

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

February 9, 2022, 7:00 PM

Council Chambers, 37 Green Street

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Stacey Brown, Members Rick Chormann, Chris Kane, Jeff Lewis, and Kathy Healy.

Absent: Alternate Emily Landry

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

Public: Rebecca Ross, Allison McGregor, Kevin Porter

Call to Order

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

1. Minutes

January 12, 2022

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the minutes of January 12, 2022, with minor edits that do not alter the content of the meeting. The motion passed, 6/0/1. Mr. Kane abstained, as he was not in attendance at the January 12 meeting.

2. Nobis Group, on behalf of HLF East, LLC, requests a Conditional Use Permit for the addition of impervious surface area within the Aquifer Protection District, as part of a Major Site Plan application for the construction of new 22,800 sf structure and 1,250 sf structure for the purpose of a car dealership at 134 Manchester Street.

Chris Nadeau, of Nobis Engineering represented the application along with Amanda Grappone Osmer of Grappone-Mazda Dealership.

Mr. Nadeau gave an overview of the project. He explained that the site was the former Volkswagen dealership site and has served as a wholesale lot and is now used for overflow and storage of inventory for Grappone. He stated that the Mazda dealership will be moving out of Bow and the site will become the new home for Mazda. The proposed project consists of a new 22,800 square-foot Mazda Dealership Building with service bay area, a 1,250 square-foot private carwash, all associated parking and landscaping areas, vehicle display spaces, and delivery access.

Mr. Nadeau stated that they are requesting a Conditional Use Permit for an increase in impervious surface area within the Aquifer Protection District. He explained that the existing development's impervious coverage is 65% with the building and pavement. The proposed project will increase the impervious coverage to 80%. The outskirt areas will be left as open space and landscaped buffers. He provided a brief overview of the proposed infiltration system explaining they plan to infiltrate 100% of the site's stormwater runoff for the 50-year storm; almost a 100-year storm. The infiltration system provides protective measures for treatment prior to entering the aquifer.

A discussion was held why they need to increase the current 65% impervious surface by 15%. Mr. Nadeau explained the increase is necessary to service the customers and have the space for inventory required by Mazda. Most of the car dealerships on Manchester Street have vehicles parked in many areas. Ms. Osmer added that the transport trucks also need a turning radius, they need to have an area for general traffic flow, parking spaces for guests and staff, and overall inventory. Mr. Nadeau stated that this is an ability to provide the dealership the space they need and will also bring another business into Concord.

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Ms. Tardiff stated that she is concerned with the increase of the impervious surface. She stated that we need to limit impervious areas and protect the ground water in the aquifer protection district. Mr. Nadeau stated that the site is at 65% and the increase to 80% maximizes the impervious surface allowed in the underlying district. He explained they will infiltrate all runoff off the site and any contaminants will be filtered before being released into the soil. Water from the carwash goes to the sanitary sewer. Anything inside the building stays in the building and is captured in the floor drains and goes into a separator.

Ms. Tardiff stated that the Commission needs to consider the impacts to neighboring towns; the aquifer services the Town of Pembroke wells. The aquifer area was reviewed. Mr. Nadeau stated that he has not received anything from the Town of Pembroke; he stated that they do have an active well associated with this aquifer.

Mr. Chormann asked how they plan to treat ice and salt on the property. Mr. Nadeau stated that they are currently working on their AoT permit. The permit requires a source control plan to provide a maintenance and restoration plan and will address treatment for salt. They will also provide a spill prevention plan for any regulated substances stored within the building.

Mr. Lewis asked about the existing drainage, and the existing monitoring wells. Mr. Nadeau explained that currently everything is going through to Manchester Street. Mr. Lewis stated that the impervious area is proposed to be increased and 100% of the site's run-off will be infiltrated. Mr. Nadeau stated that the monitoring wells were from a previous Phase 1a environmental study. He will provide the information to the City per Mr. Lewis' request. Discussion ensued regarding the future plans of the City to widen Manchester Street; design plans show infiltration galleries on both sides of the street to further mitigate the water.

Mr. Lewis referenced the Pitco Frialator application that was previously reviewed by the Commission in October, which also had a large impervious area in this area. He recommended they address the performance standards. He added that they have done a good job to infiltrate the additional storm water; his only concern would be that they provide the environmental information for review. Ms. Fenstermacher stated that she will share this when it is received.

Ms. Healy asked for additional information regarding the comment made by Mr. Nadeau regarding the 100 year storm. Mr. Nadeau explained that they do not meet the 100 year storm requirements due to the fact that there is still some overflow into the City's system. He noted that their proposal is a significant improvement since nothing is currently being treated.

Mr. Chormann asked about the status of the monitoring wells currently and the plan going forward. Mr. Nadeau replied that he believes that Nobis put the wells in for site assessment purposes about 13 years ago. He added that there is no contamination on site and the wells could be decommissioned; however, that is not in the plan, but can be.

Councilor Brown asked about a plan for maintaining the existing trees. Mr. Nadeau replied that they are only maintaining what is in the perimeter buffer and are proposing to install 55 new trees in the green space, as required. Ms. Osmer added that they will be adding wildflowers for pollinator gardens rather than just planting grass.

Mr. Kane asked if they would consider preserving some of the existing pitch-pine forest. Mr. Nadeau replied that they could retain some of that tree line.

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It was noted that there will be an area for pet relief. A few picnic tables will be located outside as well.

Ms. Osmer stated that they do plan to add a solar array to the roof and will be adding electric charging areas. Ms. Tardiff asked if there was a way to cut back on the parking. Ms. Osmer stated that the site feels small already, and they cannot reduce the paved area anymore; they will need all of that space. She recognizes the concern; however, she is trying to make the site work and is committed to beautifying Concord.

Mr. Owers added that this is setting a precedent. Mr. Lewis commented that this parcel is zoned for this type of project and the applicant is meeting all the requirements. He added that the CUP application is for the protection of the aquifer and the applicant is improving the area.

Ms. Healy mentioned the 100 year storm and asked if there are other opportunities to increase the capacity. Mr. Nadeau stated they are going above and beyond the City's requirements; they have increased the volume to infiltrating almost a 100 year storm. Ms. Healy asked if there is still an option to increase it. Mr. Nadeau replied yes; however, it is an added cost, and this proposal is making a happy balance with the client and it meets the balance. Mr. Lewis explained that during a 100 year storm, 80% will runoff; capturing and infiltrating is better than what is there and is better than an undeveloped lot.

Mr. Owers stated that he would prefer to incorporate comments as to what the design should be and would prefer to not recommend anything at this time.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to provide the following comments to the Planning Board for the Conditional Use Permit:

- The applicant shall demonstrate compliance with the performance standards;
- Environmental report be provided for review;
- Maximize the retention of the forested vegetation at the rear of the lot;
- Monitoring wells be decommissioned in accordance with State regulations.

The motion passed unanimously.

3. Northpoint Engineering, on behalf of Paul O. Bofinger Family Trust of 2019, requests a CUP for impacts to 24,300 sf of wetland buffer association with a Major Subdivision application for a 20-unit cluster subdivision for property off Shaker Road; and a NHDES Dredge and Fill Permit for 9,220 sf of wetland impacts for improvements associated with the development.

Mr. Lewis recused himself.

Jeff Lewis of Northpoint Engineering represented the application along with Randy Shuey and the developer Joe Spain.

Mr. Lewis gave an overview of the proposal. He stated that the property is an undeveloped lot of approximately 15 acres. They are proposing to subdivide the lot into a 20-unit cluster subdivision with a cul-de-sac, which will result in both wetlands impacts and buffer impacts. He stated that they met with NHDES about one year ago for a pre-application meeting. There are two wetlands, one in the front and another in the rear of the site. The houses will mostly be single family detached homes with a few duplexes, and the road will be a private road built to City standards. He stated that the CUP will be before the Planning Board for a public hearing in March. At this time, they are waiting

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for staff comments, NHDES approval, and the AoT permit, which has been submitted. Mr. Lewis stated that there is a seasonal stream adjacent to Shaker Road that crosses under the road through a 12 inch culvert, which is undersized. Due to the undersized culvert, the site provides flood storage. He stated that they intend to keep as much of the stream intact. He continued to review the access options, noting that there is not much for options for access without impacting the wetland. He noted that they are proposing a gravel wetland that will pick up all the runoff from the road and lots, except for the area where the road crosses the wetlands – the runoff will flow directly into the wetlands. The first 250 feet of the road will extend across the existing wetland to access the buildable area of the parcel; there will not be any curb in order to limit the impact to the adjacent wetland. The remaining 900-feet of the road will have sloped granite curb on both sides and a closed drainage system with roadway catch basins. All stormwater runoff from the closed drainage system will be treated onsite in a series of stormwater management basins. A hydraulic analysis has been submitted to City and is under review.

Mr. Shuey provided an overview of the wetlands noting that part of the same system goes off the property and then back on to the property. The wetlands are mostly sandy soils and functions as a flood storage; the road acts as a dam. The stream ranges from 2 ft to 6 ft with a sandy bottom. It is an open water source for wildlife. A wildlife study was done and determined there is a possible vernal pool on the rear portion of the site. There is approximately 600 ft of distance from the vernal pool to the proposed development. He explained that he is unable to confirm if it is a vernal pool due to the season. The Natural Heritage Bureau data check identified turtles in the area, but not on the site. The site is identified as the lowest level of habitat in the wildlife action plan. The stream does flood out on a regular basis. They are providing a level of stormwater treatment needed to off-set impervious area and are maintaining the wetland buffer as much as possible to protect the values of the wetlands. With the proposed crossing at the north end of the property, it will leave the largest portion of the wetland intact. The total of wetlands impacts is 9,990 sf, with 24,300 sf of buffer impacts.

Ms. Tardiff stated that there appears to have been some logging on the site with the access coming in from adjacent properties. Mr. Kane added that much of the logged area is the impacted area. Mr. Lewis replied yes and added that the logged area will be used for the detention basin.

Discussion ensued relative to alternates for the access. Mr. Lewis explained the impacts with the drainage flow and other driveway issues. Mr. Owers suggested moving the road further north and stated that it appears that most of the impacts are along the road. It was noted that a road cannot be put within the 50 ft perimeter buffer. Other options would put the driveway through the stormwater basin. Mr. Lewis offered to provide additional information relative to alternative access options. He added that the 50 ft perimeter buffer is a requirement for cluster subdivisions. He stated that they are trying to stay away from impacts to the wetland buffer in the rear of the property. A larger culvert was suggested as well as it may reduce the impacts. Mr. Chormann suggested utilizing the original logging access from the adjacent parcel to the north, and acquiring a small corner of the adjacent property to avoid many of the site's access constraints and impacts. He noted that there are no requirements for any mitigation due to the size of the impacts; however, if required by NHDES, they would use the undeveloped portion towards the rear of the property as mitigation. He noted the adjacent property is already owned by the Commission as protected conservation land. Ms. Fenstermacher added that it is the purview of the Planning Board to require mitigation for wetland buffer impacts as part of the CUP.

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Mr. Lewis stated that he will revise the plans and provide design alternatives for the access and road. He stated that they are proposing to extending water, sewer, and gas across the frontage.

Ms. Tardiff stated that she likes the fact that the proposal does not impact the wetlands in the rear of the property.

A site walk will be scheduled for March, prior to the next Commission meeting and the applicant will return to the March 9th meeting for further discussion.

Mr. Lewis returned to the Commission as a voting member.

4. Merrimack River Watershed Council (MRWC)

Tyson Morrill and Lauren Zielinski of the Merrimack River Watershed Council met with the Commission to provide an overview of what the MRWC is and what they can do with the Commission and hopeful to establish connections in New Hampshire.

A PowerPoint Presentation was given that showed proposed restoration activities and opportunities, to include project as Terrill Park, Merrill Park, and along West Portsmouth Street farm fields. Restoration may include general maintenance, tree planting and seedlings, invasive species removal, as well as buffer support and pollinator gardens. Mr. Morrill indicated that there are grants available for outreach to explain the focus so they will be working on that as well as education. Ms. Zielinski added that there are many grants that are multi-year grants.

Ms. Fenstermacher stated that she will share the information for the plantings as it become available.

5. NHDES Items

Shaker Road NHDES Dredge and Fill Permit:

The Commission agreed to send their standard letter requesting more time for review and comment.

6. Reports

a. Trails

b. The February Trails Sub-Committee meeting was canceled. Ms. Fenstermacher reminded the Commission that the Trail Steward “thank you” hike at Carter Hill is scheduled for next Saturday. She will forward the invite for Commission members to attend.***Forestry Report and Budget***

The forestry report was linked.

Ms. Fenstermacher reviewed the proposed budget for the Forester for 2023. She stated that there will be a timber harvest planned for the Haller and Emmons properties next winter in accordance with the forest management plan that has been reviewed by the Water Department. A forest inventory will be completed for the Welcome Drive conservation property in the summer. Mr. Klemarczyk will continue with blazing a few properties, trail maintenance as needed, and scheduled mowing for habitat management.

c. Tree Committee

Ms. Fenstermacher stated that the next Tree Committee meeting is scheduled for February 24, at 8 a.m. She stated that Donna Reardon, a former teacher and Environmental Club advisor, attended the January 20th meeting to discuss how schools and students can become more

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involved. Ms. Fenstermacher also reported that a member of the School Board reached out to Ted Diers requesting that he come speak to the school board.

Ms. Fenstermacher stated that Bob Pollock is returning to the Tree Committee for the February meeting. He is working on a Trees of Concord Book, and the tree committee would like to turn that into a walking tour and pamphlet. She added that Ryan Rambeau, Tree Supervisor, has proposed to lead a cemetery walking tour to discuss historic and significant trees. These events will be scheduled in April as part of the tree committees plan for more community outreach and education.

d. Local River Advisory Committees

UMRLAC Annual Report

The UMRLAC Annual Report for 2021 was linked for review. Ms. Fenstermacher noted that there is currently only one Concord member with space for three.

7. City Open Space and Easements

Kevin Porter - 35 Reserve Place

Kevin Porter of 35 Reserve Place submitted a request to the Commission to discuss an opportunity operate small scale, private sustainable forestry on the land known as the Crosby lot, a 30 acre parcel near his residence off Currier Road. He explained that he would like to purchase this lot from the City and deed a conservation easement to the City. He will manage the property as a small family, sustainable forestry operation, and proposes to access the property via the existing right of way from Currier Road.

Mr. Porter stated that this opportunity does not have a down side, it would be saving tax payers money and the property would be back on the City's tax base, and it would still maintain the full access for recreation purposes. Although this type of arrangement is common in private organizations; he does not believe it has been done with public land in Concord.

Mr. Owers stated that the Commission recently purchased this property and asked why it should be sold. Mr. Porter replied that this option has a better forest outcome with the conservation goals. Mr. Owers stated that the Commission would not be interested in selling land that was just purchased. He referenced other neighboring properties that would be better suited. Mr. Porter replied that the owners are not interested in selling.

Ms. Tardiff referenced the Commission's restrictions and responsibilities when using Conservation funds. She stated that one concern if this was approved would be that the Commission must manage and monitor the use on behalf of the City of Concord to insure appropriate use.

Mr. Lewis mentioned the Commission is currently going through all of the Conservation properties in the City to determine allowed uses and management plans for the parcels. He stated that the Commission should not consider selling any land until the Commission identifies the purpose of this lot He also noted that if the Commission were to sell any land, it would have to be offered to anyone, it could not be guaranteed for sale to Mr. Porter. Mr. Porter replied that the City is buying up suitable land before he knows it is available for sale; it is difficult for small family timber owners and he would like to discuss other options.

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Ms. Tardiff stated that the Commission is currently in the process of creating preserving plans for conservation commission property.

8. City Council/Planning Board

Councilor Brown stated that City Council just held their priority setting session on Monday. She highlighted some items and noted that she did speak to sustainability for trees in the urban canopy and has suggested planting 1000 trees this year.

Ms. Tardiff asked if the Gully Hill Ad-hoc Committee was formed. Councilor Brown replied that it is going before Council on the 14th to be approved, and stated that she, is one the committee along with Councilor Kretovic and Bouchard. Ms. Tardiff referenced minutes from prior Ad-hoc meetings and stated that it would be a great value for a Conservation Commission member to be on the committee. In addition, she added that the property should remain as conservation land due to it was purchased with conservation funds with the purposed of protecting prime agricultural soils.

Councilor Brown stated that she has reached out to a master gardener to work with the community garden that she is proposing.

Ms. Tardiff suggested Councilor Brown consider looking at the Steeplegate Mall property as a potential location for community gardens since it is underutilized land and easily accessible to underserved community in the Heights.

Ms. Tardiff suggested that the tree committee be included with any plantings that are proposed for the 1,000 tree planting goal. Ms. Tardiff suggested that instead of that larger goal, focus on a goal for a 1 to 1 replacement plan for any trees removed.

9. Follow-up/On-going Items:

a. Conservation Preserves

The next meeting needs to be scheduled.

b. MRGT

Mr. Kane gave an update. He stated that grants are being written and MRGT has teamed up with the City to put in for \$3 – 4 million to fund the boardwalk trail across the river. He added that they are also working with CDFA for tax credit grants, which are purchased by businesses to allow businesses to donate money to qualified organization that have an active award; it is very competitive. He stated that the City would be the applicant and match the existing award of \$275,000, which was received through LWCF. He stated that they are hopeful to get this and begin selling credits.

In addition, it was noted that the Friends of Northern Rail Trail will be purchasing the .6 mile section to connect to the Concord boundary in Boscawen.

Councilor Brown stated that the triathlon is returning this year. She hopes that this will bring attention to the river and greenway trail. She added that it is her goal to get business folks from Main Street there, making sure they see that the trail is a worthwhile investment.

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c. Education/Outreach

Ms. Fenstermacher stated that Ms. Caron is continuing to work with Heather Shank on the wetland buffer pamphlet.

d. Conservation Easement Standard Templates – postponed to future meeting

Preserves to be completed first.

10. Other Business

Hoit Road Marsh – Motorcycle Ban Removal Request

Mr. Owers stated there is a bill now before the Senate to repeal and lift the ban on motorcycle operations on Hoit Road Marsh. He stated that he was contacted by an attorney, representing the homeowners of the Hoit Marsh surrounding area, who requested this Commission write a letter supporting the continuation of the ban. He stated that the Commission has been previously asked and declined to be involved or provide any input. Mr. Owers stated that the Commission does not have jurisdiction over the waterway; however, does own the land in the marsh area. He added that there is no study showing any effects to wildlife. In addition, NH Fish and Game has been involved and were not able to find any impacts. He noted that NHF&G has the jurisdiction and the attorney indicated they are trying to reach a settlement with the homeowners; it has not been successful. He commented that this is really not something the Commission should get involved with and does not feel that the Commission should change their previous stance from years ago.

Mr. Lewis agreed it would not be wise to get involved. Mr. Chormann asked if NHF&G would weigh in on the impacts to the wildlife. He added that there are chances of pollution without any bathroom facilities, as well as the potential for contamination from the motorcycles if they are leaking on the water.

Mr. Owers stated that he will reply to the attorney indicating that this is a State issue, and the Commission will not provide a letter.

Conserved Land Parcel

Ms. Fenstermacher stated that the Code Administrator has located a parcel on Penacook Street with a sign indicating it was conserved using LCHiP funds. She stated that she does not have this parcel on any conservation roster and it has never been mapped as conservation land. The neighbor has a shed encroaching onto the parcel.

Commission members had no recollection, and Ms. Tardiff stated that the parcel has not been monitored. Ms. Fenstermacher will follow up with the City Surveyor for further review.

11. Non-Public Session

Mr. Kane made a motion, second by Ms. Healy, to enter into a non-public session at 9:40 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

Ms. Healey – in favor

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Mr. Owers – in favor

Mr. Kane made a motion, second by Mr. Owers, to come out of non-public session at 10:02 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

Ms. Healey – 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

Ms. Healey – in favor

Mr. Owers – in favor

Mr. Lewis made a motion, second by Mr. Kane, to appropriate up to \$35,000 for a survey and appraisal for a parcel on Oak Hill Road.

The motion passed unanimously:

Adjournment

There being no further business, Mr. Lewis made a motion, second by Mr. Owers, to adjourn the meeting at 10:04 p.m. The motion passed unanimously.

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist