

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

September 8, 2021, 7:00 PM

Council Chambers, 37 Green Street

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Brent Todd, Members Jeff Lewis, and Stefan Mattlage. Member Chris Kane arrived at 7:30 p.m.

Absent: Kathy Healy and Rick Chormann

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

Call to Order

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

1. Minutes

August 11, 2021

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the minutes of August 11, 2021, as written. The motion passed unanimously.

2. Pitco Frialator, LLC, requests Conditional Use Permit approval for the expansion of impervious surfaces in the Aquifer Protection District at 15 Integra Drive in the Industrial (IN) District.

Jennifer McCourt of McCourt Engineering represented the application along with Dan Luker, Attorney from Preti Flaherty.

Ms. Court stated Pitco was originally a Boston, Massachusetts company that now takes up approximately 300,000 square feet over four different sites in New Hampshire; Bow, Pembroke, and Concord. The company would like to consolidate the four locations. Pitco's primary products are water cookers and fryolators supplied to restaurants. Currently there are 270 employees with the intention to peak at 400 employees.

Ms. McCourt provided an overview of Integra Drive noting a potential future road from Manchester Street to Garvins Falls Road. She noted that a hammer head and right of way would be provided for the future road.

Ms. McCourt stated that the project is within the Aquifer Protection District (APD). She described the parcel as very sandy; in fact, they dug down 40 feet and there was no water and no ledge found.

An overview of the drainage was provided by Ms. McCourt. She stated that the stormwater will be collected into infiltration ponds per the City regulations and they are prepared to hold a 100 year storm. She added that catch basins have been placed throughout the road due to the sand and the catch basins have been placed away from the edge of the road and curbing.

A discussion was held regarding an AoT permit. Ms. McCourt stated that an AoT permit is required; however, has not been submitted yet. She explained that as part of the AoT permit the facility qualified for an EPA conditional exclusion from the stormwater for no exposure; everything will be contained within the building. She further explained that the dumpsters alongside the building are sealed. The dumpsters located by the loading dock are strictly for wooden pallets. In addition, a lip will be provided around the dumpsters for additional protection to contain any contaminants that are not regulated. Raw metal deliveries will be handled within the building for additional safety. The only regulated substance that could spill will be stored inside on a catch tray for secondary containment. She added that Pitco has also agreed to use a certified contractor for Green SnoPro for winter

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maintenance, which will minimize sand and salt use on the site. Mr. Lewis requested that the Commission be provided with a copy of the AoT permit.

Ms. McCourt continued with her presentation and stated that there is no ledge on the site and no blasting is proposed. The site will meet requirements for stormwater treatment best management practices. The facility will be serviced by municipal sewer. She added that silt socks will be used for erosion control along the steep slope area.

A discussion was held regarding the wildlife study. Ms. McCourt stated that the study did not find any evidence of threatened or endangered species, although species were identified in the Natural Heritage Bureau data check. Mr. Lewis stated that he would prefer catch basins with sumps or hoods be utilized for additional protection for the stormwater if possible and if the Engineering Department would agree.

Mr. Lewis asked about monitoring wells. Ms. McCourt stated that she has asked the City about the onsite wells and has not received an answer. Ms. Fenstermacher stated that the wells may be water test wells for the aquifer.

Mr. Lewis asked about the limits of the bluff. Ms. McCourt, they have determined the limit of bluff area to be at the south end of the property. Ms. Fenstermacher stated that this was reviewed and determined by the City Solicitor as it was an interpretation of the zoning ordinance and Code and Planning had a difference of opinion. Discussion ensued regarding the bluff.

Mr. Lewis asked about potential development in the future. Ms. McCourt explained that discussions would need to be held with Freedom Cycle; however, she does believe they would be interested as there is additional land that they may wish to develop as well. Discussion ensued regarding the process of developing the road. Ms. McCourt noted that Natural Heritage Bureau requested an easement on the area of the property identified as a Pitch Pine Scrub Oak Forest.

Additional discussion was held regarding an easement to the City to maintain a treatment swale for the Pitco drainage system. Ms. McCourt stated that this would be for an emergency; overall, their system can maintain 100 year storm event.

Mr. Kane arrived at 7:31 p.m.

The parking area was discussed. Mr. Lewis commented that there is a lot of impervious surface for the parking area and he asked if Pitco would consider reducing it. Ms. McCourt stated that the City regulations require 475 parking spaces. She stated that they have submitted a Conditional Use Permit application to reduce the parking to 400, which has been forecasted to be their largest shift. She explained the offset of shifts, which will help to offset the traffic and need for parking. She explained that they still plan to grade out the area which will also allow for additional snow storage if necessary.

Mr. Owers asked about the connection to the City sewer system. Ms. McCourt stated that it would connect at Manchester Street and she continued to outline the route. She added that they will be extending the gravity sewer system as Integra Drive is extended.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to support the Conditional Use Permit for the expansion of impervious surfaces in the Aquifer Protection District, as presented, with the condition that sumps in the catch basins be utilized if found appropriate and supported by the City Engineering Department. In addition, the Conservation Commission supports the Conditional Use Permit requested to reduce the parking requirement from 475 spaces to 400.

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The motion passed unanimously.

3. Review Trail Master Plan

Craig Tufts from Central NH Regional Planning Commission (CNHRPC) met with the Commission to review the latest draft of the Trails Master Plan document.

Mr. Tufts gave a timeline of the creation of the Master Plan which began in November of 2019. He commented that this will become a great resource.

Members previously reviewed the draft and provided comments.

A discussion was held about reaching out to neighboring towns. Mr. Tufts stated that the neighboring towns do not have anything like this. Mr. Lewis stated that it is a document that should be shared. He added that this could also be utilized for long-term maintenance, which led to a discussion about funding future trails. Ms. Tardiff commented that the portion of the Land Use Change Tax Change that the Commission receives has also been reduced; it was 100%, it is now 50%.

Councilor Todd stated that this document is the ground work for others to see the need for funding and staff. He added that this will send a strong signal to Council that this is something needed and is necessary. He stated that the Plan is a great start and the Commission has done a great job; it is good to determine the purpose of the City trails and the need for the trails. He added that the new Merrimack Regional Greenway Trail is very important and is a game changer. It was noted that there will be a need for maintenance and additional resources as well as funding. Ms. Fenstermacher stated that the Parks and Rec Department will be maintaining the Merrimack Regional Greenways Trail.

Ms. Fenstermacher stated that the goal is to receive final comments on the draft tonight and Mr. Tufts will produce a final draft. The Commission can review it again at their October 13 meeting and recommend to the Planning Board for a public hearing set for October 20. The document will then move to Council as an informational item in November.

Ms. Fenstermacher will work with Mr. Tufts to send the draft to neighboring communities.

4. NHDES Items

There were no NHDES items.

5. Reports

a. Trails

Mr. Lewis attended the Trails Subcommittee meeting and provided an overview. He noted that the Trails Committee started going through the trail guides to do an update. He explained that it will take a few months to complete but it is a good exercise.

A discussion was held regarding the process of removing a trail from the guidebook. Mr. Lewis stated that there is an existing trail that is not being maintained and he suggested that the trail be discontinued. He stated that the removal of this trail should not require a public hearing because it is not a maintained trail. Ms. Fenstermacher stated that the trail leads to a nice spot and asked why there is a push to remove it. Mr. Lewis replied that if a trail is on a map then he feels it should be maintained. Ms. Fenstermacher stated that the maintenance of this trail is only mowing. She stated that she would like to keep this trail on the map. Ms. Tardiff suggested that in the future, the process for removing a trail should be a recommendation for discontinuance from the

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Trails Committee to the Commission. Ms. Tardiff added that it could be a similar process of accepting a new trail.

Mr. Lewis stated that the construction of the Trout Lily Loop at West Locke Road is almost completed. He added that the work on the Back Woods Cart Path needs to be blazed and will need signage.

Ms. Fenstermacher stated that General Services will be grading some of the trail head parking lots to prepare for snow plowing. There are potholes and rutting in the lots due to erosion issues from the recent rains.

b. *Forestry Report*

Ms. Fenstermacher gave an overview of Mr. Klemarczyk's forestry report. Regarding the reference to a meeting with Don Ross, she explained that Don Ross has asked the State of NH to include an additional 700 feet of trail to count towards his mileage requirement based on the location of the Carter Hill Connector trail that extends onto his land. Ms. Fenstermacher and Mr. Klemarczyk confirmed that the trail does cross the property line. Ms. Fenstermacher stated that they also identified a location for a new kiosk to be added at the intersection of the WEFT and Carter Hill Connector Trail.

Ms. Fenstermacher stated that additional No Biking signage was added to the Raymond's property.

Ms. Fenstermacher stated that there has been some incidents of storage of boats and parking at the B&M lot and Hardy lot off of Elm Street.

c. *Tree Committee*

Ms. Fenstermacher stated that the Tree Committee is moving forward with the Sustainable Tree Program Grant and are hoping to have the program ready to go in the Spring of 2022. She noted that Ted Diers has given presentations to TPAC, Bike Ped and Council. Presentations will be done for the Energy and Environment group within the next few weeks. She stated that the group is very motivated to get funding for trees for the City.

d. *Local River Advisory Committees*

Ms. Fenstermacher noted that there has been a recommendation for a committee member.

6. *City Open Space and Easements*

a. *NH BioBlitz*

Ms. Fenstermacher explained that this is an on your own event for data recording that is put on by UNH Cooperative Extension.

Mr. Kane stated that he would provide a list of potential properties. Mr. Matlage suggested properties with trails that go through different habitats.

Ms. Fenstermacher stated she would speak with Stefanie Breton for publication on the website.

b. *Country Hill Forest – Vernal Pool Assessment Update*

Ms. Fenstermacher stated that one of the requirements for the ARM Grant was for a vernal pool assessment to be done. Dan Geiger went out in May and did not go back out as the water levels in

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the Spring were too low. She stated that he will complete the assessment next spring. She reached out to NHDES to see if this was acceptable and Cheryl Bondi from DES stated that based on the field day activity that she attended with Mr. Geiger, there was no evidence of amphibian breeding and NHDES is satisfied with the requirement. Commission agreed that they would like Mr. Geiger to complete the assessment in the Spring.

7. City Council/Planning Board

Ms. Tardiff introduced Emily Landry and Allison McGregor. Councilor Todd stated that Council will be voting to appoint Emily Landry as an alternate member of the Commission at their meeting on Monday. Ms. Tardiff added that Ms. McGregor is an interested candidate for the Commission.

8. Follow-up/On-going Items:

a. Conservation Preserves

This item is ongoing and another work session will be scheduled.

b. MRGT

Mr. Kane stated that the project has made the list for the Transportation Alternative Program Grant (TAP), which is administered by the State of NH. He did not have anything to report on the land water conservation fund (LWCF) grant.

Mr. Kane added that the P&S for the Pan AM property has been signed by the City. No additional information was available.

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

Ms. Tardiff suggested that the Commission work on gathering information to create a PowerPoint presentation showing the history of the Commission over the past 50 years. Items to include the first Commission members, City Councilors at that time, first property acquired, and pictures.

d. Conservation Easement Standard Templates

Continued to a future meeting.

9. Other Business

- Mr. Owers reminded members of the NHACC 50th anniversary celebration at Bear Brook State Park.
- Mr. Lewis reported on the status of the search for the trail ranger. He stated that the panel will complete four interviews and will be making an offer to one candidate. He added that the panel hopes that the person will start the end of September.

10. Non-Public Session

Mr. Owers made a motion, second by Mr. Kane, to enter into a non-public session at 9:07 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. Lewis – in favor

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Mr. Kane – in favor
Mr. Mattlage – in favor
Mr. Owers – in favor

Mr. Owers made a motion, second by Mr. Kane, to come out of non-public session at 9:21 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. Lewis – in favor
Mr. Kane – in favor
Mr. Mattlage – in favor
Mr. Owers – in favor

Mr. Lewis 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. Lewis – in favor
Mr. Kane – in favor
Mr. Mattlage – in favor
Mr. Owers – in favor

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

Adjournment

There being no further business, Mr. Lewis made a motion, second by Ms. Tardiff, to adjourn the meeting at 9:22 p.m. The motion passed unanimously.

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist