

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

March 10, 2021, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on March 10, 2021, via Zoom, at 7:02 p.m.

Attendees: Chair Kristine Tardiff, Councilor Brent Todd, Members Rick Chormann, Jeff Lewis, and Alternate Stefan Mattlage.

Absent: Vice-Chair Jim Owers, Chris Kane, and Kathy Healy

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

Call to Order

The meeting was called to order by Chair Tardiff at 7:02 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://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.

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 department at 603-225-8515.

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

February 10, 2021

A motion was made by Mr. Lewis, seconded by Mr. Chormann, to approve the February 10, 2021, 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. Lewis – in favor
Mr. Chormann – in favor
Mr. Matlage – in favor
Councilor Todd – in favor

2. NHDES Items

- a. HDR, on behalf of the City of Concord, requesting a Standard Dredge & Fill Permit and Shoreland Permit by Notification for bridge replacement on North Pembroke Road over the Soucook River.**

Tom French of HDR represented the application along with Paul Lefebvre.

Mr. French had a PowerPoint presentation that provided a thorough review of the proposed bridge replacement on North Pembroke Road. The bridge crosses over the Soucook River in Concord and Pembroke, east of Sheep Davis Road. He provided a history of the bridge noting a prior closure in 2006 due to failure, and with necessary repairs, this bridge is still classified as substandard.

Mr. French explained that the project will be a complete bridge replacement. He provided a detail of the single span concrete box proposed and reviewed the plan which will increase the length of

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the bridge by 4 feet. They have been able to minimize the impacts to only require 26 sq. ft. of permanent bed impacts. He also showed pictures of the current conditions of the bridge and railings noting the deterioration and corroding concrete. Current traffic flow is approximately 5,200 vehicles per day; this is proposed to increase to 8,000 by 2040.

Mr. French stated that they will be submitting the application to NHDES at the end of the week.

Mr. Chormann commented that he appreciated the single span and removing piers that could collect debris and cause flooding. He also asked about the angler access. Mr. French replied that they did not witness any anglers; however, there could be an area still for anglers. He noted that this is not a good area for parking but this change could also be an improvement.

Ms. Tardiff asked about the critter clearance. Mr. French replied that there is no change proposed to the height of the existing bridge, which is about 15 feet and there should not be any impacts to the sandy bottom with the other changes.

Mr. Lewis asked about the timing of construction. Mr. French replied that once approved by NHDES and NHDOT construction must begin by July 15 to October 15, to construct during the low flow season with water levels being low. He added that the replacement would take about 12 weeks.

Commission appreciate the thoroughness and informative presentation.

A motion was made by Mr. Lewis, seconded by Mr. Chormann, to send a letter to NHDES supporting the Standard Dredge and Fill application for North Pembroke Road, as presented. Ms. Tardiff will email the applicant.

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

Ms. Tardiff – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Matlage – in favor
Councilor Todd – in favor

b. City of Concord Standard Dredge & Fill Permit Application for culvert replacement that carries Beaver Meadow Brook under Alder Creek Drive resulting in approximately 1,577 sf of wetland impacts.

Martha Drukker represented the application.

Ms. Drukker stated that the Commission reviewed the application at the February meeting; however, the permit had not been received. The permit has since been received. She provided an overview stating that the project is for a culvert replacement with 1577 sq ft of impact. The existing culvert is structurally and hydraulically deficient and does need to be replaced and is being replaced with a 16 ft culvert with an 8 ft span.

Mr. Lewis asked if there will be any guard rail. Ms. Drukker stated that the area is a small residential street. There will be bridge rails added but no structural guard rails.

A motion was made by Mr. Lewis, seconded by Mr. Chormann, to send a letter to NHDES supporting the Standard Dredge and Fill application for Alder Creek Drive, as presented.

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

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Ms. Tardiff – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Mattlage – in favor
Councilor Todd – in favor

c. Hoit & Whitney Roads Wetlands Permit Application

Ms. Fenstermacher stated that NHDES has determined that the City is building the roundabout due to the Whitney Road development and it should be classified as a major project now requiring mitigation. She suggested that the Leadbeater project may qualify as a potential option for an ARM donation. It is upland that is adjacent to the Country Hill Estates. Should this not work out, there will need to be a donation made to the project for the ARM fund.

