

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

May 12, 2021, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on May 12, 2021, via Zoom, at 7:00 p.m.

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

Absent: Chris Kane, and Alternate Stefan Matlage

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

Cathy McComish, Forestry Intern

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://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.

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 department at 603-225-8515.

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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

April 14, 2021

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the April 14, 2021 minutes, as written.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Ms. Healy – in favor

2. NHDES Items

Ms. Fenstermacher informed the Commission that the Birchdale Rd. Bridge replacement project will begin May 24th and continue through November.

3. Reports

a. Trails

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

Mr. Lewis stated that the Trails Subcommittee discussed the West Locke Road trail. Members walked the trail and presented a proposed loop. He introduced Fran Philippe of the Trails Subcommittee who will be the project manager.

Ms. Philippe addressed the criteria for all new trails and stated this trail meets six of the eight criteria. She stated that the trail is used a lot by the community and local businesses. She gave an overview of the area and the access. She noted that there is some confusion as to where the existing trail is. The Subcommittee feels that this trail will continue to be used by the community and Shaker Road school. The trail adds to the diversity of the City trails. She mentioned the River walk area and the erosion. She explained that this will be addressed for safety and be rerouted if

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necessary. The Trails Subcommittee voted unanimously to recommend the loop trail to the Conservation Commission.

A discussion was held regarding the wetlands and erosion; it was determined to not be a concern as the wetlands are over 100 ft from the proposed trail.

Mr. Lewis commented that the loop trail is a small trail; however, it should still go through the new trail process and follow all of the procedures. He asked if the Commission is doing enough with the process regarding identifying wildlife habitat areas. He suggested an additional step be added and NH Fish & Game be contacted as well as the Natural Heritage Bureau to make sure there are no wildlife concerns or issues. He stated he supports the new trail and recommended a public hearing be scheduled.

Ms. Philippe stated that she appreciated Mr. Lewis' suggestions and efforts.

Mr. Owers agreed that researching for wildlife issues is a good idea. Mr. Lewis added that this is how development is proceeding. Ms. Tardiff agreed and added that the wildlife issues are worth looking into especially as the Commission moves forward with the Trails Master Plan. She suggested that Ms. McComish assist with any research.

Mr. Owers suggested that there be funds added to the Commission's budget for the research.

Ms. Fenstermacher stated that approval will also be required from the Forest Society as they hold the easement to the property.

Mr. Lewis made a motion, second by Mr. Owers, to move forward with the trail as recommended by the Trails Subcommittee and to schedule a public hearing for the June meeting. Final approval of the trail should be contingent upon a satisfactory report from NH Fish & Game and the National Heritage Bureau, and approval from the Forest Society.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Lewis – in favor

Ms. Healy – in favor

Mr. Chormann was unavailable for this vote.

Mr. Lewis stated that the Trail Subcommittee has continued with the general trail maintenance. Most of the spring trail maintenance has been completed.

Mr. Lewis stated that there has not been much activity with the Backwoods Trail. Mr. Klemarczyk will be clearing a tree out and blazing. There are a few wet areas that need to be addressed as well.

The Knowlton Woods driveway permit is pending and the parking lot construction will come into to play as well. A work day has been scheduled for May 17th for the trail. They hope to have the trail this spring.

b. Forestry

Mr. Lewis stated that Mr. Klemarczyk's report was discussed at the Trails meeting. The report was linked.

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c. Tree Committee

Ms. Fenstermacher stated that Tree Committee held a site walk. She stated that the Committee discussed the \$2,500 in the budget and agreed to plant trees at the Blossom Hill Cemetery along the frontage of North State Street.

Ms. Fenstermacher added that the Tree Committee discussed using funds from the Urban Tree trust fund, established in 2000, to cost share with the General Services Division sustainable tree program. It would be a grant program that targets certain streets to help plant trees in residential areas. She explained that there are usually difficulties finding tree planting locations due to private property and or utilities and this will allow for trees to be planted in residential areas with property owners that are committed to trees. The committee will discuss the grant program at their next meeting on May 27th.

d. Local River Advisory Committees

Nothing to report.

4. City Open Space and Easements

a. Gold Star Easement Monitoring

Ms. Fenstermacher stated that the Forest Society did their annual monitoring visit. There is a lot of trash and general dumping, also a tent area, not a homeless encampment. She suggested that this be handled by setting up a volunteer cleanup day rather than continuing to pay the forester to clean up trash. This was mentioned at the Trails Subcommittee meeting and was received positively. The cleanup day could be held on conservation properties and be done throughout the City on one day or a few days. She noted that she can contact Nature Groupie, a non-profit volunteer organization, for assistance. Ms. Fenstermacher also stated that she would speak to Administration regarding the active homeless camp near the cell tower within the easement area.

Ms. Tardiff commented that a clean up day is a great idea. She suggested that there could be a leader at each site to coordinate the efforts at each site. Ms. Fenstermacher stated that she and Ms. McComish will work on this and determine the specific areas while continuing along with the easement monitoring.

Ms. Fenstermacher noted that the model airplane club has been doing some clean up along with some excavation to address some invasives. They also cleared a road to the floodplain area, outside of the lease area. The work required permission from the Forest Society which was not obtained. Following the easement monitoring, Forest Society sent a letter to the City noting the allowable uses of the easement. She will be forwarding the letter to the Club president.

A discussion was held relative to the club sub-leasing the area. It was stated that any activity on the site should be coordinated with the City. It was also noted that a porta potty will be put back out there.

5. City Council/Planning Board

a. Councilor Todd stated that Mr. Mattlage was appointed as a full member of the Commission, effective June 1, 2021.

b. Councilor Todd stated that a public hearing has been scheduled for June 14 to discuss the resolution relative to the purchase of the Pan Am property for the continued development of the Merrimack River Greenway Trail and Lake Sunapee Rail Trail from Boscawen to

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Concord. The total expenditure will be \$700,000; \$600,000 appropriated from the bond and \$100,000 appropriated from the Conservation Commission's reserve fund. Councilor Todd stated that there is support from City Council and it seems like the purchase of the land will move forward.

Ms. Tardiff stated that she recalled the amount the Commission had discussed was around \$60,000. She explained that at the time of the discussion in 2019, the Commission had more funds available; since then, the Commission has purchased lands and the reserve fund has been depleted. She stated that times are definitely different now and referenced the change in the Land Use Change Tax penalty. She explained that the Commission receives the funds from the current use penalties; the percentage was 100% of the funds and it is now only 50%. She added that there has not been much activity over the past few years. She added that there are projects that the Commission is currently working on and some funds are already obligated. She commented that the Pan Am purchase is more of a recreation acquisition than a conservation acquisition.

Mr. Owers stated that he recalls the amount being closer to \$100,000. He added that he recalled from the previous discussion with Mr. Walsh that the funds were to come from the bond.

Ms. Fenstermacher provided the current budgetary amounts; \$579,000 in the trust fund noting that there is future project the Commission is working on that will be around \$225,000; and with the Pan Am purchase, there will be \$254,000 left in the reserve fund. Mr. Owers stated that this is an important project and he would like to see the City pursue it. Ms. Tardiff agreed that it is a good project; however, expressed concern with the Commission's funds and the fact that the funds are not being replenished by the current use change tax.

Discussion ensued relative to the bond and if the funds for the purchase could be split up using the majority of funds from the bond with a smaller percentage from the reserve funds.

Ms. Tardiff explained that overall the Conservation Commission was supportive of the project and agreed that it was a good project for the City. However, the entirety of the project should not be funded by the Conservation Commission either by using the bond or trust fund. Mr. Owers read from the Council report that the bond will be used for the purchase of the right of way, and the \$100,000 will be for the two conservation properties.

Ms. Fenstermacher stated that the trust fund is readily available for the land purchases and it is important that the funds are there and available. She suggested spending \$650,000 from the bond and \$50,000 from the trust fund. Councilor Todd commented that he does not see any issue with changing how it is paid for; it is still the same amount of money and covered by the Commission. Mr. Owers stated that these types of projects do not come along very often and he suggested using all of the bond for the purchase. Mr. Chormann agreed. Mr. Lewis suggested that Ms. Tardiff review her meeting notes and contact Mr. Walsh.

Councilor Todd stated that there is another section that the City is still under negotiations, which will take the trail through to Storrs Street. Ms. Tardiff stated that the Storrs Street section is more a transportation aspect and not for the Commission to address.

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Mr. Lewis made a motion, second by Mr. Owers, to send a letter to Council indicating that the Commission is in support of the acquisition and to recommend that the funding be reconsidered. Mr. Owers amended the motion to state that all funding should come from the bond or the most amount possible. Mr. Lewis seconded.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Ms. Healy – in favor

Ms. Tardiff will contact Mr. Walsh. The Commission requests the Mr. Walsh attend the next meeting if there are any issues with the funding flexibility. Ms. Fenstermacher noted that the resolution does not specifically state to appropriate any funds; therefore, the item will be returning to Council for final approval of the expenditure.

- c. Councilor Todd stated that the Conditional Use Permit application submitted by 3G Eagle for a new parking lot was approved by the Planning Board at the April 12 meeting.

6. Follow-up/On-going Items:

- a. *MRGT* – nothing new to report

- b. *Education/Outreach: ConcordTV videos, 50th anniversary ideas*

Continued to next month. Ms. Tardiff asked if this would be something that Ms. McComish could assist with.

- c. *Trail Master Plan update*

Ms. Fenstermacher stated that she has been updating and reorganizing the report. She will work with CNHRPC to have a version to send to members for their review within the next couple of weeks. A public hearing will be scheduled for an upcoming Conservation Commission and Planning Board meeting followed by a public information meeting to be held at a City Council meeting. Ms. Fenstermacher will add the document to the City website and ask for feedback as well.

- d. *Conservation preserves*

Continued to next month.

- e. *Conservation Easement Standard Templates*

Continued to next month.

7. Other Business

Ms. Fenstermacher read an email she received regarding trapping and rehoming a fox family. Mr. Owers suggested she have the citizen reach out to Fish & Game as this is out of the purview of the Commission. Ms. Fenstermacher added that the Commission does not have a budget for trapping wildlife. Ms. McComish suggested that nothing be done at this time; it may be better to leave them where they are because rehoming could be more stressful to the animals.

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A discussion was held regarding the status of meetings. Councilor Todd stated that the mask ordinance expires June 1. He explained that that councilors are being cautious at this time and are waiting a few more month before making any decisions about in person meetings Mr. Lewis noted that there are benefits to zoom meetings especially with smaller the groups.

8. Non-Public Session

Mr. Owers made a motion, second by Mr. Chormann, to enter into a non-public session at 8:36 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. Lewis – in favor
Ms. Healy – in favor
Mr. Chormann – in favor

Mr. Lewis made a motion, second by Mr. Owers, to come out of non-public session at 8:54 p.m.

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

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

Adjournment

There being no further business, Mr. Lewis made a motion, second by Mr. Owers, to adjourn the meeting at 8:56 p.m.

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

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

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist