Klemarczyk stated there are several types of wetland permits. There is one for logging for temporary crossings. They have one now for trails. Mr. Klemarczyk presented the letter sent with the permit. Klemarczyk noted at the first site there is an intermittent stream and there is a bridge on the causeway that had washed out in a flood. Mr. Klemarczyk stated they will pull the poles out of there and replace with a

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bridge so there is free-flowing water if there is a flood. There was another washed out area that was dry when the permit was applied. However, the beavers have brought up the water levels so there was water in the second crossing. The state wetland permit notes if you put fill in standing water that is a higher-grade permit and asked to install a culvert instead. Mr. Klemarczyk noted that is no problem and they will install the requested culvert. Mr. Klemarczyk stated they will need to bring up the level of the trail in a particular section due to the previous owner using that area as a skid trail.

Vice-Chair Lewis asked if DES was out there and looked at it.

Mr. Klemarczyk met with DES this morning.

Vice-Chair Lewis asked what needs to happen for the permit to be issued.

Mr. Klemarczyk stated DES will sign off on the permit on the condition they install a second culvert in association with the bridge and first culvert.

Vice-Chair Lewis asked if there is an update on NHB and Fish and Game.

Mr. Klemarczyk said it came back as no hit or impacts.

Vice-Chair Lewis asked the Trails Subcommittee about the draft they have been working on for the criteria of the proposed West End Farm trail. Vice-Chair Lewis noted they are not making any final decisions tonight.

Councilor Horne has had people contact her about the trails expressing concern that the Conservation Commission is not cognizant of the deer habitat.

Mr. Klemarczyk stated it is a hemlock forest of about 72 acres. Mr. Klemarczyk noted the adjacent property has quite a bit of hemlock forest and it was logged about five years ago. Mr. Klemarczyk noted before that was logged it was also deer habitat. Mr. Klemarczyk stated logging is a disturbance to deer habitat. Mr. Klemarczyk noted there is hemlock wooly adelgid out there and the recommendation is to cut it to get regeneration.

Member Porter asked if there has been an inventory on this piece of land.

Mr. Klemarczyk answer yes, the hemlock area has a lot of vernal pools and wetlands. There is a section where there was no harvesting because of the hemlock habitat.

Member Porter asked if that is before the adelgid became more of an issue.

Mr. Klemarczyk answered yes.

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Member Porter asked Mr. Klemarczyk about recommendations.

Mr. Klemarczyk stated the whole world of forestry is changing because of the beech leaf disease and the hemlock wooly adelgid. Mr. Klemarczyk noted the recommendation would be a natural reserve in the chance that someone may come up with a cure. Mr. Klemarczyk stated if they start seeing more mortality it might be better to harvest it before it all dies off. Mr. Klemarczyk will update the management plan and meet with the Conservation Commission as it is updated. Mr. Klemarczyk noted that will be discussed sometime before next June.

Ms. Phillipe asked at what point does the hemlock wooly adelgid affect the value of the harvest.

Mr. Klemarczyk stated it is when the large trees start dying.

Ms. Phillipe asked if all of it will be new trail construction.

Mr. Klemarczyk answered yes, except where it picks up the snowmobile trail.

Member Coen asked how will it affect the deer.

Mr. Klemarczyk noted Fish and Game studies have shown trails do have an impact on wildlife.

Mark Cheever stated a great job was done on the bypass. Mr. Cheever noted walking through the trail there is a lot of interesting and varied terrain with nice curvatures and it will be an interesting trail to walk, ski, or snow shoe. Mr. Cheever thinks from a recreational viewpoint the trail has a lot of assets for the City of Concord.

Vice-Chair Lewis opened the discussion to public testimony.

Don Ross pointed out where people hunt along the property and suggested changing the location because of the deer yards.

Mr. Klemarczyk noted there are openings caused by a clear cut and that will change with trees growing. There are also bog wetlands to avoid, and Mr. Klemarczyk took the driest route. Mr. Klemarczyk stated hikers will have impact on the habitat.

Ms. O'Brien stated if they are disturbing wetlands they will need a permit from the state and a conditional use permit from the Planning Board per the zoning ordinance for wetland buffer disturbance.

Vice-Chair Lewis stated there will be impact to the wildlife corridor when you put a trail where there is not one now. Vice-Chair Lewis noted hunters should have a say and there will be a public hearing. Vice-Chair Lewis has concerns about the impact to endangered species. They should be avoiding wetlands and

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vernal pools, which is why some of the trails are routed the way they are. Vice-Chair Lewis noted they are juggling all of those things with the public benefit as there is an interest in getting the trail opened up again. Vice-Chair Lewis noted they do need the results of the NHB as that will be a part of the final criteria. Vice-Chair Lewis asked for firsthand knowledge of the hunters.

Mr. Klemarczyk pointed out an ancient river bed and locations of the wet areas on the property. Mr. Klemarczyk stated they are limited by the major wetland in the middle of the property.

Mr. Ross understands the thinking to avoid the wetlands. However, he is concerned about the deer that they will go east into his fields.

Vice-Chair Lewis noted next steps for this project. They completed the site walk and there is a draft of criteria being worked on by the Trails Subcommittee. Vice-Chair Lewis would like to see the final draft of the criteria presented at the next meeting for the Trails Subcommittee. Then it can be presented to the Conservation Commission to review. Vice-Chair Lewis noted at that time a public hearing can be scheduled.

Mr. Holmes stated they have a solid draft that they can present tonight. Mr. Holmes handed out a review of criteria for the proposed new trail. Mr. Holmes noted public comments from 2020 regarding the closure of the West End Farm Trail.

Ms. Ross rebutted to say that Rossview Farm was not responsible for the closure of the West End Farm Trail.

Vice-Chair Lewis stated he is not in a rush especially in the summer for a public hearing. Vice-Chair Lewis suggested they revise the criteria based on the comments tonight and bring it back next month for the Trails Subcommittee to review. If it looks good then it can advance to the Conservation Commission. If the Conservation Commission then wants, they will schedule a public hearing for the fall.

Ms. Phillipe asked when the trail will be cleared.

Mr. Klemarczyk cannot clear until all of this other stuff happens.

Ms. Phillipe asked if it will be before winter or next spring.

Mr. Klemarczyk noted it depends on the process.

Vice-Chair Lewis wants to get it scheduled for a public hearing for input before any final decision is made.

4. Minutes – Approve meeting minutes from meeting on June 11, 2025

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Member Coen moved, Member Landry seconded, to adopt the June 11, 2025, minutes as written. All in favor. Motion passed unanimously.

5. Reports

a. Trails Subcommittee – Jeff Lewis

Vice-Chair Lewis stated Maxwell Hanker submitted an application to be a member of the Trails Subcommittee and was at the meeting last month.

Maxwell Hanker stated he has been in Concord for four years and would like to help give back.

Vice-Chair Lewis asked if that information was provided to the Conservation Commission.

Ms. O'Brien stated it was sent to the Conservation Commission.

Vice-Chair Lewis asked if the Conservation Commission needs to act on that.

Ms. Skinner stated the Conservation Commission needs to make a motion regarding the appointment of Maxwell Hanker as an alternate member of the Trails Subcommittee.

Vice-Chair Lewis asked if it needs to go to the City Manager.

Ms. Skinner answered no, not for Trails Subcommittee.

Mr. Coen asked Mr. Hanker if he had observed any of the Trails Subcommittee meetings.

Mr. Hanker stated he attended last month.

Vice-Chair Lewis noted Mr. Hanker was at the site walk today. Vice-Chair Lewis noted Mr. Hanker does work for his company and he will recuse from the vote due to conflict.

Mr. Hanker stated he has an education in natural resources.

Mr. Cheever asked if he is available from April 2026 through October 2026.

Mr. Hanker said he will have to take a little sabbatical.

Vice-Chair Lewis noted the position is for an alternate on the Trails Subcommittee and the Conservation Commission needs to appoint Mr. Hanker. Vice-Chair Lewis stated they can do that tonight.

Member Landy asked if Vice-Chair Lewis' recusal affects quorum.

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Ms. Skinner stated they need a quorum to vote and do not have one without Vice-Chair Lewis' vote.

Mr. Holmes stated he is not sure if Vice-Chair Lewis has a conflict as there is no personal interest in him becoming a member of the Trails Subcommittee.

Vice-Chair Lewis asked if he can abstain from the vote.

Ms. Skinner stated they need four votes. If he abstains they will need to wait.

Vice-Chair Lewis asked if there is any member of the Conservation Commission or Trails Subcommittee that has a problem with him voting.

On a motion made by Member Porter, seconded by Member Landry, the Conservation Commission voted in Mr. Hanker as an Alternate Member of the Trails Subcommittee for the next three years. All in favor. The motion passed unanimously.

b. Forestry

Mr. Klemarczyk has nothing to report on this agenda item.

c. Tree Subcommittee update – Rick Chormann

Member Chormann is not present to give any updates, but the minutes from the last meeting are attached to the agenda.

d. Local River Advisory Committees

There was nothing to report on this agenda item.

e. New Hampshire Department of Environmental Services

Vice-Chair Lewis noted there was a letter from DES sent about culvert replacement on Route 106.

Ms. Skinner noted they are required to notify Conservation Commission and Planning. There is no action needed.

f. City Open Space and Easements

There was nothing to report on this agenda item.

g. City Council/Planning Board

Councilor Horne thanked Ms. Skinner and Ms. O'Brien. Councilor Horne had someone ask why the Concord-Sunapee Trails is not on the City's website. Councilor Horne asked the Clerk and was directed to Ms. O'Brien who immediately added a link on the City website. Councilor Horne stated it was an amazing response time. Councilor Horne was contacted by Mr. Pollock with an issue yesterday and reached out to Ms. Skinner and Ms. O'Brien. Councilor Horne stated before she closed

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her email, Ms. Skinner had emailed Mr. Pollock to come to the meeting tonight to discuss. Councilor Horne noted they make her job so much easier with the way they are helping.

6. Old Business

a. Spears Loop Trail follow-up discussion

Vice-Chair Lewis stated there is a proposal for a trail, and a public hearing needs to be held. Vice-Chair Lewis noted they are working around Barbara Richards' schedule for the public hearing.

Ms. Skinner noted that Ms. Richards will be in Concord from July 30th through August 11th.

Vice-Chair Lewis noted those dates fall before the next Conservation Commission meeting.

Ms. Skinner recommended a meeting on August 4th or August 5th.

The Conservation Commission agreed to Monday, August 4, 2025, from 5-7 p.m. provided there is a quorum. Ms. Skinner will notify Ms. Richards accordingly.

b. 16-foot easement trail follow-up discussion

Ms. O'Brien stated they need to file for a dredge and fill permit. The way it was left was that they need the owner of 91 Reserve Place to sign the dredge and fill permit application.

Ms. Skinner stated the property owner has to sign the application as owner, the City has to sign as applicant, and Mr. Klemarczyk will sign as the applicant's agent.

Vice-Chair Lewis asked if getting in touch with the owner is the next step.

Ms. Skinner stated yes, if that is the direction of the Conservation Commission.

Ms. O'Brien noted the house is on the market.

Ms. Skinner stated there was a letter sent to the owners letting them know Conservation Commission is moving forward with a trail on the easement. There was no response.

Member Landry asked if the current land owner is the one that granted the easement.

Ms. Skinner answered no.

Mr. Klemarczyk stated the easement was granted as a part of the original subdivision conditions of approval.

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Vice-Chair Lewis noted the easement is to build a trail adjacent to the old Dimond Road bed in the easement with the adjacent property owner. It will get by the property owned by the Ross' property and get back onto city property, noting that it is part of the West End Farm Trail loop around.

Mr. Klemarczyk stated mountain bikes are allowed on the Ross' property with permission. Mr. Klemarczyk noted the idea is to upgrade the east side of the right-of-way of the centerline so if bikes want to go from Swope to the West End Farm Trail they would go down that trail into Reserve Place.

Ms. Ross wanted the opportunity to discuss alternative options to avoid expensive construction of the trail and permits. Ms. Ross would like to work with the Conservation Commission on to avoid some of this. Ms. Ross noted they have represented to the city that they would consider bikes on that portion of their land for a reasonable negotiation. Ms. Ross noted they would entertain that as a resolution.

Vice-Chair Lewis noted it is on private property and there needs to be a permanent agreement. That weighs against constructing of a new trail that is next door. Vice-Chair Lewis is not sure what the negotiation would be for that.

Ms. Ross noted if folks are interested in negotiations they would be available.

Mr. Ross stated they would like to come up with a resolution where there is no construction equipment, permits, or dredging. Mr. Ross feels they can come up with something that is mutually beneficial.