Ms. Tardiff stated that this was a logical fit with good qualities. The Commission members agreed.

3. Reports

a. *Trails*

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

Mr. Lewis stated that with mud season fast approaching, the Trails Subcommittee is working on promoting limited trails usage for a few weeks and signs are being added to the trailheads by members.

Ron Klemarczyk reported that the new parking lot at Hot Hole Pond Road will be constructed this spring.

The Committee spent some time discussing their 2021 goals and did vote to adopt these goals. Mr. Lewis reviewed the adopted goals.

Councilor Todd stated that it was worthwhile to read the goals. He asked if when the draft for dog etiquette signage is finalized it be added to all trail heads and it should come back to the Commission for final review.

Ms. Fenstermacher stated that the group that maintains the cross-country ski trails at White Farm reached out to her requesting to extend the trail in the Langley Parkway mitigation easement parcel. This section is owned by Pleasant View. She and Mr. Klemarczyk walked this area this week and there is some small scrub brush that should be removed, about 10 feet. She explained that there is a mitigation easement and the Commission does have the area mowed every 2 to 3 years and the Commission can determine if the recreation activity is a suitable use. She noted that the trail will only be used during the winter months.

i. *Dimond Road Farm and Rossview Connector*

Ms. Fenstermacher stated that she and Mr. Klemarczyk met with Don and Rebecca Ross relative to the relocation of the connector trail. She explained the during previous monitoring visits with DNCR, Don has expressed concerns with the trail being so close to the agricultural fields and sap operation, potentially leading to contamination. She and Mr. Klemarczyk walked the proposed re-route with the Rosses. Mr. Klemarczyk will re-walk the area to identify all wet areas that may need to be avoided and will meet with the Ross's again or will

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get a written confirmation from them that the connector is accurate. She stated that this will be a project for the trails committee.

Ms. Fenstermacher mentioned the Old Dimond Road trail access off Reserve Place. She stated that there is approximately 750 ft of the western half of the former road that is privately owned by Don and Rebecca Ross and they state it is being used without permission. They requested to receive compensation for an access easement to count the length of trail towards the trails requirement of the Rossvie easement, at a value of 3 times the length. If the State is not amendable the Ross's have requested financial compensation from the City.

Ms. Tardiff stated that the compensation could only be of equal value and the AG's office will need to be contacted. She expressed concern with a swap proposal and stated that given this is a benefit to for the City in terms of the trail; it takes away from the State's interest. She added that there is an option to purchase an easement at market value for the other half of Dimond Road.

Mr. Lewis agreed with waiting to see what happens with the State and added that a survey should be done.

Ms. Fenstermacher stated she would proceed with contacting the State. This item will be added to next month's agenda.

b. Forestry

The Forester's report was linked.

c. Concord Tree Committee

Ms. Fenstermacher stated that the Tree Committee has not met. She stated that a meeting will be scheduled to discuss the \$2,500 in the budget for trees. She noted that she is working with David Gill who will pay for two trees planted at Merrill Park for Arbor Day, April 30th. She will send out more information if there is an event around the planting.

d. Local River Advisory Committees

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

4. Open Space

a. Trail Ranger Position

Ms. Tardiff stated that she spoke to Tom Aspell, City Manager, regarding the suggestion of a trail ranger position. She explained that there is some interest to move forward; however, the Commission would need to fund the position for the first year. She stated that she did remind Mr. Aspell that the Land Use Change Tax, which use to be funded to the Commission at 100% was reduced to 50% and has not been changed.

Ms. Fenstermacher stated that the proposed hourly rate is \$17 per hour, for 20 hours per week; total is \$22,551 for fiscal year 2022. After two years the program will be re-evaluated. She stated that there is currently \$625,000 in the Conservation fund with another \$519,000 in the forestry fund. She noted that the \$10,000 currently used from forestry and conservation funds for the intern would also go towards the position.

Ms. Tardiff stated that should the position become full-time, then there will be a need to have the position funded by the general fund.

