

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

November 10, 2020, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on November 10, 2020, via Zoom, at 7:00 p.m.

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Members Chris Kane, Rick Chormann, Kathy Healy, and Jeff Lewis. Councilor Brent Todd arrived at 8:00 p.m.

Absent: Alternate Stefan Mattlage

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

Public: Rebecca Ross, Mel Caron, Scott Daniels

**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](http://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://us02web.zoom.us/j/89103102691>.

If you do not have website access, you may dial the following phone number 929-205-6099 and enter the webinar id **891 0310 2691**.

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](mailto: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.

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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.

**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](mailto:planning@concordnh.gov)

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.

**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**

*October 14, 2020*

A motion was made by Mr. Owers, seconded by Mr. Lewis, to approve the October 14, 2020, minutes, as amended with edits that do not alter the content of the meeting.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

**2. Public Hearing**

Public Hearing to receive testimony relative to the proposed acquisition of a parcel of open space land off District No. 5 Road, identified as Map 69Z Lot 1.

Mr. Owers gave an overview of the property, which is located along District 5 Road and on the Concord/Hopkinton town line. The property is 35 acres and currently owned by Erick Leadbeater. He added that the Commission previously purchased an 11-acre parcel from Mr. Leadbeater. The Corridor 11 Snowmobile trail goes through the property. The property is also along the Western boundary of the recently acquired Country Hill Estates. This parcel has been identified in the Conservation Commission’s Open Space Master Plan, in the Conservation Focus Area described as the Contoocook Turkey Merrimack River Headwaters. He also described the neighboring Conservation owned properties. In addition, this parcel was recommended for purchase by the City Forester due to the abundant forest. The parcel also meets numerous conservation objectives. The property has been appraised for \$49,900;

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timber alone was valued at \$15,000. Mr. Leadbeater has accepted the appraised value. Mr. Owers explained the funds for the purchase come from the Conservation Fund.

Ms. Tardiff opened the public hearing at 7:16 p.m. With no comments from the public, the public hearing was closed at 7:18 p.m.

Ms. Fenstermacher noted that a title search will need to be done.

A motion was made by Mr. Owers, seconded by Mr. Kane, to appropriate \$49,900 from the Conservation Commission Fund for the purchase of Map 69Z/Lot1, and to appropriate up to \$6,000 for all reasonable and appropriate costs associated with the closing.

Mr. Lewis commented that the property is included in the Conservation Commission focus area and is next to other Conservation lands. Mr. Kane stated that this parcel is a great addition to add to the Conservation land. Ms. Tardiff added that the parcel adds value in acreage given its proximity to Country Hill Estates.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

**3. NHDES items**

Notification of Routine Roadway Maintenance Activities, for the Concord Country Club Culvert Replacement

Ms. Fenstermacher stated that this notification from NHDES is for maintenance relative to the replacement of a culvert within the Concord Country Club property. No action of the Commission was required.

**4. Reports**

*a. Trails Subcommittee*

Mr. Lewis attended the Zoom Trails Subcommittee meeting and provided an overview.

Mr. Lewis stated that Mr. Klemarczyk was in attendance and provided an overview of the forestry report, and stated that students in the ROPE program from Concord High School (Reaching Our Potential in Education) completed building the foot-bridge for the Knowlton Woods trail. The students also did some clean up.

Mr. Lewis stated that the Trails Committee has completed all of the trail maintenance that they wanted to for this season. They are now coming up with a new list for next year. In addition, the trail stewards have been following up on the trail's checklist and areas to add signage, etc. Requests will be coming in from the stewards.

Mr. Lewis stated that the parking area on Currier Rd. and re-route of the West End Farm Trail is moving forward, and Ms. Fenstermacher will be meeting with the surveyor within the week to finalize the boundary survey. Ms. Fenstermacher stated that a NHDOT driveway permit is required

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then construction can begin for the trail and parking lot. Work will begin as soon as possible. She noted that the Wetlands notification has been received along with a sign off from NHDES.

Mr. Lewis mentioned a discussion was held regarding a snow shoe race at Broken Ground that Delta Dental would like to host. Ms. Fenstermacher stated that any race requires a permit. Gwen Williams, the City's Licensing Officer has requested input from the Conservation Commission before she will issue any permit.

Members expressed concern about damage and the effects to trails from any races regardless of the time of year. Other comments were mentioned regarding the potential of damage to the area outside of the trails, people should not go outside of the trail corridor, which could also result in injuries. COVID-19 issues and the potential of overcrowding and overuse of trails during the snow shoe race was a concern expressed along with limited parking and trash. Wildlife impacts were also noted due to the large activity. Discussion ensued regarding entry fees and non-profit status. Ms. Fenstermacher stated that this race is sponsored by Delta Dental and should have financial means, which hopefully would address parking and trash. Ms. Fenstermacher did reach out to Delta Dental already and is waiting a reply. She will forward the comments and concerns of the Commission to Ms. Williams.

Mr. Lewis stated that the Trails Subcommittee would like to appoint a new member, Ben Stephenson, and is requesting the Commission to appoint Mr. Stephenson as a trail steward. Mr. Lewis stated that Mr. Stephenson has been actively involved with the Subcommittee already and they have appreciated his assistance. A synopsis of Mr. Stephenson's resume was provided by Mr. Lewis.

A motion was made by Mr. Lewis, seconded by Mr. Kane, to appoint Ben Stephenson to the Trails Subcommittee.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

Ms. Fenstermacher noted that an attendee who was live on the meeting, Mel Caron, commented and expressed an interest in working on the trails. Ms. Fenstermacher replied to contact her via email for further information.

**b. Forestry**

The Forester's report was linked in the agenda.

**c. Concord Tree Committee**

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

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*d. Local River Advisory Committees*

Mr. Chormann had no update from the Local River Advisory Committees.

**5. City Open Space**

*a. Easement Monitoring follow up*

Ms. Tardiff stated that the subcommittee met on Friday, reviewed the monitoring reports and updated the list. A letter was drafted by Mr. Kane that reaches out to the landowners notifying them that there is a potential violation on the property; the monitoring report will also be provided. Members of the subcommittee are updating the template letter for specific properties assigned to them.

Mr. Lewis stated that the idea is that next year the intern will be able to draft any letters and mail them out. He suggested updating the spreadsheet to keep track of when people do or if they do not respond. A revised spreadsheet will be circulated.

*b. Request from Rick Murray to access Knowlton Woods with ATV for hunting season*

Ms. Fenstermacher stated that she has received a request from Rick Murray asking the Commission to grant him access by ATV to the Knowlton Woods for hunting. She stated that he requested access a few years ago and the request was granted; however, at that time he did own property adjacent to Knowlton Woods and his only access to his property was through City land; the Commission now owns the Murray land.

Ms. Fenstermacher expressed concern with allowing one-person access via ATV could be an invitation to others. She noted that Mr. Murray did mention that he utilizes an ATV as is means of transportation due to ADA. She added that the property owner on the corner has seen ATV's accessing the property.

Mr. Owers stated that he spoke to Mr. Murray last year regarding accessing the property, which was okay as that was the way to access his own land; this is now City owned land. Mr. Owers commented that he would be opposed to allowing Mr. Murray access with an ATV. He noted that there is a new trail and a bridge that could be damaged by ATV use.

Additional discussion was held regarding ADA access and requirements. Ms. Fenstermacher explained that the City cannot prohibit access onto City land; however, City can state that there are no motorized vehicles allowed on City land. After discussion, the consensus of the Commission was to forward Mr. Murray's request to the City Solicitor's office for a response, with the recommendation against the use for the reasons stated above.

**6. City Council/Planning Board**

No update at this time.

**7. Follow-up/On-going Items:**

*a. Update to Bylaws*

General discussions were held as the Commission reviewed and edited the 1995 Bylaws, which was previously emailed. Questions were raised relative to virtual meetings and call ins for quorum requirements. Ms. Tardiff stated that she will reach out to the City Solicitor's office for direction. This item was continued to the December meeting.

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**b. *Locke Road – Concord Skyhawks Request***

Ms. Fenstermacher stated that the Skyhawks request was not addressed by City Council and it has been sent back to the Commission for action. She has not heard back from Mr. Weed who requested financial assistance from the Commission.

Ms. Tardiff commented that the season has lapsed at this point. Councilor Todd stated that the issue may come back next year. He suggested reaching out to Mr. Weed again as he may have felt that this matter had not been approved.

**c. *Education/Outreach: ConcordTV videos, 50<sup>th</sup> anniversary ideas***

Ms. Fenstermacher stated that the trail video has been posted to the Trails page.

**d. *Trail Master Plan update***

Ms. Fenstermacher stated that this is still a working draft. A discussion was held regarding the goal for the Trail Master Plan. Ms. Fenstermacher explained that this document is being created to better understand the role of the City Forester as well as the role of the Trails Committee. It is to address existing conditions, recommendations for trail connections as well as recommendations where there should be trails or no trails at all.

Ms. Tardiff stated that the project is lead by CNHRPC. She indicated that it is a project that at this time does not have a time frame for completion.

Members requested a draft be sent out to them for review.

**e. *Conservation Easement Standard Templates***

A discussion was held regarding reviewing the current templates. It was suggested that the City Solicitor be involved in the review and update process. Ms. Tardiff will address this.

**8. Other Business**

**a. *Wood Lot Purchase***

Ms. Fenstermacher stated that Kevin Porter of Reserve Place has expressed an interest in purchasing a wood lot for timber and has requested the City be involved and hold an easement on the property; its partnering with a private citizen. He does not have a specific site in mind at this point, but would like to gauge the City's interest in this type of partnership. Mr. Kane volunteered to contact Mr. Porter to provide him more information and additional contacts he can speak to.

**b. *Spears Conservation Easement***

Mr. Lewis asked if there was an update regarding the wetland impact on the Spears lot. Ms. Fenstermacher replied that she does not have any update at this time.

**c. *Gully Hill***

Mr. Lewis asked about the Gully Hill biohazard area. Ms. Fenstermacher stated that this has not been addressed by Council yet; however, she will request that Deputy City Manager Baia follow up.

**d. *UNH Student Update***

Mr. Owers stated that he did follow up with Stephanie Parkinson, the UNH student that attended last month's meeting.

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**9. Non-Public Session**

Mr. Owers made a motion, second by Mr. Kane, to enter into a non-public session at 8:35 p.m. per RSA 91-A:3, II(d) and (l).

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

Mr. Kane made a motion, second by Mr. Chormann, to come out of non-public session at 9:12 p.m.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

Mr. Owers made a motion, second by Mr. Kane, 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. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

**Adjournment**

There being no further business, Councilor Todd made a motion, second by Mr. Owers, to adjourn the meeting at 9:14 p.m. The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

Respectfully submitted,  
Lisa Fellows-Weaver, Administrative Specialist