

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

May 8, 2019, 6:00 PM

City Council Chambers, 37 Green Street

The Concord Conservation Commission (CCC) held its regular monthly meeting on May 8, 2019 in City Council Chambers at 37 Green Street.

Attendees: Vice-Chair Jim Owers, Councilor Brent Todd, Members Tracey Boisvert, Jeff Lewis, Rick Chormann, Chris Kane, Alternate Jan McClure, and Alternate Stefan Matlage.

Absent: Chair Kristine Tardiff, and Kathy Healy

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

Public: Approximately 15 people

Call to Order

The meeting was called to order by Vice-Chair Owers at 6:00 p.m.

1. Minutes

April 10, 2019

A motion was made by Mr. Owers, seconded by Mr. Kane, to approve the April 10, 2019 minutes, as amended, with edits that do not alter the content of the meeting. The motion passed 6/0/2. Ms. Boisvert and Mr. Matlage abstained as they were not at the April meeting.

2. Dick Lemieux from Friends of the Merrimack River Greenway Trail

Dick Lemieux from the Friends of the Merrimack River Greenway Trail met with the Commission to provide an overview of the rail trail and the goals of the Friends of the Merrimack River Greenway Trail committee.

Mr. Lemieux stated that the Friends of the Merrimack River Greenway Trail Committee was founded 30 years ago with a goal to create a trail system along the Merrimack River. A map was displayed showing the proposed rail trail system that would connect from Boscawen to Pembroke that would be approximately 12 miles long, 10-12 feet wide, and meet a variety of recreational user needs.

Mr. Lemieux explained the funding options. He stated that the Friends of the Merrimack River Greenway Trail have been successful in raising funds. Over the past seven years they raised \$250,000 and received the Land Water Conservation Fund grant for an additional \$100,000.

Mr. Lemieux stated that at this time the Friends of the Merrimack River Greenway Trail feel that this is a great opportunity for the City to build the trail connection into Boscawen. He mentioned the Pan Am properties being available for purchase and stated that the City should negotiate the purchase of these parcels should the State utilize their 90 day right of refusal. He explained that should these parcels be broken into individual parcels by property owners it would not be a good use of the property. He encouraged that City to negotiate and engage with Pan Am to purchase the land all at once.

Councilor Todd stated that building these trails would require all the land to be purchased to accommodate this section of the trail. Mr. Lemieux stated that the parcels are typically a right of way that contains the rail but there are some areas where the parcel under Pan Am's ownership juts out beyond the rail line, some of these parcels are fronted on the river. He added that Pan Am's interest is to sell the land all at once.

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Councilor Todd stated that this is an opportunity for the Commission to look at going forward and purchasing additional tracts that have potential for future conservation uses. He asked about the funding. Mr. Lemieux explained that funding could be done as a CIP noting that it would be targeted to the construction of the trails.

Ms. Boisvert stated that the Friends of the Merrimack River Greenway Trail Committee consists of eight members with seven being cyclists; therefore, the majority of the people that would support these trails would prefer paved trails. Mr. Lemieux stated that he would not be interested in working on the project if the trails were not going to be paved.

The Commission thanked Mr. Lemieux for his time working on this project and for the presentation.

3. Non-public session for the discussion of the acquisition of conservation property in accordance with RSA 91-A:3, II(d).

Mr. Kane made a motion, second by Councilor Todd, to enter into a non-public session, per RSA 91-A:3,II(d). By a roll call vote, the motion passed by a unanimous vote at 6:34 p.m. Mr. Lewis and Ms. Boisvert recused themselves from the non-public session.

Mr. Kane made a motion, second by Councilor Todd, to come out of non-public session at 6:50 p.m. With a roll call vote, the motion passed unanimously.

Mr. Chormann made a motion, second by Councilor Todd, to seal the minutes of the non-public session, per RSA 91-A:5, IV. With a roll call vote, the motion passed unanimously.

Vice-Chairman Owers called for a recess at 6:51 p.m.

The meeting reconvened at 7:00 p.m.

4. Continued public hearing to receive testimony relative to the proposed acquisition of 2 parcels of open space land off District 5 Road in Concord.

Vice-Chairman Owers reopened the public hearing from April 10, 2019 at 7:00 p.m.

Voting Members: Vice-Chairman Owers, Councilor Brent Todd, Rick Chormann, Chris Kane, Alternate Jan McClure, and Alternate Stefan Matlage.

Tracey Boisvert and Jeff Lewis recused themselves from this discussion.

Mr. Owers referenced RSA 36-A:5 relative to the authorization of the Concord Conservation Commission to appropriate funds and RSA 36:4 for the approval of said funds via City Council. Mr. Owers provided an overview explaining the budget is \$704,000. \$350,000 has been received through the ARM fund. On May 6, an additional \$114,000 was approved by NHDES to be used as mitigation for a project for Concord Orthopaedics. He added that there is a possibility for \$241,000 more in additional funding for another mitigation project at Whitney Road. In the end, the project may only cost the City \$88,000 for 227 acres of land.

Mr. Owers explained the public hearing process noting that each person would be given 10 minutes to speak and once everyone has spoken there would be more time given to prior speakers, if necessary.

Abutter Lynn Woodard, 113 District 5 Road, stated that he is opposed to the project and the Commission recommending the purchase to City Council. He stated that the price of \$705,000 seems

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excessive. He asked if the appraisal considered the economics of the infrastructure for the travel on the road and requested a second appraisal be conducted to determine the true value of the property. He noted that there is an exasperate amount of hiking on the property. The area is secluded and private and yet there is still a lot of foot traffic. He asked if that was considered in the appraisal and noted that this is trespassing on his property. He added that he is sure that once the property is purchased by the City it will be opened up to the public and there will be trails created all over the place. He stated that this will devalue his property.

Mr. Woodard thanked the Commission for their attention and consideration.

Don Ross, of Rossview Farm, stated his location to the parcel and noted that there is 81 miles of trails over the 60 square miles of the City.

Mr. Ross spoke to the prior presentation of the rail trail and asked how many people are there on City groups that oversee these miles of trails; not many. He stated that the sections of trails that go over private land basically get minimal monitoring and any of the monitoring is the burden of the land owner. It is not part of the deal when the public owns the trails. The trails committee is doing the best they can to get out to the trails but it is just twice a year for the monitoring. He stated that there is continuous trouble bi-weekly, not an exaggeration; there are no arrests and nothing is ever done to help the land owner. He stated that this is what we as the land owners have problems with. Mr. Ross stated that stewards of land are the synonym of a farmer.

Mr. Ross expressed concern that there currently is no plan for the use for the property. He stated that the land is a good piece of agricultural land and that is valuable and the land will be destroyed. There is now unmeasurable recreational traffic on privately owned land; it is not a trail, not posted, and no plan for the land. There are no regulations proposed. He asked what will happen to wildlife, the forest, the very things that make NH what NH is known for. He stated that farmers take care of the land. Everyone plays their part in the demographics of Concord and in making Concord great. As the population grows there will be more people and more agricultural land will be lost. There is not any type of effective enforcement and there is a lack of resources in the City.

Mr. Ross stated that he cannot say if he supports the project or not. He explained that he made a proposal to the Commission that he believes was a good proposal that would be sufficient for everyone.

Rebecca Woodard Ross, District 5 Road, stated that she is opposed to the expenditure of the funds for the acquisition of this parcel. She explained that this is not a good use of the tax payer's resources, using multiple types of funds and public funds even if there are funds from NHDES, it is still all public funds. She is also concerned of the overall public uses of the property. She stated that the property is not a critical property for protection and there is no risk for any other use or development as it is not economically viable. In fact, it is less viable now as regulations have changed and now there are frontage and access issues.

Ms. Ross spoke to the appraisal and that the ownership is inaccurate. The owner of the land at the western termus would have an objection. There also may be title issues. She stated that the public needs to be made aware of this issue.

Ms. Ross explained that the land is difficult to manage. There is only one access, which will lead to more mischief. It is rare to see any law enforcement thus there has been damage on multiple instances. She stated that there have been two forest fires at the Swope trails and asked if the

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Commission has contemplated these risks. With the addition of trails and people there will be more risks. She added that with the City ownership there will also be an invitation for more problems, including the lack of management to use the land and the potential for homeless people to use the land if it is owned by the City. Conservation should not be mixed with good stewardship. The City has trouble managing the trails now. She noted that the easement on the Rossvie Farm property does not allow the use of bicycles on the trails and again there is no assistance provided for this matter.

Ms. Ross explained that no notice was received of the public hearing. She stated that the City lacks resources and is already having management issues with City owned property. There is a lack of resources in the City and this is not a use that the City has thought about. She stated that she would discourage the purchase of the property and adding trails until the City can manage the existing trail system.

Mr. Ross returned and reiterated the use of the land. He stated that he had attended a meeting where there was a discussion held regarding adding a parking area at the end of District 5 Road. He stated that he met with Ms. Tardiff, Chair, and presented a proposal that included opportunities such as agriculture uses, the heritage of land, tied some trails together, gave mountain bikers a right of way access, provided access, and a parking area. The current access may not be the best option. He felt that his proposal was a win for all involved; no response was received. He stated that he wants the land to be there for the next generation; land is being lost and it will never be regained. He explained the types of land and farming that could be done in the area. He stated that what is right is for Concord to be an inviting community.

Ms. Fenstermacher stated that she received a communication from Janet Bourne, Horse Hill Rd., voicing support for the acquisition of the property. She stated that Ms. Bourne lives next to the Jim Hill River Walk and while Ms. Bourne recognizes that there has been an increase in pedestrian traffic, she says it is the traffic of the right type of people coming to the area and she is glad that is happening.

With no further comments, Mr. Owers closed the public hearing at 7:34 p.m.

Mr. Owers made a motion to recommend to City Council that they approve the acquisition of the +/- 232 acre two-parcel property owned by Country Hill Estates, identified as Map 55/Z/1 and 55/Z/17, on District 5 Road, and allocate up to \$355,000 from the Conservation Fund. The purpose of the acquisition of the property is to maintain, improve, protect, limit the future use of, and otherwise conserve and property utilize this property as open space together with the other land and water resources within the City. Mr. Chormann seconded the motion.

Mr. Owers stated that he appreciates all of the comments received.

Mr. Owers provided responses to the comments from abutters. He stated that 27 acres of the property are wetlands and the property is identified in the Open Space Master Plan as priority property for acquisition. The soils are prominently featured forest soils and this land is recommended by the City forester for forestry value. The majority of the property is identified as Tier 1 wildlife habitat, and the remainder is Tier 2 and 3 wildlife habitat. It is the Conservation Commission's job and primary purpose to preserve the land and also protect the watershed. The Commission would not consider ignoring an opportunity such as this to protect these areas.

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Mr. Owers stated that State of NH must be impressed with the property as they approved a grant of \$350,000 to support the project. He added that these funds would be forfeited by the City if the project is not pursued.

In regards to the access, Mr. Owers explained that there is an access of 65 feet along the public portion of District 5 Rd.; therefore, the access is not an issue. With the trails, Mr. Owers stated that the West End Farm Trail was an active snowmobile trail that was abandoned 10 years ago.

As far as the parking lot, Mr. Owers stated that the Rossvie Farm easement issue regarding parking spaces is not an issue for the City to address.

Regarding mischief, Mr. Owers stated that these incidents did not have anything to do with public access to the trails. He noted that he does not believe that the activity of homeless camps will be increasing if the City should purchase the property.

Mr. Owers stated that the Conservation Commission can rent land for farm land and that may be something that the Commission will look into in the future. This is a very valuable piece of land; the recreation value is very low. It is a real good opportunity for the City to purchase for resource protection.

In response to Mr. Woodard regarding the appraisal, the appraisal was based on market value of \$3,100 per acre, which is consistent with other purchases made by the Commission, including the Desjardins property that was purchased at \$3,000 per acre.

Mr. Owers stated that the fires that occurred at Swope Trails were the result of a cigarette thrown out of a car window and the other fire was kids making a fire in an old warming hut.

Councilor Todd stated that he has listened carefully to all of the testimony and thanked the abutters. He stated that he too is concerned along with other communities with the loss of agricultural land. He stated that the decision is not easy and the Commission needs to weigh all of the factors including but not limited to water quality which will continue to be a problem with the ongoing flooding issues. However, he stated that he was not compelled by the rest of the testimony provided as there was no factual evidence provided of incidents that would occur if the trails were placed on the property, and/or how property values would decrease. He noted that there could be less unsavory activity on the trails if there are more people accessing the trails. He noted that he lives adjacent to a trail and he believes the property value increase when you are next to trails. He does not believe that there will be an increase in crime rates in the area. In addition, Councilor Todd stated that he takes issue with the reference that the City does not adequately provide for the existing trails; adding to the trails will benefit citizens in Concord as well as the neighboring areas. Trails are needed and are prevalent. Trails are what the population of Concord wants and trails need to be in the community.

The motion passed unanimously.

Mr. Lewis and Ms. Boisvert return to the Commission

5. The Concord Energy and Environment Advisory Committee - Draft Strategic Action Plan

Councilor Rob Werner and Chuck Willing met with the Commission to review and discuss the draft Strategic Action Plan drafted by the Concord Energy and Environment Advisory Committee (EEAC), as well as to discuss the drafting process and recent input sessions that have been held.

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Councilor Werner stated that City Council adopted goals to achieve 100% renewable energy; electricity by 2030 and thermal energy by 2050. Contained in that resolution was the plan that the EEAC would lead a plan of development and present it to Council one year later. He explained the process and the projects proceeding in parallel: writing the strategic action plan, public outreach sessions, and the development of a stake holder committee. Three public input sessions have been held and were well attended. One additional stakeholder committee meeting is coming in June. There has been much support in the community supporting this goal. Electricity is the easiest. Councilor Werner stated that he wanted to provide the Commission with an opportunity to ask questions. He stated that he appreciated the support letter sent by the Commission in February. He is looking forward to working with and collaborating further with the Commission to end up with a plan that is a benefit for the City.

Mr. Willing thanked Mr. Lewis, Councilor Todd, and Ms. McClure for participating and the support.

Mr. Lewis stated that he found the presentation to be interesting. He believes it is important to engage and be involved. He was impressed with the different levels and the way the session was run. He stated that there was a lot of good input provided.

Councilor Werner stated that the participation from the City Staff and Planning Staff has been essential to the discussions as well as their review of the draft, and providing comments and perspectives to some of the organizations has been valuable. He stated that he recently met with Finance Director Brian Lebrun for data and generation numbers of the City. They discussed where the City is and how can that be captured and expressed to the public and explained in a way so that the City can move forward to meeting future energy goals. There are many things to set up over the next few weeks. There is a need for more outreach and providing opportunity to people to comment and stay in touch with how to be a part of this.

Ms. McClure stated that she thought that there was a lot of enthusiasm of the attendees and support to reduce energy consumptions and costs. However, she stated that she is not sure how the committee would feed that need. She suggested that the Committee needs to provide homeowners with ways to reduce energy. She stated that some of the ways the information is presented is a contradiction on the Committee. She expressed concern with recommending energy efficiency by showing that the goal be met through mandates, such as suggesting that revising codes that could increase costs. She stated that the Committee needs to be cautious as the goal is to not pay high taxes but to reduce energy. She added that she believes that there is more opportunity to make that clearer to the public.

In addition, Ms. McClure stated that generally she feels that overall most will be welcoming to reduce fossil fuel usage. She added that there may be some problems if the City relies totally on renewables. She would not want to see the City get into a bind in the future. She stated that there needs to be more understanding and recognizing of options available to reduce fossil fuels; and ask if there are other cities that have achieved this goal.

Mr. Willing referenced other cities that have met their electricity goals in the country, noting that every city has a different circumstance. He explained that the main applications of renewable energy are solar and wind. He added that technology and costs change all of the time and believes that there will be more energy storage in the future and the costs will be more economic and close to base load.

Ms. McClure asked if the 100% renewable goal includes hydro and storage. Mr. Willing replied that people will not tolerate a source that will increase their costs. Councilor Werner mentioned offshore

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wind and commented that he envisions a time where offshore wind and storage will assist in the goals. Discussion ensued regarding the 2030 goal. Councilor Werner commented that there is a good chance that solar/wind would help. Mr. Willing stated that there is no one at 100% renewable energy; the goal is set far out. Councilor Werner stated that the market is driving the goal.

Ms. McClure asked how to incorporate homeowner's advice. Councilor Werner stated that we need to take advantage of the scale to mitigate climate change, need larger systems, and people are taking individual actions. Mr. Willing stated that there are a lot of people that want to do this; they do not know what to do or where to go. The Committee envisions partnering with people that campaign and discuss what the options are as well as the ramifications.

Councilor Todd stated that he was surprised at the knowledge for solar systems and energy efficiency of the people that came to learn and participate. He stated that there is always a benefit to be had to have additional input. He suggested that the Committee contact the people that were at the presentations to join in and be a part of Committee. He stated that the changes need to happen in a way that is beneficial to the City and there will need to be a mechanism to address issues on a case by case study. He stated that the outreach is very important and what has been done has been appreciated.

Councilor Werner stated that with regards for additional public input he had suggested to the Mayor and Councilor colleagues that each ward have a meeting of some sort; however, he was cautioned against that idea. He stated that the meetings are a product of discussions and recommendation to the three session meetings. He is open to more comment but at some point the Committee needs to put a draft to Council to review and they are planning for July. This is not a process that is static; every recommendation from this plan implies resources, the allocations of money, time, decisions of policy, and what kind of financial investments are needed.

Mr. Chormann commented to the tradeoffs and negative impacts. He stated that the noise will be an impact and there will be some impacts to the shore with the large scale wind. He asked what it means for food supply and other impacts and noted that these must be discussed. We must be fair and open in terms of decisions and not paint or trade one dilemma for another one that cannot be solved. He stated that the Committee needs to be pragmatic of the approach. Councilor Werner referred to Block Island as he views that the developments and industries were involved with the discussions. He stated that the bottom line is fossil fuels and we all must start to do something different and asked what the consequences will be if we don't.

Ms. McClure offered some advice regarding attendance. She suggested that when advertising for the meetings there needs to be a better way to frame it up to get people to attend. Councilor Todd asked how does the City bring it to a level where people can understand the process; perhaps the committee can generate that support.

6. NHDES items

a. City of Concord, Broad Cove Road culvert

Ms. Fenstermacher stated that a 24 inch diameter culvert at Broad Cove Road collapsed and was replaced with a 48 inch culvert under an emergency wetland permit issued by NHDES. An After-the-Fact permit is being submitted. The project has been completed. The Commission did not have any comments on the After-the-Fact permit.

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7. Reports

a. Trails Subcommittee

Mr. Lewis attended the Trails Subcommittee meeting and provided a synopsis for the Commission. He stated that recent hikes have had great attendance. He reminded folks of the upcoming hikes.

Mr. Lewis stated that a trail maintenance report will be provided noting the recent trail work and necessary repairs. At this time, the trails are all in good shape. He added that an upcoming work day is being planned.

Mr. Lewis stated that NEMBA has completed the trails. Mr. Owers stated that this is a great trail.

Ms. Fenstermacher stated that AARP is donating signs. An inaugural hike is being planned, date to be determined.

Ms. Fenstermacher stated that the Walkers Reserve Homeowners' Association will be meeting on May 18, and they will provide a letter to the trails committee regarding what work they would like done on the trails. She noted that the parking symbols have been removed from the map.

b. Forestry

The Forester's report was circulated. There was a question about a trail item at Oak Hill Road in the report. Ms. Fenstermacher stated that some trails were rerouted due to the extensive rain.

Ms. Fenstermacher stated that the intern will be returning for the summer. She noted that education training is being discussed to be held in June through the Leave No Trace program.

c. Concord Tree Committee

Ms. Fenstermacher stated that all April events were all successfully held. She added that the Committee is considering hosting a table at Market Days to support the sustainable tree program. She will contact Cory Keefe (community forester) and maybe be able to have small saplings available. Mr. Keefe previously stated that he will dedicate days to the City to complete a tree inventory. Ms. Fenstermacher will follow up with him on that as well.

Ms. Fenstermacher explained that funds from timber harvesting have been rerouted into a community improvement fund so that there will be trees available for next year in the General Services budget, if approved by Council.

d. Local River Advisory Committees

Mr. Chormann stated that the last bug night is upon us.

8. City Open Space

a. Backwoods Easement

Ms. Fenstermacher stated that the Backwoods easement has been approved by the Attorney General's Office. Five Rivers is now working to finalize the documents, and a closing date will then be set.

b. Murray Property

Ms. Fenstermacher stated that Reliable Title is currently doing the title search.

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c. Devoid Property

Ms. Fenstermacher will follow up on the status of the appraisal for Devoid property.

9. City Council/Planning Board

Solar Ordinance Public Hearing

Ms. Fenstermacher stated that the public hearing for the solar ordinance has been postponed to June 10.

Morrill Farm Agricultural Lease

Ms. Fenstermacher stated that the Morrill Farm will be on the Council agenda for Monday, May 13. She noted that the City Manager was not comfortable with the proposal to change the lease so it is going forward to Council for further discussion.

10. Follow-up/On-going Items:

Update Bylaws

Ms. Fenstermacher stated that she will email the Bylaws out and will add it to the June agenda.

11. Other Business

Rail Trail Presentation

Councilor Todd stated that the rail trail presentation given by Mr. Lemieux was a good presentation. He stated that the Commission could consider having a discussion about the plan and recommend to City Council. Trails are a good element for the City that does attract people. Young people go to communities that have amenities. He believes that this trail would get a lot of use. A discussion should be held regarding the upkeep and long term maintenance of a paved trail. He added that the City is looking at trail networks and appreciates the work being done.

Ms. Boisvert commented that the trails also should be considered as economic development.

Mr. Lewis stated that there should be some consideration for the areas along the river; caution should be taken in these areas for more protection and preservation.

Karner Blue Conservation Area Site Walk

Mr. Kane mentioned a site walk for the Commission to be more involved with the easement and wildlife at the airport. Mr. Kane will follow up with Heidi Holman from NH Fish & Game to invite her to a meeting.

12. Non-public session for the discussion of the acquisition of conservation property in accordance with RSA 91-A:3, II(d).

Mr. Lewis and Ms. Boisvert left the meeting.

Councilor Todd made a motion, second by Mr. Kane, to enter into a non-public session, per RSA 91-A:3,II(d). By a roll call vote, the motion passed by a unanimous vote at 9:03 p.m.

Mr. Owers made a motion, second by Mr. Kane, to come out of non-public session at 9:20 p.m. With a roll call vote, the motion passed unanimously.

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Mr. Owers made a motion, second by Councilor Todd, to seal the minutes of the non-public session, per RSA 91-A:5, IV. With a roll call vote, the motion passed unanimously.

Adjournment

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

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist

From: [Leslie Talmadge](#)
To: [Fenstermacher, Beth](#)
Subject: Re: Meeting minutes.
Date: Thursday, June 13, 2019 10:35:58 AM

On Jun 13, 2019 10:16 AM, Leslie Talmadge <leslie26@comcast.net> wrote:

Dear Beth,

RE: Our discussion June 12th, 2019 regarding the minutes of the May 8th, 2019, meeting of the Conservation Commission.

I am requesting the minutes of the meeting be amended to include a statement made by Mr. Owers. At the May 8th public hearing for Country Hill Estates Mr. Owers stated that, unequivocally, there would not be a parking lot on the Country Hill Estates property. While I do understand this is a decision that may require more input from the Commission, I believe as the city moves forward with this project, it is important to have an accurate record of the original intention for this parcel, as stated by Mr. Owers at the time of the public hearing.

Respectfully,

Leslie Talmadge