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Mr. Lewis commented that we need to do what we can to get the position off the ground. He stated that he would support contributing however is necessary to get the position approved and going. He added that the Commission would not think twice about spending the funds if it were for a land purchase

Mr. Matlage agreed and added that is a good position to have. He added that there are other benefits with this position and asked if it would be possible that other departments contribute to the position.

Mr. Chormann stated that he would be supportive to fund the position for the first year to get it established. He expressed concern with making the contributions in the beginning may make it harder to reverse and get other funding in the future. He suggested that the contribution be negotiated down. He stated that it is critical to get this position with the funding implemented. He stated that the Commission needs to have something to show and prove the value. He suggested looking for alternative sources of funding for the future.

Councilor Todd stated that he would support the position and will present and promote the position. He stated that the City Manager sees a value for the position. He said the Commission can pay for the first year and present to Council for the next budget. There will be an opportunity to ask the City to take on the funding. He noted that there may also be enforcement fees that could be implemented depending on what the person finds during the first year. Maybe the Commission will want to contribute to the second year.

A motion was made by Ms. Tardiff, seconded by Mr. Lewis, to appropriate \$22,551 for the first-year salary for the Trail Ranger Position; all funds to come from the Conservation Commission Trust Fund or the Forestry Fund.

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

Ms. Tardiff – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Mr. Matlage – in favor
Councilor Todd – in favor

5. City Council/Planning Board

Councilor Todd congratulated Ms. Tardiff and Mr. Owers on their recent re-appointments to the Conservation Commission.

Councilor Todd stated that the City has received the authorization to formerly apply to NHDOT for TAP funding (transportation alternative programs). The City will seek an amount of \$1 million in grant funding. He added that the City Manager will be advancing to the next round and will submit a formal application and letter from Council. Penacook Village and other groups should be following. Ms. Fenstermacher stated that Ms. Drukker is currently working on the application.

Councilor Todd confirmed activity with PAN AM.

Mr. Lewis asked about the update on the Code rewrite. Ms. Fenstermacher stated that the Code is currently being reviewed by the legal department.

6. Follow-up/On-going Items:

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a. Leadbeater

Ms. Fenstermacher stated that Tim Britain is working on the closing documentation.

b. MRGT

Ms. Fenstermacher stated that there is no new information to report on the portion through the Gully Hill corn fields.

c. Education/Outreach: ConcordTV videos, 50th anniversary ideas

Continued to next month.

d. Trail Master Plan update

Ms. Fenstermacher stated that a draft was submitted and sent to the sub-committee for review. Comments have been received from some. A meeting will be scheduled within the next few weeks.

e. Conservation Preserves

Ms. Tardiff stated that the working group did meet. Ms. Fenstermacher stated that Chris Kane is currently working on an update.

f. Conservation Easement Standard Templates

This item has been postponed until after the Conservation Preserves update next month.

g. Dogs on leash

Ms. Fenstermacher stated that this will be a great project for the trail ranger. Ms. Tardiff stated that the Commission needs to begin with providing education.

7. Other Business

a. Vernal Pools

Ms. Fenstermacher stated that there is a condition for the Country Hill estates ARM grant. She explained that vernal pools need to be identified on the property. She has received a quote for a full analysis from Dan Geiger for up to \$1,080, which is for 12 hours of work at \$90. She stated that the City is obligated to do this project. The survey should be completed within the next month.

A motion was made by Mr. Lewis, seconded by Mr. Chormann, to authorize up to \$1,100 for the for a vernal pool survey to be completed on the Country Hill Estates property per the grant requirements. Ms. Tardiff stated that a management plan for this property is needed.

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

Ms. Tardiff – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Mr. Matlage – in favor

Councilor Todd – in favor

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b. Budget

Ms. Fenstermacher provide an update of the budget. She expressed some concern with the remaining funds due to the larger projects that the Commission has done this year.

Adjournment

There being no further business, Mr. Lewis made a motion, second by Ms. Tardiff, to adjourn the meeting at 9:062p.m.

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

Ms. Tardiff – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Mr. Mattlage – in favor

Councilor Todd – in favor

Respectfully submitted,

Lisa Fellows-Weaver

Administrative Specialist