Vice-Chair Lewis stated this is on a path already, so an alternative would need to happen hastily.

Mr. Ross stated he is happy to do that. Mr. Ross stated even if they dredge and improve the half of the road there is no way hikers and bikers will stay on the half of the road with the imaginary line. Mr. Ross stated in the interest of long term not just in a rush to get some thing resolved a path of least resistant both parties needs to encompass something that addresses that whole road rather than thinking someone will stay on one side and not the Ross' side.

Ms. Phillipe asked if they have ever had a subcommittee for negotiations and then bring back to the full committee.

Member Coen answered yes.

Vice-Chair Lewis noted there should be a proposal and not sure how that happens. Vice-Chair Lewis stated it has come to staff and now the Conservation Commission.

Ms. Ross stated the last response they received when they submitted a proposal the answer was no.

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Ms. Ross is opening the door to invite a conservation.

Member Landry asked how long ago.

Ms. Ross stated six months ago.

Vice-Chair Lewis asked for this as an agenda item for discussion next month.

Member Landry asked if they are putting the current trajectory on hold to reopen a conversation.

Vice-Chair Lewis stated he thinks the Commission will be evaluating two options. Vice-Chair Lewis suggested to stay on the current path. Vice-Chair Lewis noted before they make a final decision they should evaluate both of them. Vice-Chair Lewis noted to keep it on the agenda and come back with some thoughts for next month.

7. 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 Conservation Commission voted to enter the non-public session at 9:10 p.m.

The Conservation Commission voted to exit the non-public session at 9:28 p.m.

Member Landry made a motion to seal the non-public meeting minutes. Member Coen seconded. Roll call vote 4 in favor (Coen, Landry, Lewis, Porter) to 0 opposed. The motion passed unanimously.

Member Landry made a motion to set up a public hearing to discuss a land donation at the next Conservation Commission meeting on August 13, 2025, as discussed in the non-public session. Member Coen seconded. All in favor. The motion passed unanimously.

8. Staff updates on items

- Ms. Skinner reminded the group about the special meeting held to discuss the parking for the sunflower festival. The Conservation Commission voted unanimously to have the parking at the north against the 6 Loudon Rd property either at the northeast or northwest with approval from the fire marshal. The fire marshal wanted the northeast portion for parking. Mr. Pollock subsequently submitted a revised parking map. The lease prohibits parking on the property, and Ms. Skinner noted that last year the parking took place illegally since the lease was never amended. Ms. Skinner stated it is all set to go to City Council on Monday to allow the City Manager to sign an amended lease to allow parking in the northeast portion for the 2025 festival. Mr. Pollock requested a change in the parking area to the northwest instead.

Mr. Pollock stated he planted cover crops in the northeast portion and would prefer the northwest portion explaining that the reasons why.

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Vice-Chair Lewis asked why the fire marshal requested the northeast portion.

Ms. Skinner stated she was not given a reason from the fire marshal, but she will email him about the northwest area.

Vice-Chair Lewis stated the Conservation Commission cannot override the fire marshal's decision.

Member Landry noted the Conservation Commission does not need to make a motion to change anything if the fire marshal was willing to change the parking location.

Ms. Skinner answered correct.

Vice-Chair Lewis noted Ms. Skinner will contact the fire marshal and the Conservation Commission does not need to do anything.

Ms. Skinner confirmed that to be the case.

- Ms. O'Brien received a request from Marion Tilton from DES regarding certifying state employees in wetland flagging. In doing so they would need to do some wetland delineation and identified certain land they thought was owned by the city. They want to do that for the Society of Protection of the forest trail, 54 Portsmouth St, the Batchelder Mill Trail, East Sugar Ball Trail, and Riley Trail.

Vice-Chair Lewis is not opposed to that.

Ms. O'Brien asked if is city property are they okay with them flagging and not doing GPS.

Member Landry asked if the flagging would be helpful to the Conservation Commission.

Ms. O'Brien stated they were going to take away the flagging down after they were done and then auger the soil. Ms. O'Brien told them to keep it because we then have the wetlands delineated.

Vice-Chair Lewis has no problem with that.

Adjournment

Member Landry moved, seconded by Vice-Chair Lewis, to adjourn the meeting at 9:29 p.m. All in favor. Motion passed unanimously.

Respectfully Submitted,

Krista Tremblay

Krista Tremblay

Administrative Technician III