

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

August 18, 2020, 7:00 PM

MINUTES

Due to technicality difficulties with the Zoom platform on August 12, 2020, the regular monthly meeting of the Conservation Commission was held on August 18, 2020, via Zoom, at 7:00 p.m.

Attendees: Chair Kristine Tardiff, Councilor Brent Todd, Vice-Chair Jim Owers, Members Kathy Healy, Rick Chormann, and Jeff Lewis.

Absent: Chris Kane, and Alternate Stefan Mattlage

Staff: Beth Fenstermacher, Assistant City Planner
Lisa Fellows-Weaver, Administrative Specialist

Public: Rebecca Ross, Dan Williams, Matt Bowser

Call to Order

The meeting was called to order by Chair Tardiff at 7:00 p.m. at which time Ms. Tardiff read the following statement:

As Chair of the Concord NH Conservation Commission, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Commission is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, we have provided public notice of the necessary information for accessing the meeting, and instructions are provided on the City of Concord's website at: www.concordnh.gov/planning

With Regard to providing public access to the meeting;

We are utilizing the Zoom platform for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through visiting the following website address: <https://zoom.us/j/181542776>.

If you do not have website access, you may dial the following phone number 929-205-6099 and enter the webinar id 181 54 2776.

For those calling in who want to provide public testimony, *via* the website, you may click on the chat icon to ask, or click "raise hand" to be recognized as authorized by the Chair. For participants, dialing in on a phone, you may dial *9 to alert the Chair that you want to testify. Please note that testimony only applies to public hearings, and public participation may not be authorized in a public meeting which is not a public hearing.

With Regard to providing the public with a way to alert us about access problems;

If anybody has a problem, please call 603-225-8515 or send an email to: planning@concordnh.gov.

With Regard to adjourning the meeting if the public is unable to access the meeting;

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Roll Call attendance was taken with each member indicating whether there is anyone in the room with them during this meeting, which is required under the Right-to-Know law.

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Reminder for the public

If you have a question or any trouble accessing this meeting please call the planning dept. at 603-225-8515 or send an email to: planning@concordnh.gov

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Reminder to Commission members

- Please mute yourself when not speaking.
- Please raise your hand in the participants section of your Zoom screen.
 - Also, if viewing in gallery view, wave your hand in front of the camera to make sure you are heard.
- In your zoom screen, change your view in the upper right corner from speaker view to gallery view to see all panelists.

1. Minutes

July 8, 2020

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the July 8, 2020, minutes, as amended.

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Ms. Healy – in favor

Mr. Owers – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

2. Dan Williams, requesting closure of “Ry’s Way” Trail in Broken Ground during hunting season.

Mr. Williams met with the Commission to request that the Rys Way Trail in Broken Ground be closed during hunting season. He stated that he spends a lot of time on the Concord trail system and has noticed an increase in the activity on the trails. He expressed concern with the increase in activity and suggested that the Commission consider the negative impacts of the trail systems. These impacts would be to the wildlife and overall environment, safety, and equity. He explained that closing the trails for the hunting season would allow for wildlife management to continue and the eco system to flourish. Three options for closure dates were suggested for consideration.

Mr. Owers asked if the only issue was with the wildlife impacts and due the increased activity or is it more safety issues due to accidents with people and wildlife. If it is safety as the main concern, the Commission and Trails Committee have a process to follow in which these items are considered when building new trails and the placements. He stated that it would be unfortunate to close any trails at this time; the increase is most likely due to the pandemic.

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Mr. Lewis commented that the trails are a great opportunity and resource in the City. He hopes that the use will continue to grow as that is what the trails are for. He explained that if there are too many people using the trails then there are not enough trails; however, he does not feel that that is the case. The Commission has been acquiring land throughout the City and working to create new trails and determine what the best locations are. He referenced the Open Space Plan and added that there is a process to follow when creating trails including public hearings. He stated that he would be interested in hearing from the public to see if there are others in the area that feel the same way as Mr. Williams. He added that this is a bigger issue and needs to be looked into for all of the City trails, not just Rys Way.

Ms. Tardiff spoke about the ongoing work of the Commission to establish a trails master plan. She explained that when the plan is completed it can be utilized as a basis for discussions for many issues, including impacts, values to wildlife, closures, and if certain areas need more or less trails.

Mr. Williams stated that he would reach out to people for their opinions and have them contact the Commission. He noted that it is a bigger issue and agreed that there has been an increase in the usage.

Ms. Healy asked how the Commission can track the amount of hunting on the trails. Ms. Tardiff responded that could be a part of the outreach, which is still being compiled. Mr. Owers noted that there has been very little feedback from hunters and he noted that he does not recall any hunting groups appearing in front of the Commission. Ms. Fenstermacher agreed that the Trails Master Plan will be good tool and is why there are updates; times change and the Commission wants to use this as an opportunity to encourage more use of trails and be prepared.

Mr. Owers made a motion to deny the request to close Rys Way in Broken Ground. Councilor Todd seconded the motion. Mr. Owers stated that it would be appropriate to have a public hearing as well as a recommendation from the Trails Committee. Ms. Tardiff commented that she too would want to follow the process for a trail closure and allow public comments. Councilor Todd agreed there should be a hearing and asked about any legal rights and ramifications for closing trails. He noted that hunting has been available on the trails and the people hiking and walking during hunting season act accordingly.

Discussion ensued regarding accidents with mountain bikers and hunting accidents on the trails.

Matt Bowser, representing the NE Mountain Bike Assoc., stated that he feels that this discussion and these issues can all be addressed by education. All City trails in Concord are open to multi uses as a whole. He stated that the Central NH NEMBA Chapter can add signage and educate. Ry's Way is a very popular trail and is equal in the types of usage from hikers and bikers. In regards to safety, this can also be addressed through signage and Facebook campaigns. He added that biking and hiking are each an impact as much as the other. Closing trails based on no real statistical information is a mistake. He is not against closing a trail for hunting; however, there needs to be more research done and the Commission should hold a public hearing. He asked if there is currently hunting on Ry's Way. Ms. Tardiff thanked Mr. Bowser for the offer for assistance with education and signage.

Mr. Owers stated that he hopes that the Trails Master Plan will address some of these issues, and noted that he does not want to continue to have these discussions over these issues. Ms. Tardiff stated that the Trails Master Plan will allow for a review of the trails and take up some of these items. Ms. Fenstermacher stated that hunting was a part of the discussion for the plan with recommendations for further study; more as a guidance document.

Mr. Owers stated that he would like to see that the all of the City trails remain open. He suggested that more input that the Commission can obtain, the better the final product will be. Ms. Tardiff stated

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that she believes there is no intent to close the trails at this time and the general consensus is that the status quo will remain.

Ms. Healy suggested contacting the NH Division of Fish and Game to see if there is any information available for the Trails Master plan regarding hunting and wildlife impact. Ms. Tardiff noted that the City does have wildlife as a part of a GIS layer; however, it is good to have additional comments.

Mr. Owers withdrew his motion and Councilor Todd withdrew his second.

3. NHDES Items - none

4. Reports

a. Trails Subcommittee

Mr. Lewis attended the Zoom Trails Subcommittee meeting. He stated that most of the meeting was a discussion regarding Dan Williams' request for the closure of Ry's Way Trail.

Mr. Klemarczyk also attended the meeting and updated the Committee relative to the progress of trail maintenance. He added that the Backwoods Loop has been completed. General trail maintenance continues.

Ms. Fenstermacher stated that Mr. Klemarczyk began marking timber at Knowlton Woods last week. She added that the forestry intern finished up this week.

b. Forestry

The Forester's report was linked.

Mr. Owers asked about the site walk held at Knowlton Woods. Ms. Fenstermacher stated that the walk was held earlier this month. Mr. Klemarczyk showed the plan of timber cut and the parking lot area. Mr. Lewis commented that the parking area is a doable proposal. He stated that the next step would be to determine the size and for a plan to be done. He stated that he does not have any other issues with the parking area, at this time. Ms. Fenstermacher stated that any activity for the parking lot would not begin until next spring.

Follow-up for Fencing at Rolinda Ave. Connector Trail

Ms. Fenstermacher stated that this item is still pending as there is an irrigation system on the property of Ms. O'Hern. Mr. Klemarczyk has indicated that the location of the fence may damage the irrigation lines. Ms. Fenstermacher reached out to the property owner where the trail is located to see if they would allow the fence to be placed in the easement area, and they did not support that option. She will follow up with the City Solicitor.

c. Concord Tree Committee

Ms. Fenstermacher stated that the Tree Committee has not met.

Mr. Chormann stated that the City of Dover has a street tree inventory that is done by residents. He suggested that it might be worth checking into to see how it is organized and if it has been successful.

d. Local River Advisory Committees

Mr. Chormann stated that the Local River Advisory Committees have not met.

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5. City Open Space

a. Easement Monitoring Update

Ms. Fenstermacher stated that the monitoring reports have been completed. She will be providing a report at the September meeting.

b. Gully Hill Agricultural Easement

Ms. Fenstermacher stated that the Commission recommended extending the lease and she will be presenting a report to City Council next month. She explained that Chris Kane wanted to look at the area; she is not sure if he did. She visited the area and the concern is that there are many homeless camps as well as a significant amount of dumping. This area will require a huge amount of clean up. The farmers are still maintaining the area as required by the lease. She will be meeting with the City Manager tomorrow.

In addition, Ms. Fenstermacher stated that she received an email request from the New American Farmers regarding leasing the Gully Hill agricultural land. The request is similar to the presentation by the Russell Foundation to the Commission several years ago. The New American Farmers are currently leasing land from St. Paul's School, but the school may be terminating the lease in order to install a solar array. She mentioned that she will respond to the request and indicate that due to the existing lease, timing will be an issue. The Commission agreed this could be an item worth looking into once the lease expires.

A motion to recommend the leasing of Gully Hill was made by Ms. Tardiff and seconded by Councilor Todd; however, was then withdrawn as it was noted that the motion took place at the July meeting.

c. Crosby & Leadbeater Properties

Ms. Fenstermacher stated that the Leadbeater and Crosby properties closed on July 22. Mr. Owers recommended that Mr. Klemarczyk blaze the boundaries as soon as he can.

6. City Council/Planning Board

Concord Skyhawks ~ facilities at the leased area of the W. Locke Rd agricultural fields.

Ms. Fenstermacher stated that she will be sending a referral to City Council relative to the Skyhawks request for \$200 to cover the additional increase in usage of the portable toilet at the W. Locke Rd. agricultural fields for their September meeting.

7. Follow-up/On-going Items:

a. Easement Enforcement Policy

Ms. Tardiff recommended creating a subcommittee to work on the enforcement policy and the by-laws and recommend a document. She would volunteer to be on the committee and would hope that Chris Kane would also be on it. Mr. Lewis stated he would like to be included.

b. Trail Master Plan

Additional discussion was held regarding the Trails Master Plan. Ms. Fenstermacher stated that she has received a draft of the first few chapters, but the recommendation section has not been developed yet. She added that the Trails Master Plan Subcommittee will need to reconvene.

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c. Update to Bylaws

Addressed within item A

d. Conservation Easement Standard Templates

This item was continued.

8. Other Business

Concord TV

Ms. Fenstermacher stated that the Concord TV presented an educational video covering the Knowlton Woods with the City Forester Ron Klemaczyk. Mr. Lewis stated that Mr. Klemaczyk is an excellent resource. Additional discussion was held regarding creating more videos. Councilor Todd suggested more videos with the concept of more use of the trail systems as well as similar videos with the purpose of the Conservation Commission and educational items. It was also suggested to include Dick Lemieux and the Merrimack River Greenway trail. A trail etiquette video was also suggested, possibly including NEMBA.

Conservation Commission 50th Anniversary

Ms. Tardiff stated that the 50th anniversary of the commission is next year as well. Discussion ensued regarding education video of the accomplishments and big projects that have been done since 1970. A special report for City Council was suggested along with a contest design for a poster and/or T-shirt, and contacting former members for the video. This item will be added to an upcoming agenda.

Concord Hospital Rehabilitation Weeks

Ms. Fenstermacher stated that Concord Hospital has requested to add educational signage to the Winant trails during their rehabilitation weeks. The signs will include healthy tips, exercise tips, Members thought this was a great idea.

Healy Park Gate

Mr. Lewis asked about the installation of the gate for Healy Park. Ms. Fenstermacher stated that the gate is not installed yet but is has been ordered.

Backwoods Trail

Mr. Lewis asked about the outstanding item of property ownership on the Backwoods trail. Mr. Owers replied that he does not have any additional information. He noted that the trail route may change if no response is received by the end of September.

9. Non-Public Session

Mr. Owers made a motion, second by Mr. Chormann, to enter into a non-public session at 8:47 p.m. per RSA 91-A:3, II(d).

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Chormann – in favor

Ms. Healy – in favor

Mr. Lewis – in favor

Councilor Todd – in favor

Mr. Lewis made a motion, second by Mr. Owers, to come out of non-public session at 9:04 p.m.

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The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Chormann – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Councilor Todd – in favor

Mr. Lewis made a motion, second by Mr. Owers, to seal the minutes of the non-public session, per RSA 91-A:5, IV.

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Chormann – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Councilor Todd – in favor

Mr. Owers made a motion, second by Mr. Chormann, to have an appraisal done on the Potter property once the owners have ascertained the amount of land that they wish to retain as a house lot.

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – in favor

Mr. Lewis made a motion, second by Councilor Todd, to have an appraisal done on the Potter property.

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – in favor

Mr. Owers made a motion, second by Mr. Chormann, to have an appraisal done on the Leadbeater property and also a separate appraisal by Ron Klemarczyk to value the timber on the property.

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – in favor

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Adjournment

There being no further business, Mr. Lewis made a motion, second by Councilor Todd, to adjourn the meeting at 9:08 p.m. The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Ms. Healy – in favor

Mr. Owers – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist