

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

May 11, 2022, 7:00 PM

Council Chambers, 37 Green Street

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Members Jeff Lewis, Kathy Healy, Emily Landry, and Alternate Mark Coen.

Absent: Chris Kane, Rick Chormann, Councilor Stacey Brown, Alternate Allison McGregor

Staff: Beth Fenstermacher, Assistant City Planner

Public: Rebecca Ross

**Call to Order**

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

**1. Minutes**

*April 13, 2022*

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the minutes of April 13, 2022, with minor edits that do not alter the content of the meeting. The motion passed unanimously.

*Kathy Healy arrived at 7:09. Jeff Lewis recused himself as a member of the Conservation Commission.*

**2. Northpoint Engineering and Concord National Youth Softball, on behalf of the City of Concord, requests Conditional Use Permit approval for disturbance of wetland buffers for construction of batting cages at Russell Martin Park on Iron Works Road.**

Jeff Lewis from Northpoint represented the application on behalf of Concord National Youth Softball. He shared the plan for the proposed batting cages, indicating that the CUP is for approximately 1900 sf of impacts to the wetland buffer. He explained that the area is already disturbed, it is currently mowed and maintained as lawn, and is used by players already. One benefit of the batting cage is that balls will stay out of the wetland; this project will help reduce impacts to the wetlands from foot traffic. The ground surface will be raised 8" with gravel underneath to avoid flooding. The batting cages cannot be practicably moved out of the buffer, any other area will be in conflict while games are going on.

Mr. Owers indicated that this was a de minimis impact, and he had no objection to the CUP.

Mr. Owers made a motion, second by Ms. Landry, to recommend approval with no objections based on the plans reviewed. The motion passed unanimously.

**3. Northpoint Engineering on behalf of JTA Realty Investments, LLC, requests Conditional Use Permit for disturbance of a wetland buffer to construct a commercial parking lot at 96 Hall Street.**

Ian McGregor from Northpoint represented the application. He provided a project summary, indicating that the purpose of the parking lot is to support the facility at 100 Hall Street. There will be approximately 6500 sf of impacts to the wetland buffer for the stormwater treatment. He indicated that they did their best to keep all pavement outside of the buffer. He explained that the area was previously disturbed by the prior owner, used for storage and maintained as lawn. Ms. Tardiff asked if there is a stream associated with the wetland? Mr. McGregor indicated that it is the northern portion of the South End Marsh. There are no proposed impacts to the wetlands, only the buffer.

Mr. Owers indicated that he thought stormwater management basins were a reasonable use of the

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buffer to protect the wetlands, it was in line with the purpose of the buffer.

Mr. Owers made a motion, second by Mr. Coen, to recommend approval with no objections based on the plans reviewed. The motion passed unanimously.

*Jeff Lewis returned as a member of the Conservation Commission.*

**4. NHDES Items**

There were no NHDES items to address.

**5. Reports**

*a. Trails*

Mr. Lewis attended the Trails Subcommittee meeting and provided an update to the Commission. He shared that the trail stewards are completing their spring trail checks. They reviewed the status of 2022 goals, one of which is a connector trail between Sewall's Falls Road and W. Locke Road trails. Scott Daniels, Mel Caron, and Ron Klemarczyk did a site walk and identified many hurdles, including a pinch point at the former dam where the trail would potentially have to go within the rail road right of way. Mr. Lewis stated that Mr. Daniels would like to build a loop trail through on the W. Locke Road property first, and then figure out the rest later. He reported that there was a lengthy discussion amongst trail committee members, and Mr. Daniels decided to table the discussion for now. The committee will next look at a Broken Ground to Oak Hill Rd. connector; a site visit is to be scheduled.

Mr. Lewis reported that the April hike at Knowlton Woods had 31 attendees, and that committee members raised concerns about that being too many people. They will see how future hike attendance goes. The next hike is May 21<sup>st</sup> at Contoocook River Park, with another planned for June 4<sup>th</sup>, location to be determined.

He also reported that they discussed including the Concord to Lake Sunapee Rail Trail in the guide book, at the request of Tim Blagden. Members were conflicted, and will be doing a site visit to familiarize themselves with the trail before making a decision. There is also concern about including a trail that is in litigation.

Ms. Fenstermacher reported that she spoke to the police department about their plans for patrolling trails on ATVs and mountain bikes. Police Chief Osgood indicated that they may do it through the summer. This will depend on staff availability. Ms. Fenstermacher is going to send a list of private properties with trail easements that should not be patrolled with ATVs or mountain bikes.

There were discussions about the departure of Mel Caron as the Trails Ranger. Mr. Owers and Mr. Lewis both expressed that the position should be more in line with a conservation officer, and ideally a retired police or Fish & Game officer. Ms. Fenstermacher indicated that she was revisiting the job description to make it very clear that this is a regulatory/enforcement position. She also spoke with the police department to brainstorm ideas for the position. One concern is that the hourly rate may not attract the best candidates. This may be something to revisit with Council – the trails are very important to the City, and finances should reflect that.

Mr. Coen provided an example of the expansion of sidewalks across the City, and how Council approved additional funding to buy new machinery to take care of the sidewalks. Ms.

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Fenstermacher will follow up with Deputy City Manager and PD. Commission members requested that someone from PD attend a future meeting.

Ms. Fenstermacher stated that CNHRPC may potentially have an intern this summer that could do the easements. However, the goal was to have the trail ranger do the easement monitoring for consistency. Members discussed options, and decided to hold off until either the trail ranger is hired, or ask CNHRPC's fall intern to complete the monitoring.

*i. Trail Closure Procedure* – this item was continued to the June meeting. Chair Tardiff will forward her comments prior to that meeting as she will be absent.

*b. Forestry Report*

The forestry report was linked.

*c. Tree Committee*

Ms. Fenstermacher reported that the Tree Committee will have a presence at the Farmers Market starting May 21<sup>st</sup> to get the word out about the importance of trees, and provide info for home owners for maintenance, and information about the Sustainable Tree Program. They will be at the Merrimack County Conservation District table.

She also reported that 3 trees will be planted on South Street as part of the repaving project. The Committee reviewed the paving plan for next year in an effort to seek tree planting locations in collaboration with the upcoming work. Next year, the paving will mostly be in Penacook. The Committee is going to do a site walk on June 3<sup>rd</sup> at 8 a.m. to identify potential tree planting locations.

She reported that Councilor Brown continues to work with Bob Pollock on a tree tour. She is working on maps created using info collected.

*d. Local River Advisory Committees*

No update available.

**6. City Open Space and Easements**

*a. Desjardins property* - Snowmobile Club request to install water control devices at the beaver pond.

Ms. Fenstermacher explained that she received a request from the Bow Pioneers to install a fence along the trail and install a "beaver deceiver" device in the dam at the pond off Currier Road on the Desjardins property. Members had several questions and requested that a member of the snowmobile club attend the next meeting to provide more information.

Rebecca Ross raised concern that this may have impacts to the pond on their property.

Ms. Fenstermacher will respond to the Bow Pioneers requesting their attendance at the June 8<sup>th</sup> meeting, and will cc Don and Rebecca Ross, indicating their concerns.

*b. Monitoring Easements*

This item was discussed under Trail Ranger discussion earlier.

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**7. City Council/Planning Board**

Mr. Owers reported that he attended the May 9<sup>th</sup> City Council meeting and testified on the item related to the acquisition of the 5.8-mile former rail corridor owned by Pan Am. He reported that the Council approved this item, and it is anticipated that the closing will occur in the Fall. Approximately \$435,000 will be used from the bond for the acquisition, and the \$100,000 that was previously earmarked for the Concord-Claremont line will be returned to the Conservation fund as the City chose not to pursue the acquisition of that corridor due to title issues.

Mr. Owers also reported that the Council approved the purchase of the groomer for the cross-country ski trails at Beaver Meadow Golf Course.

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

**a. Conservation Preserves**

Ms. Fenstermacher stated that she has not yet worked with Mr. Kane to finalize the documentation.

**b. MRGT**

No additional update.

**c. Education/Outreach** – Ms. Fenstermacher reported that ConcordTV created a short video of the Arbor Day festivities. In addition, Councilor Brown is planning to create trail videos using ConcordTV's GoPro, covering all of the trails.

**d. Conservation Easement Standard Templates** – *postponed to future meeting*

**8. Other Business**

**a. Financial update** – Ms. Fenstermacher provided members with an update on current account balances. Ms. Tardiff stated that she would like to start working on research of properties in current use to make the case to Council that the Land Use Change Tax contribution to the Commission should be increased from 50% back up to 100%.

**b. Local Conservation Commission meet up in fall** – Ms. Fenstermacher reported that she received an email from Sandy Crystall, the Chair of the Bow Conservation Commission who is interested in scheduling a meet up with other Commissions in the local area. Members were enthusiastic about this idea, and asked which communities would be invited. Ms. Fenstermacher will respond to Sandy.

**c. Information only: follow up from Eversource P145 Line Replacement.** The Wildlife Management Plan was linked. In addition, Ms. Fenstermacher showed a pdf of the visual simulations that were just received that afternoon. She will email those out to the Commission. Commission members were appreciative of the follow up from Eversource. Mr. Lewis commented that he likes that this information is linked in the agenda so that it is easily accessible by the public as part of the record.

**d. Beaver Meadow Golf Course – Tree Legacy Program** – Mr. Coen handed out the flyer for the new Tree Legacy Program at the golf course. People can donate money to be used towards trees, instead of continuing to install granite benches. He requested that this information be shared with the Tree Committee. Ms. Fenstermacher will share it at their next meeting in June.

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- e. Proposed Middle School – Center Point property acquisition.* Ms. Healy shared an email that she received from Becky Suomala regarding concern over the impacts the proposed school will have on important habitat and wildlife corridors. Ms. Suomala stated that the sale of the property presents an opportunity to protect this land. Members agreed with the concerns that were raised. Ms. Tardiff stated that the Commission would have a role as part of the wetland impact review, but at this point there is nothing before them to comment on. The Commission will not intervene on a property acquisition. She recommended that these concerns should be addressed to the school district at this point. Ms. Tardiff offered to respond to Ms. Suomala. Ms. Fenstermacher noted that she received a call from Linda Mead a couple weeks ago and had asked a Commission member to respond, but had not heard back from anyone. Ms. Tardiff said she would call Ms. Mead as well.
- f. Langley Parkway* – Mr. Owers gave an overview of the concerns the neighborhood has over Langley Parkway and what sparked the recent call to action. There is nothing before the Commission to comment on at this time.
- g. New member “orientation”* – Ms. Fenstermacher stated that Mr. Coen had questions about the Open Space Plan, and had suggested that an overview be given to new members. Chair Tardiff agreed this would be very useful for new members as well as an opportunity for a refresher for existing members. This will be added as an agenda item in July or August, pending whether enough members will be around for those meetings.

**9. Non-Public Session**

Mr. Owers made a motion, second by Mr. Coen, to enter into a non-public session at 9:01 p.m. per RSA 91-A:3, II(d).

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

Ms. Healy – in favor  
Mr. Owers – in favor  
Ms. Landry – in favor  
Ms. Tardiff – in favor  
Mr. Lewis – in favor  
Mr. Coen – in favor

Mr. Lewis made a motion, second by Mr. Coen, to come out of non-public session at 9:09 p.m. per RSA 91-A:3, II(d).

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

Ms. Healy – in favor  
Mr. Owers – in favor  
Ms. Landry – in favor  
Ms. Tardiff – in favor  
Mr. Lewis – in favor  
Mr. Coen – in favor

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Mr. Lewis made a motion, second by Mr. Coen, 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. Healy – in favor

Mr. Owers – in favor

Ms. Landry – in favor

Ms. Tardiff – in favor

Mr. Lewis – in favor

Mr. Coen – in favor

**Adjournment**

There being no further business, Mr. Lewis made a motion, second by Ms. Landry, to adjourn the meeting at 9:10 p.m. The motion passed unanimously.

Respectfully submitted,  
Beth Fenstermacher  
Assistant City Planner