

CONCORD CONSERVATION COMMISSION

MEETING MINUTES

September 10, 2025, 7:00 p.m.

Council Chambers, 37 Green St

Attendees: Rick Chormann, Mark Coen, Emily Landry, Vice-Chair Jeff Lewis, Alternate Jim Owers, Kevin Porter, and Chair Kristine Tardiff

Absent: Katherine Healy, Councilor Michele Horne, and Tracey Lesser

Staff: AnneMarie Skinner, City Planner
Kearsten O'Brien, Senior Planner
Krista Tremblay, Administrative Technician III

Public: Daniel A. Brodeur (75 Pheasant Hill Rd, Hooksett)
Bob Brodeur (6 Wilson Ave, Concord)
Alberton A. Berry (65 Governors Rd, Pittsfield)
Antony C. Cariello (42 Otterson Rd, Londonderry)
Nicholas Holmes (151 N State St, Concord)
Andrew Gould (Iron Works Rd, Concord)
Rebecca Ross (85 District Five Rd, Concord)
Greg Pollock

1. Call to Order

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

2. Minutes – Approve meeting minutes from meeting on August 13, 2025, and from site walk on July 9, 2025

Vice-Chair Lewis moved, Member Coen seconded, to approve the August 13, 2025, minutes with two changes. All in favor. The motion passed.

Vice-Chair Lewis moved, Member Porter seconded, to approve the site walk minutes from July 9, 2025, as written. All in favor. The motion passed.

3. 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 7:20 p.m.

The Conservation Commission voted to exit the non-public session at 7:42 p.m.

Vice-Chair Lewis made a motion to seal the non-public meeting minutes because the divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself. Alternate Member Owers seconded. Roll call vote 7 in favor (Owers, Coen, Porter, Landry, Lewis, Chormann, and Tardiff) to 0 opposed. The motion passed unanimously.

4. New Business

a. Brodeur family trust

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Ms. O'Brien stated she received an email requesting that the Conservation Commission consider accepting a donation of land that already has a conservation easement on it. The property is located off of Hoit Rd.

Member Landry asked what the land is like.

Mr. Brodeur stated it is mostly forest and the west boundary is part of a marsh. There is roughly about 1,200 feet of frontage along Hoit Rd.

Member Landry asked if there are any structures on the property.

Mr. Brodeur stated there are no structures and that is what his grandfather wanted.

Chair Tardiff asked if the family placed the conservation easement with Five Rivers Trust.

Mr. Brodeur stated his grandfather bought it in 1940. In 1982 they made it into a trust. Mr. Brodeur stated there was an easement placed in 1990 with Five Rivers. Mr. Brodeur is trying to keep his grandfather's wishes and hoping the commission will take the property in donation.

Ms. O'Brien stated the Society of Protection and Five Rivers both have been given the opportunity to receive the donation and both have declined the donation of land.

Alternate Member Owers asked what the Conservation Commission needs to do.

Chair Tardiff stated the Conservation Commission should have a discussion and if interested they will need to get a copy of the easement.

Member Coen asked about the value of the property.

Mr. Brodeur stated the property is in current use.

Ms. O'Brien stated the tax assessment shows the property with the current use is valued at \$2,350.

Member Landry noted the value could be low with the easement.

Mr. Brodeur stated they are not interested in making a dime; he is doing this for his grandfather.

Alternate Member Owers stated he thinks the Conservation Commission should consider the donation.

Member Landry suggested scheduling a site walk before the next meeting.

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Mr. Brodeur stated he can meet someone at the site.

Chair Tardiff asked if there is a deadline by which this must be completed because there is a process. Chair Tardiff stated they can coordinate a site walk and then put the item back on the agenda for a follow-up conversation to determine if the Conservation Commission would like to pursue it further. Chair Tardiff noted then it will need a recommendation from the Conservation Commission to City Council to accept the donation.

Ms. Skinner asked if the Conservation Commission will do a title search.

Ms. O'Brien noted the Conservation Commission will need a title history to follow the process.

Chair Tardiff stated there are a couple steps to take.

Mr. Brodeur appreciates the people involved and will be available.

Alternate Member Owers asked if there are any trails on the property.

Mr. Brodeur stated it is marked. There are no vehicles or snowmobiles.

Chair Tardiff thanked Mr. Brodeur for coming in to talk to the Conservation Commission.

b. National Association of Rocketry (NAR) - Alberton Berry

Mr. Berry passed around one rocket and a flier (flier added at the end of the minutes) to the Conservation Commission. Mr. Berry stated they are looking to use the Gold Star property for the Londonderry High School rocketry team. They are looking to be a part of the American Rocket Challenge, which is a national competition for all of the states. The challenge is a contest for high school students to design, build, and fly rockets that conform to stringent requirements for height, weight, diameter, and the amount of eggs they are required to fly. There are specific altitudes required from 750 feet to 830 feet. Mr. Berry stated it is hard to find a place to fly these rockets. Mr. Berry noted all of the launches are governed by the NAR rules, FAA rules, and NFDA rules to keep it safe.

Member Landry asked how they are propelled.

Mr. Berry stated they have solid rocket motors on the bottom. Mr. Berry noted there are electrical ignitors. There is special launch equipment and launch pads.

Mr. Cariello noted the rocket motor looks like a short, fat candle and they use gun powder to launch.

Mr. Coen asked what type of residue is leftover that could contaminate the soil.

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Mr. Cariello responded none because they lay down an asbestos blanket. When the motor blows up to blow the top off the rocket with the parachute, it is wrapped in a fireproof handkerchief.

Member Landry asked how many times and how often will they do this.

Mr. Cariello stated the team is from three to ten people. There will be two small teams. It will be no more than once a week.

Mr. Coen asked if there is a boom noise with the rockets being launched.

Mr. Cariello stated there is no boom.

Member Chormann asked if they have to pay attention to wind and speed.

Mr. Cariello answered yes and they have to pay attention to airplane traffic. Every student has to take a safety test.

Mr. Berry stated 20 miles per hour is the speed limit, and they do not want to fly at more than 12 to 15 miles per hour.

Alternate Member Owers asked if they need to notify the airport.

Mr. Berry stated according to the FAA for under mid-power class typically they do not, but they have no problem doing that.

Member Landry made a motion to approve the rocket challenge on the Gold Star property, subject to checking to see if need they permits, Forest Society approval, and subject to coordination with the Sky Hawks, for 2025-2026. Vice-Chair Lewis seconded. All in favor. The motion passed unanimously.

- c. Public hearing regarding the construction of a trail on property owned by the City of Concord, identified as Tax Maps & Lots 701Z 11, 68Z 1, 69Z 2, and 55Z 17, located north of Currier Road

Andrew Gould and Nicholas Holmes from the Trails Subcommittee presented the new trail and revised trail criteria (at the end of the minutes).

Mr. Klemarczyk stated they filed for a permit by notification for the causeway. There are no rare and endangered species reported by NHB.

Alternate Member Owers asked about deer and if there are any concerns.

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Mr. Klemarczyk stated Fish and Game did not have any concern.

Chair Tardiff opened the meeting for public comment. With none, Chair Tardiff closed the comment portion of the hearing and start discussion by the Conservation Commission.

Alternate Member Owers made a motion to approve the trail and stated this will be a popular trail given its proximity to the capitol building. Alternate Member Owers would like to see the trail go forward.

Vice-Chair Lewis noted the location of the trail is dictated by the one piece of property the Conservation Commission does not own but has a license agreement with the owner which causes the trail to be where it is and limits where its locations for placement.

Chair Tardiff added in the Concord Trails Plan, which there was a lot of public input, this is getting the connection addressed that was raised by the public. Chair Tardiff noted in terms of the connection up to Carter Hill, it does not change the restrictions on the trails on Rossview. Chair Tardiff stated there is a motion to approve the project as it has been presented.

Vice-Chair Lewis does not know what other people think and they cannot act on this until there is resolution with the rest of the trail system. Vice-Chair Lewis did note, however, that they had a public hearing to see if there is any public interest and there was no one present at the public hearing.

Alternate Member Owers stated his motion is to approve the trail that was presented tonight and nothing else.

Chair Tardiff noted there is a motion to approve as presented and asked Vice-Chair Lewis if he wanted to modify the motion.

Vice-Chair Lewis answered no.

Chair Tardiff asked if there is a second to the motion made by Alternate Member Owers to approve the trail as presented.

Member Coen seconded.

Discussion

Member Landry asked to clarify if this is different from the 16-foot easement trail.

Chair Tardiff answered yes, this proposal is approval of the construction of the green part and improvement to the blue part.

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Alternate Member Owers noted the red part is mostly done and the green that was on the slide.

Chair Tardiff noted the red has already been approved and constructed. The proposal is for the green trail coming down and the improvement in the other section.

Vice-Chair Lewis stated his concern is the outstanding issue with the 16-foot easement trail that they have access to now.

Alternate Member Owers stated they come in from the Dimond Hill Farm.

Chair Tardiff stated all they are approving tonight is the green and blue trail.

Alternate Member Owers stated the 16-foot easement is not near the proposed trail.

Vice-Chair Lewis stated that resolves his concern.

Chair Tardiff stated there is the motion to approve the project as presented, which is the green and blue segment for the trail connector. Member Coen seconded. All in favor. The motion passed unanimously.

d. Turkey River Watershed

Chair Tardiff stated the Conservation Commission discussed this last month and it is attached to the minutes.

- e. TFMoran and Unitil Energy Systems, Inc. request a recommendation for approval of a conditional use permit application for the disturbance of buffers in the Shoreland Protection District, at Tax Map Lot 494Z 44, addressed as 1-7 McGuire St, in the Industrial (IN) District. (2025-105) (PL-CUP-2025-0097)

Ms. O'Brien stated this is pulled from the agenda because there is not disturbance to shoreland buffers.

5. Reports

a. Trails Subcommittee – Jeff Lewis

Vice-Chair Lewis stated the subcommittee talked about signs for the Warren and Betty Richards trail. The city just cleaned up the Healy Park. They are updating the trail maps, and they would like that done in the next few months.

b. Forestry

Member Porter noted there is nothing in the report about forestry it is really trail business. Member Porter stated it is pulling him away from the very necessary important work of forestry. Member

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Porter noted in a similar vein most of that work is unskilled labor. Member Porter stated paying a highly experienced licensed forester to do trail maintenance is highly inefficient. Member Porter noted someone could do that for a fraction of the cost. Member Porter stated as he understands he has not started any of the inventory work for the forest management plan and they are falling farther behind on that. Member Porter is bringing it up to see if there is a different way to think about work planning.

Chair Tardiff stated that is a valid point and historically they use the forestry budget to help with the trails including the maintenance and Ron has always been involved in that historically. Chair Tardiff noted Carl is a recent addition to city staff and he is not full time.

Alternate Member Owers stated Ron build good bridges.

Chair Tardiff stated they can have staff have a conversation with Ron to explore other options.

Ms. Skinner asked if Ron does not do it who would do it.

Chair Tardiff stated they would have to hire someone else.

Member Landry asked how is Carl's position paid.

Chair Tardiff stated at this point no.

Ms. Skinner stated he is a temporary part time.

Member Landry asked if it is city funded.

Ms. Skinner stated he is allotted 15 hours a week and it comes out of the general fund. The trail monitoring will be coming up shortly. Ms. Skinner noted that will take up most of October, November and December.

Vice-Chair Lewis stated Ron has an intern that has helped him with a lot of this stuff noted that is a good point you are paying a city forester to do trail maintenance. Vice-Chair Lewis stated they do not have a full-time trail ranger or staff person. Vice-Chair Lewis stated he is right it is taking away from other stuff Ron can be doing.

Alternate Member Owers stated he suspects when Ron retires and they go to hire another forestry consultant and they will not do that type of stuff.

Vice-Chair Lewis stated you are probably right.

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Alternate Member Owers stated Ron has grown into doing that.

Vice-Chair Lewis stated to Kevin's point we have tasked him with a pretty tall task and he will not get to it because he is doing trails stuff all the time.

Chair Tardiff noted they can go back as a group to look at Ron's hours and how much is he spending on these projects that could be done by someone else. Chair Tardiff noted he also is not the only city he works for and he is not full time with us.

Alternate Member Owers noted he has vast institutional knowledge and knows every acres of land in Concord.

Vice-Chair Lewis noted he could be overseeing part of this without doing the labor.

Alternate Member Owers stated it is a valid point and will end up with a professional forester that does not trails.

Chair Tardiff stated we can go back and look at some of his reports last year to see how is hours are allocated.

Vice-Chair Lewis noted they should have a conversation while he is still here.

Member Coen stated sometimes if you review the job description to see if it meandered off.

Ms. Skinner stated there is no job description he is not an employee.

Ms. O'Brien stated it is a contracted position.

Member Coen asked what does the contract state.

Ms. O'Brien stated they just reupped it for him to do the forest management plan because it has not been done in 20 years.

Vice-Chair Lewis noted if someone is hiring him as a civil engineer and they task me to do traffic counts he would say he is over qualified for that and to get someone else that they can pay less to do it.

Chair Tardiff stated she is happy to have a conversation with Ron and they can have him come back. Chair Tardiff will look at the contract.

Ms. Skinner stated she felt it was very strange that he attends the Trails Subcommittee meeting and

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not the Conservation Commission meeting. Ms. Skinner noted he has nothing to do with the Trails Subcommittee. If he was attending either of them it should be this one.

Chair Tardiff stated he does attend when they request and you are right he is not here all the time.

Chair Tardiff noted part of that is a function they did not always have a Trails Subcommittee and they just had the Conservation Commission and he did attend when there was one group instead of two.

Chair Tardiff noted to Kevin that is a good point and keep on the list for them to take a look at.

c. Tree Subcommittee update – Rick Chormann

Member Chormann was not able to attend the meeting.

d. Local River Advisory Committees

There is nothing to report on this agenda item.

e. New Hampshire Department of Environmental Services

There is nothing to report on this agenda item.

f. City Open Space and Easements

There is nothing to report on this agenda item.

g. City Council/Planning Board

There is nothing to report on this agenda item.

6. Old Business

a. Sunflower festival follow-up discussion

Greg Pollock wanted to meet after the August festival. They added the parking this year. Mr. Pollock thinks it went well. Mr. Pollock stated there is surface level compaction in the lane ways. It was hot and dry. After the festival they cleaned up and planted a tillage radish and annual rye.

Member Landry asked about the numbers compared to last year.

Mr. Pollock thinks they had between 8,000-10,000 people, which is a little lower than first year.

Alternate Member Owers asked if they are reupping for next year.

Mr. Pollock said yes, they plan on continuing next year.

Vice-Chair Lewis asked if the parking will be back in the original layout.

Member Porter left at 8:48 p.m.

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Mr. Pollock stated if they do parking the sunflowers will rotate.

Vice-Chair Lewis asked if the parking will be to the left and they will come in same way with circulation pattern.

Mr. Pollock answered yes, the parking would be behind the post office. The entrance will be by where the sun flowers will be located.

Vice-Chair Lewis stated he was there on a Saturday. It was well marked and easy to get in and out.

Mr. Pollock stated it seemed consistent during the day. It would get to a point when the parking was full, then people were leaving and it stayed steady.

Chair Tardiff asked if there were any complaints from the abutters with the traffic pattern.

Mr. Pollock answered no.

Ms. Skinner stated the lease was only revised for this year. Ms. Skinner asked when would the Conservation Commission want to consider to revise it for longer than a year or at least for next year. Ms. Skinner stated Mr. Pollock needs to submit a formal request with plans within the next two months.

Vice-Chair Lewis stated the layout of the plan and anything that is presented needs to be approved by city staff. Vice-Chair Lewis asked how many acres did they have for parking.

Mr. Pollock stated it was three acres for the parking.

Vice-Chair Lewis asked if it will be more than for the week in August.

Mr. Pollock stated they have interest in extending into the fall with pick your own pumpkins or a corn maze. They want to expand the dinners and how that can fit into the lease. Mr. Pollock asked if the events they host have to be in a festival setting.

Ms. Skinner answered they do.

Mr. Pollock asked if there is an amendment that they can add to the lease to allow more of these dinners to happen throughout the season.

Chair Tardiff asked Mr. Pollock to write up what they looking to do and the frequency of the additional dinners. The Conservation Commission will need to discuss if there is an amendment to the lease.

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Ms. Skinner stated they also need to look at the use. If Mr. Pollock is wanting a permanent parking lot there are requirements for a permanent parking lot. If not, there are requirements for a conditional use permit with the Planning Board for an alternative surface parking lot and it is limited to a certain portion of each year.

Mr. Pollock asked where is the line between temporary and permanent.

Ms. Skinner stated Mr. Pollock is wanting to use it year-round for parking and that is a permanent parking lot.

Mr. Pollock stated from August to November.

Ms. Skinner asked every year.

Mr. Pollock stated every year but in a different section.

Ms. Skinner read the definition of a parking lot, which is “a tract of land or portion of a tract not within or covered by a building that is designed to be used as a temporary, daily or overnight off-street parking of automobiles.”

Vice-Chair Lewis stated Mr. Pollock is proposing to use it for ten days in August every year and asked how is that any different if it is four months.

Ms. Skinner stated he will have to go to Zoning Board of Adjustment for a variance to allow a parking lot.

Mr. Pollock asked since it is temporary because it moves every year would he need to get a variance every year.

Ms. Skinner stated the variance would be for the entire site and she would need to look at use once a plan was submitted.

b. Spears Loop Trail follow-up discussion

Vice-Chair Lewis stated this is under construction.

c. 16-foot easement trail follow-up discussion

Chair Tardiff stated there are a couple things on the table. Mr. and Mrs. Ross came and talked at the meeting last month with a proposal to exchange a recreation easement to cross a 16-foot stretch of the old Dimond Rd owned by the Ross Family for the Horne Property of 4.3 acres plus 60 cords of delivered log-length wood. The proposal that the Conservation Commission has approved was improving the 16 feet of the eastern side to keep people using that corridor and off of the Ross' side.

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The estimated cost for that is about \$10,000. Chair Tardiff noted there is a wet area that has to be worked around. Chair Tardiff stated those are the two proposals and the Conservation Commission needs to have a conversation about the proposals and respond to the Ross Family.

Member Coen stated his concern is overall it is a great idea to resolve future issues with that strip of land, but Member Coen is not comfortable with the idea of swapping 4.3 acres. The Conservation Commission has never done something like that. The whole concept that when someone sells or donates property for conservation easement the spirit and nature of why doing that. Member Coen stated he would be more than happy to see the transaction done with the cord wood only and not the 4.3 acres. Member Coen wants to eliminate any potential issues going forward with people trespassing on the property.

Alternate Member Owers feels a 16-foot-wide easement is adequate for a non-motorized recreational trail. Alternate Member Owers does not feel the Conservation Commission needs 32 feet. Alternate Member Owers stated the Conservation Commission committed to doing this last September. The Conservation Commission got a surveyor to go and survey where the centerline of the road is and what the Conservation Commission owns. Alternate Member Owers thinks it confirms the Conservation Commission can live within the 16 feet. Alternate Member Owers understands the only real issue is at point it goes to eight feet to avoid the vernal pool. Alternate Member Owers stated Mr. Klemarczyk met with DES and they are okay with it. Alternate Member Owers does not see why the Conservation Commission is doing this. Alternate Member Owers noted the Rosses are concerned about people meandering to their side of the road. Alternate Member Owers pointed out this was a snowmobile trail and the snowmobile ran down the centerline of the road. Alternate Member Owers stated people hike where the snowmobiles had gone. Alternate Member Owers stated if the Conservation Commission purposely built a trail there will not be an issue. Alternate Member Owers stated his experience is that people will stay on a trail unless there is a reason not to such as a downed tree or puddle they cannot get around. Alternate Member Owers stated it is important to put up signage and a kiosk to inform people to not go on the west side of the land. Alternate Member Owers stated the only real issue he sees is dogs and maybe there should be a limitation to keep on a leash to prevent from wandering on the Rosses property. Alternate Member Owers stated the land has never been posted and the Rosses have a right to do because it is their property. It is not easement land that they cannot post. Alternate Member Owers has concerns about the cord wood in the proposal. Alternate Member Owers stated sometimes the Conservation Commission generates log wood and sometimes they do not. Alternate Member Owers does not want to be compelled to generate cord wood to close a deal. Alternate Member Owers pointed out the loggers would expect to be paid for cord wood. Alternate Member Owers stated the Conservation Commission does not get the wood for free. Alternate Member Owers stated he shares Member Coen's concern about giving away 4.3 acres of fee land that is in conservation. Alternate Member Owers pointed out not only are they giving 4.3 acres, but they are also giving away 1,044 feet according to Concord tax maps of Dimond Hill right-of-way that went to the Horne's. Alternate Member Owers stated the road was abandoned. Alternate Member Owers noted not only are you giving up the land and 1,044 feet in exchange for

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that the Conservation Commission is getting back not fee land but a recreational easement and 1,160 feet of Ross land. Alternate Member Owers stated he does not feel like that is a fair deal. Alternate Member Owers feels the Conservation Commission should tell the Rosses that we will live within the 16 feet the Conservation Commission already has. Alternate Member Owers noted the Conservation Commission already had a surveyor and Mr. Klemarczyk look at the 16 feet.

Member Chormann stated he agrees and it is incumbent upon the Conservation Commission to establish a well-defined travel way in the easement. If they do that it will eliminate people going off the trail onto the Rosses property. Mr. Chormann noted if it is a well-defined path and well worn with appropriate signage to stay on trail. Mr. Chormann thinks that is an adequate approach to resolve this issue. Mr. Chormann does not feel the Conservation Commission needs to coincide any property or anything else. Mr. Chormann stated the Conservation Commission has a workable solution. Mr. Chormann noted it is 1,000 feet of trail and the Conservation Commission should be able to get people to abide to stay on path and not trespass.

Chair Tardiff stated in the improving of the eastern corridor the decision to do that was to address the problem of it not being clearly marked and follow the road bed. Chair Tardiff is hopeful that will address the current concern. Chair Tardiff stated this is a little different situation where they have a new trail and this is a 16-foot-wide window. Chair Tardiff note the Conservation Commission is operating where there is a historic road bed that is wider. Chair Tardiff stated what the Conservation Commission is proposing to do may resolve it.

Alternate Member Owers stated the Conservation Commission is not paving this or building a road. Alternate Member Owers noted the Conservation Commission can circle back to address any problems.

Member Chormann stated this trail in some places is on bedrock and you could can paint a line.

Chair Tardiff stated to Member Coen's point and not wanting to go through the process to trade 4.3 acres of conservation land. Chair Tardiff noted the second issue is if that is not an option is there an option to acquire a permanent easement on the other 16 feet where there is an option for a cord wood exchange in payment for the easement that does not include the 4.3 acres.

Ms. Ross stated they will consider alternatives. Ms. Ross stated if there is zero acknowledgement of the years of use of this trail by telling the Ross family to pound sand, then we are done here. That will be devastating going forward to any future working relationship.

Chair Tardiff stated that is not the message the Conservation Commission is trying to send.

Ms. Ross stated that is Alternate Member Owers recommendation.

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Chair Tardiff stated she does not read Alternate Member Owers' comments that way. Chair Tardiff stated the Conservation Commission has a proposal that was already approved to improve the east side to address the concerns about the difficulty of hikers trying to stay on that side with signage is not the solution.

Ms. Ross stated they can be flexible. Ms. Ross noted that proposed solution on paper will look great. Ms. Ross stated based on the history of use and the terrain you cannot paint a line down the middle or put a fence up because they use it as a traveled way for equipment. Ms. Ross stated the reality is if they do not resolve this now they will be back here in a year after the trail is done and there is still continued use as a trail. Ms. Ross stated if there is a reasonable alternative they want to have that conversation. Ms. Ross noted if the message is we will put a sign up, you should be happy now, that is so offensive and she cannot even believe they are back to that six years later.

Chair Tardiff stated what the Conservation Commission is trying to do is far more than that with the improvements.

Ms. Ross stated they have been trying to resolve this for years.

Chair Tardiff stated that is not the intent in inviting the conversation and they also have been looking for a resolution. Chair Tardiff noted there is their proposal on the table along with the improvement to the east side.

Ms. Ross stated she feels that is a lot of work and more disruption of land when there are other practical options. Ms. Ross noted she will consider anything reasonable.

Chair Tardiff stated there is a suggestion to move forward with the development of the east side. Chair Tardiff noted there is a possibility that the Conservation Commission make a counter offer that does not include the Horne property in the equation because that is in conservation. Chair Tardiff noted the process of taking something out of conservation and the optics of that have been addressed with the reality of that. Chair Tardiff noted the Conservation Commission also looks at what is the market value of the land and the easement they are looking to acquire needs to be weighed in the balance.

Alternate Member Owers stated the only thing he would consider realistically is fee ownership of the quitclaim from the Rosses and that strip of land. Alternate Member Owers noted it would not be an easement but whatever interest they have. Alternate Member Owers noted he does not want to be in a situation where the Rosses are dictating to the Conservation Commission what is going to happen on that easement.

Ms. Ross stated she can stop Alternate Member Owers right there that they will not give the City of Concord any land out of this deal. Ms. Ross stated to Alternate Member Owers that is worse than

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anything else he has said.

Alternate Member Owers stated Ms. Ross wants the Conservation Commission to give their land to the Rosses.

Ms. Ross stated the Conservation Commission used the Rosses land for years over their objections. Ms. Ross stated that is why they are here.

Chair Tardiff stated there is the possibility to suggest a counter offer. Chair Tardiff noted log length cord wood does have a significant value. Chair Tardiff stated if they want to resolve the issue on the west side of the road in addition to improving to eliminate the risk of people traveling outside the improved lane on the west side.

Alternate Member Owers stated the land is 1,160 feet for the Rosses piece based on the tax map. Alternate Member Owers noted if you multiple that by 16 feet wide that is about 1,800 square feet.

Vice-Chair Lewis stated the market value and value of the land to the Conservation Commission is the frontage and the easement. Vice-Chair Lewis stated the land has no value to the Conservation Commission in his opinion. Vice-Chair Lewis noted the value to the Conservation Commission is the access and the only reason there is any interest in any of this land is because there is a trail there. Vice-Chair Lewis stated the Conservation Commission is kidding themselves if they think there is any other value to the Conservation Commission because they do not need the cord wood. Vice-Chair Lewis wanted to acknowledge that they are trying to find a fair deal to have permanent rights for a trail. Vice-Chair Lewis asked what is the easiest way and is less concerned about the fastest way after years. Vice-Chair Lewis does not feel the Conservation Commission is talking about a lot of money one way or the other.

Alternate Member Owers stated he would have a price and pay money instead of cord wood or a land swap.

Vice-Chair Lewis noted that is counter offer and that is an option to just do money. Vice-Chair Lewis stated the Conservation Commission is talking about some value of something.

Alternate Member Owers noted the barter for exchange makes no sense to him. Alternate Member Owers stated the Conservation Commission has the money and let's just buy it.

Vice-Chair Lewis stated he knows it does not make sense. Vice-Chair Lewis stated the Rosses came to the Conservation Commission with legitimate concerns. Vice-Chair Lewis stated the Conservation Commission is trying to figure out if there is a win-win here. Vice-Chair Lewis noted if it means slowing things down for a month or two to figure that out he does not see why the Conservation Commission would not do that. Vice-Chair Lewis does not feel they should do at some crazy expense

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to the Conservation Commission. Vice-Chair Lewis noted there is another solution. Vice-Chair Lewis does not want to get into a situation with litigation and it is stalled for who knows however long. Vice-Chair Lewis noted the Conservation Commission spent tens of thousands of dollars last time. Vice-Chair Lewis stated they are talking about something reasonable here. Vice-Chair Lewis stated he hears what he is saying and less concerned about the land. Vice-Chair Lewis noted some type of precedent or can we actually do that and sell them the land that is a question the Conservation Commission should be asking. What is that process. Vice-Chair Lewis would like to know the answer to that question which the Conservation Commission does not have tonight.

Alternate Member Owers stated the bottom line is the Conservation Commission needs to figure out what that land is worth. Alternate Member Owers noted it is .42 acres with a conservation easement on it and what is that worth.

Vice-Chair Lewis stated how much did you buy it for and that is what it is worth.

Alternate Member Owers asked how much is the city willing to pay for it. Alternate Member Owers noted the city is stuck with an appraisal and you cannot just go pay whatever we want for it. Alternate Member Owers stated it is not his opinion, it is an appraiser's opinion to tell the Conservation Commission the value.

Vice-Chair Lewis stated okay if that is what needs to happen.

Alternate Member Owers asked do you want to get an appraiser on it.

Chair Tardiff stated not necessarily and thinks the Conservation Commission needs to have a discussion because there is a process if land has been taken in for conservation purposes. The Conservation Commission has not released land, exchanged land, and/or sold land that is in conservation for a reason. Chair Tardiff thinks it is a process at this point.

Ms. O'Brien stated the Conservation Commission does not have the authority to sell land. That would go to City Council.

Alternate Member Owers stated you will have to get an appraisal of what this is worth. Alternate Member Owers does not care how you do this or structure it if it is a barter for exchange or cash offer. Alternate Member Owers stated you will have to have an appraisal to say this is what it is worth. Alternate Member Owers asked what will you tell City Council we do not know.

Member Landry noted .42 acres is involved.

Alternate Member Owers stated it is .42 acres and an easement with certain rights that come with that easement. What is that worth.

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Ms. O'Brien stated \$5,200 per the tax assessor.

Member Coen stated he is saying thank you and no thank you the Conservation Commission is keeping the land and that is not a part of it. Member Coen noted it is either cash or cord wood.

Alternate Member Owers stated even if it is cord wood it is a different form of cash.

Member Chormann asked what is the value of that easement. Member Chormann stated the city is prepared to spend \$10,000 to create a separate trail to stay off of that easement. Member Chormann asked how much is the other half worth. Member Chormann stated no swapping or cord wood needs to be involved in his mind. Member Chormann asked how much is it worth and is the Conservation Commission willing to pay for that. Is the value consistent with the evaluation of eliminating the potential for conflict? The Conservation Commission has a resolution that respects the Rosses property. Member Chormann noted it may not work perfectly and there is that risk. Member Chormann noted the Conservation Commission can address that down the road perhaps and maybe not. To do it up front Member Chormann asked what is the dollar value to resolve this. Member Chormann noted no land swap and no cord wood. Member Chormann stated cash money. Alternate Member Owers stated a check from the City of Concord to the Rosses.

Ms. Ross stated they were encouraged to come up with a solution that did not include a check. Ms. Ross noted so that is what they came forward with. Ms. Ross stated if that now seems like a bad solution they will go back.

Chair Tardiff thinks that depends and feels like there was a meeting a few years ago where there were some cash numbers floated.

Ms. Ross stated right, and you came back to us with cord wood and other things.

Chair Tardiff does not remember what the dollar amount was at the time.

Alternate Member Owers stated he thinks they need to get an appraisal. Alternate Member Owers noted he does not see any way around it. Alternate Member Owers stated that is what the Conservation Commission pretty much lives and dies on.

Ms. Ross stated litigation or threats of litigation also in settlements that are not squarely bound by appraisal values. So, even with an appraisal there is flexibility.

Alternate Member Owers stated the Conservation Commission is not in litigation right now and that is way down the road if that ever happens.

Ms. Ross does not want it to be down the road. Ms. Ross stated that is why we are here every month

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to try to put an end to it.

Chair Tardiff stated the Conservation Commission can do a couple of things. Chair Tardiff noted they are hearing concerns about the .42 acres as being part of it. Chair Tardiff stated she understands Ms. Ross was asked to come forward with a solution. Chair Tardiff noted the Conservation Commission can talk about whether cord wood versus cash and if that is the same for the Conservation Commission. Chair Tardiff stated if we are just talking about an easement on that 16-foot strip that is adjacent to the Rosses property there is a rough calculation of .42 acres in an existing road bed if the Rosses want to provide a proposal.

Ms. Ross stated they need a counter proposal. Ms. Ross noted they can't keep just doing this. Ms. Ross stated it is not just the .42 acres it is the continuation of bikes that they know are going through that and us giving permission for that to continue on our land with bikes. Ms. Ross noted it is not just a pure purchase of the easement, but it is a settlement of concerns broader than the footprint. So, the evaluation and going back to what Vice-Chair Lewis said what is it worth. Ms. Ross stated you have already spent money and will spend more money. Ms. Ross stated you will have to spend money again when the proposed solution does not resolve issue fully.

Alternate Member Owers stated some of this is already sunk cost. Alternate Member Owers noted the Conservation Commission already spent \$3,000 on a surveyor and spent \$2,000 on Mr. Klemarczyk's time to meet with DES. Alternate Member Owers stated there is already close to \$5,000 at some cost.

Ms. Ross stated if you would just treat us fairly that would stop all over our land.

Chair Tardiff asked the Conservation Commission if they have enough information to put together a counter offer. Chair Tardiff asked if there is an interest in doing that or do not feel like the Conservation Commission has enough information.

Member Landry stated she is feeling like the Conservation Commission counter offer might be paying the value of an easement over the Rosses half of the stretch of that land.

Alternate Member Owers stated that is what he would like to do and let's make a cash offer based on .42 acres.

Member Landry noted if they are going to do that can they appraise the value of that. Member Landry works with a land trust perspective and worked with charitable dollars for non-profit. They cannot spend over the appraised value. Member Landry noted she does not know if that is different with the city. Member Landry stated even if it is worth more to the Conservation Commission because there are things that go along but appraised value will not value those other things. Member Landry stated she would be curious to know what is that value. Member Landry asked is it \$5,000 or \$15,000.

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Ms. Ross stated if you need the formal notice of intent to sue in order to trigger what Alternate Member Owers says does not exist. Although, the Rosses have put that in writing multiple times that this needs to stop. Ms. Ross stated they can do that so it is a settlement of litigation and not squarely purchase price. Ms. Ross stated this needs to stop.

Chair Tardiff stated she does not know that they need to go to that step.

Ms. Ross stated they can do it.

Chair Tardiff responded she understands. Chair Tardiff stated to answer your question if the Conservation Commission is proposing to pay for the easement on the 16-foot strip whether it is cash, cord wood, or a combination, Chair Tardiff stated the Conservation Commission has to be able to justify it. Chair Tardiff noted they will need to go to City Council to explain why the Conservation Commission is doing it.

Alternate Member Owers thinks an appraiser can calculate into some degree the value of having an easement and it is not just .42 acres with a right of access that the Conservation Commission may need. Alternate Member Owers thinks they can put a value on that.

Chair Tardiff tossed this out as an option. Chair Tardiff noted the Conservation Commission has prepared and approved moving forward to spend about \$10,000 to do the improvements of the trail on the east side as what the Conservation Commission came up with a solution for this area. Chair Tardiff noted so that is \$10,000 that is proposed to spend for that purpose. Chair Tardiff stated she thinks the Conservation Commission can justify spending that amount for the acquisition of this easement and they are not improving it.

Alternate Member Owers stated he would agree with that if it would make it go away.

Chair Tardiff stated they may need to have some work done to further support it. Chair Tardiff noted that is a number the Conservation Commission has already approved spending to improve the trail on the east side.

Alternate Member Owers noted the Conservation Commission spent \$5,000 of the \$10,000.

Member Landry asked if you are saying the appraisal comes back lower than \$10,000 it would still be justified to spend \$10,000 on the easement because it negates the improvement.

Chair Tardiff stated instead of improving the east side of the trail it being the permanent solution for using that road bed.

Alternate Member Owers stated as passionate as the Rosses are about this and feeling they are being

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used Alternate Member Owers honestly believes if you do reconstruct the trail to get people off that it may not satisfy them but Alternate Member Owers does not think people will go on their property the way they are now. Alternate Member Owers thinks it is happening because this used to be a snowmobile trail and they drove down the middle of it and they were not concerned with what side of the road are they on. Alternate Member Owers noted as the trail started being used as a walking trail the natural place to go is right down the middle. Alternate Member Owers stated yes it meanders on both of the properties. Alternate Member Owers noted if a purpose-built trail is made that will stop the problem and if it doesn't then the Conservation Commission will go back to the Rosses to say we need to get that land.

Ms. Ross stated there will not be another opportunity. Ms. Ross wanted to make that very clear.

Alternate Member Owers stated he thinks there will be.

Member Landry stated regardless of whether it will or won't be an opportunity, the Conservation Commission is currently looking at two potential solutions to the problem. Member Landry thinks they are both good options. Member Landry thinks the Conservation Commission needs to make a decision on what they are going to pursue.

Alternate Member Owers wants to continue on with what they are doing and get an appraisal. Alternate Member Owers noted if it is something that makes sense then make a cash offer. Alternate Member Owers does not want to get into giving cord wood or giving away land that you cannot really value anyway. Alternate Member Owers stated the Conservation Commission has no idea what the Horne lot is worth and taking land that is in conservation. Alternate Member Owers noted he does not know what you do. Do you take the easement off. Alternate Member Owers stated if it is a private party you would have to go to the attorney general to do that.

Ms. Ross stated they do not want to take the easement off. They have no interest in that.

Vice-Chair Lewis stated the easement would stay.

Member Landry thinks the initial concern is the intent of acquiring that property the easement would definitely stay.

Alternate Member Owers asked who is the appraiser for the Conservation Commission that was on retainer for a while.

Member Landry asked if it was Kevin McManus.

Ms. Skinner stated there is no one on retainer.

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Member Coen stated what he thinks he is hearing is if they had \$10,000 allocated to improve the trail and if they can use the \$10,000 to acquire the easement rights. So, the proposal is \$10,000 to the Ross family and is that an acceptable amount. Member Coen noted on the flip side say the easement part is appraised and they come in and say it is worth \$3,000 why are you paying \$7,000 more for a piece of property that is accessed for that. Member Coen stated the other problem he is seeing because we do need it and it is the selling price.

Vice-Chair Lewis stated it not just because the Conservation Commission is saving money by not building a trail.

Alternate Member Owers stated the Conservation Commission does not know if the Ross family will accept a \$10,000 offer.

Member Coen noted that is the whole idea is here is our counter offer of \$10,000 cash for the easement of 16 feet.

Vice-Chair Lewis stated the Conservation Commission can make that offer subject to us. Vice-Chair Lewis noted there is only one way to find out if they accept it.

Member Coen noted his concern is the Conservation Commission spends the \$10,000 and there is still an issue potentially.

Vice-Chair Lewis asked if you spend the \$10,000 to do this how would you still have an issue.

Member Coen stated if the Conservation Commission modifies the trail.

Chair Tardiff said you get an appraisal.

Alternate Member Owers stated the Conservation Commission needs to get an appraisal. None of us in this room are experts and we do not know what the land is worth. Alternate Member Owers stated they are just speculating on what the value is and thinks need a third party to get an appraisal.

Ms. Skinner asked if Alternate Member Owers is talking about the Horne property.

Chair Tardiff answered no, it is about the value of acquiring the easement.

Alternate Member Owers stated it is the 1,160-foot by 16-foot easement.

Chair Tardiff stated that is a tough appraisal and it doesn't account for the litigation risk aspect of it. Chair Tardiff noted they are looking for a permanent solution.

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Vice-Chair Lewis stated if the appraiser knows by acquiring this easement the Conservation Commission will save \$10,000 is the base value automatically \$10,000. Vice-Chair Lewis noted it cannot be less than that.

Chair Tardiff stated the appraiser will do market value.

Alternate Member Owers stated the trail needs to be improved anyway.

Vice-Chair Lewis asked does it.

Alternate Member Owers responded yes, he thinks it does.

Chair Tardiff asked if to stay within the full road bed.

Alternate Member Owers noted it is not great and will need some improvements on the trail regardless of whether the Conservation Commission owns it or not.

Vice-Chair Lewis stated that is a whole other issue they will need to look at because he does not think that is the case.

Ms. O'Brien does not think it is bad.

Chair Tardiff stated it is not \$10,000 worth of work within the whole road bed.

Vice-Chair Lewis does not have a problem with getting an appraisal if that is what they need to do.

Alternate Member Owers is not sure where this \$10,000 number came from.

Vice-Chair Lewis stated the Conservation Commission appropriated \$10,000.

Ms. Skinner stated it is coming from Mr. Klemarczyk's budget for the 16 feet.

Vice-Chair Lewis stated based on the current information they have without divulging non-public information he will want to make sure that money that was allocated is enough to build the trail before he makes a decision on this. Vice-Chair Lewis has a feeling that may not be at this point.

Alternate Member Owers stated why don't the Conservation Commission get an appraisal and that is his recommendation.

Vice-Chair Lewis stated if you get an appraiser and go down that path you only do that.

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Alternate Member Owers stated he thinks the Conservation Commission needs to know what they are talking about and that is why.

Ms. Skinner stated respectfully the property has a conservation easement and it will not appraise. Ms. Skinner noted she understands what Alternate Member Owers is saying and if this was a normal transaction but it is not. Ms. Skinner stated they will have nothing to appraise it against.

Alternate Member Owers stated there has to be a way to value right of access rights.

Chair Tardiff stated an appraiser can do it but it will be difficult. Chair Tardiff noted it is not easy to find a comp. Chair Tardiff stated it can be done but there is a question do we need to do it in this circumstance where they have approved spending money \$10,000 to do the trail improvement which is one fix. Chair Tardiff stated taking that amount of money that the Commission said let's spend this to go fix this problem and it may not fix it permanently and repurpose it to acquire permanent rights.

Alternate Member Owers asked how much of the \$10,000 has already been spent.

Ms. O'Brien responded nothing.

Chair Tardiff stated the \$10,000 is for the construction.

Ms. Skinner noted that is the cost to fix the trail.

Alternate Member Owers asked if the survey did not come out of that.

Ms. Skinner responded no.

Alternate Member Owers noted there is \$10,000 sitting there waiting in an escrow account some place.

Chair Tardiff stated what the Conservation Commission would be looking to do is make a counter offer and it is a conceptual one for \$10,000 to acquire the permanent easement for the 16-foot strip.

Alternate Member Owers stated the .42 acres.

Vice-Chair Lewis stated any offer the Conservation Commission makes is a condition on City Council approving it.

Chair Tardiff responded yes.

Alternate Member Owers asked if the Conservation Commission wants to make that the offer.

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Chair Tardiff stated it would be a motion to make a counter offer for the Rosses and they will need to sit down to talk about it.

Alternate Member Owers asked if the Conservation Commission has the authority to do that right now.

Ms. Skinner responded why not. You can make a motion.

Chair Tardiff stated it will be a counter offer subject to the final process and subject to City Council approval.

Member Coen made a motion to the counter offer of the \$10,000 for the easement.

Chair Tardiff added subject to all of those conditions.

Member Coen responded correct.

Member Landry asked if that will be subject to the appraisal.

Vice-Chair Lewis responded not necessarily.

Chair Tardiff stated only if the Conservation Commission decides they want that.

Ms. Skinner asked for the Conservation Commission to clearly define the conditions for the motion.

Alternate Member Owers clarified the conditions for the motion made by Member Coen to counter offer \$10,000 for an easement, which is the exact amount the Conservation Commission would be paying for trail rehabilitation on the east side of Dimond Road. The offer is to buy an easement with the terms of the easement to be determined and acceptable to the Conservation Commission, on approximately 1,160 feet by approximately 16 feet on the Rosses side of the old Dimond Road. Subject to City Council approval. Seconded by Alternate Member Owers.

Vice-Chair Lewis asked whose motion is it.

Chair Tardiff stated Member Coen started the motion and Alternate Member Owers clarified the conditions.

Vice-Chair Lewis stated he feels like this is a reasonable counter offer to keep the ball moving at this point and time.

All in favor. The motion passed unanimous.

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Ms. Ross asked if they will send something in writing.

Chair Tardiff responded yes.

7. Staff updates on items

- Ms. O'Brien stated she received an email from Marianne Tilton from DES requesting if she can use the Knowlton Trail and the Moody Loop (map 12).

Chair Tardiff asked what is this for.

Ms. O'Brien stated it is DES to do training for wetland delineation.

Alternate Member Owers stated that is a good trail to use there is all sorts of stuff.

Ms. O'Brien noted they would keep the flagging.

Chair Tardiff stated it is definitely one of their trails and thinks that is fine.

- Barbara Ricker from NHCC will be hosting their wetlands training program and they want to do September 26, 2025 from 1-4 p.m. at Locke Rd and plan to park cars in the HL Turner parking lot.

Chair Tardiff stated the Conservation Commission cannot approve the parking but they are okay with the event on Locke Rd.

- Ms. O'Brien stated the Kimball property is going to City Council in October. Ms. O'Brien stated Mr. Klemarczyk wanted to let the Conservation Commission know that Chuck Rose estimated \$20,000 to \$25,000 of timber if it is a heavy cut.

Chair Tardiff asked if they need someone there.

Ms. Skinner stated it is on consent.

- Ms. O'Brien stated the meeting next month will be in the 2nd floor conference room at City Hall.

Adjournment

Member Landry moved, seconded by Member Coen, to adjourn the meeting at 9:56 p.m. All in favor.

Motion passed unanimously.

Respectfully Submitted,

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Krista Tremblay

Krista Tremblay

Administrative Technician III