

CONCORD CONSERVATION COMMISSION

MINUTES

October 9, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

The Concord Conservation Commission (CCC) held its regular monthly meeting on October 9, 2019 in the 2nd floor conference room at 41 Green Street.

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

Absent: Members Alternate Jan McClure, and Alternate Stefan Matlage.

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

Public: Rebeca Ross

**Call to Order**

The meeting was called to order by Chair Tardiff at 7:02 p.m.

**1. Minutes**

***September 11, 2019***

A motion was made by Mr. Chormann, seconded by Mr. Owers to approve the September 11, 2019 minutes, as written. The motion passed unanimously.

*Ms. Healey arrived at 7:07 p.m.*

**2. *Erin Lambert of Wilcox & Barton, on behalf of Havenwood Heritage Heights, requesting a Conditional Use Permit for impacts to the buffer to bluff as part of the south end redevelopment.***

Erin Lambert of Wilcox & Barton represented the application.

Ms. Lambert explained that this is a redevelopment of a small portion of the 39 acre site, in which the applicant is proposing to demolish and reconstruct two duplex units with attached garages, renovate an existing seven-unit building to a five-unit building with attached garages, and upgrade surface facilities to current regulations. The existing large parking lot will be reduced due to the addition of garages for the residents; however, a few existing parking spaces will remain. The driveway will be widened to meet the regulatory standard of 24 feet. Sidewalks are being added. An AOT permit is being obtained due to 3,000 sq. ft. of impervious surface; however, they are reducing the overall parking area. An infiltration system will be added and stated that the runoff on the site will be reduced.

Ms. Lambert stated that a Conditional Use Permit (CUP) is requested for land disturbance within the buffer to the bluff. In order to demolish and replace one unit and the surface facilities, they must impact the land within the buffer. The existing impervious surfaces within the buffer to the bluff are 700 sf, which will be reduced to 660 sf. No additional tree clearing is proposed within the buffer.

A motion was made by Mr. Owers, seconded by Mr. Chormann, to recommend approval of the Conditional Use Permit for impacts to the buffer to bluff as part of the redevelopment of Havenwood Heritage Heights, as presented. The motion passed unanimously.

*Councilor Todd arrived at 7:15 p.m.*

CONCORD CONSERVATION COMMISSION

MINUTES

October 9, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

**3. Nick Golon of TFMoran, Inc., on behalf of Unitil, requesting the following:**

- a. Conditional Use Permit to impact 4,435 sf of wetland buffer for the expansion of a substation at 5 Gulf Street**
- b. Conditional Use Permit to impact 2,475 sf of wetland buffer for the replacement of utility poles and overhead wires along Line 374 between Theatre Street and Gulf Street**
- c. Expedited Wetlands Permit application to temporarily impact 2,620 sf and permanently impact 12 sf of scrub-shrub wetland for the replacement of utility poles and overhead wires along Line 374 between Theatre Street and Gulf Street.**

Nick Golon of TF Moran and Nathan Sherwood of Unitil represented the application.

Mr. Sherwood provided an overview of the 1920's substation and the equipment. He stated that the existing equipment will be replaced or upgraded.

Mr. Golon explained the project proposes to rebuild and expand the Gulf Street substation. The lot is 12,500 square feet and most of the lot will be utilized by the substation. New materials provided showed that the impact is 2,430 sf, not 4,435 as shown in the plan set submitted as part of the application. He noted that there have been additions and/or renovations to the substation in the 1920's, 1940's, and the last was done in 1970. In addition, portions of the site are located within the floodplain, which will also be addressed with the rebuild. Mr. Golon described how the lot will be built up by at least one foot so the lot will be out of the floodplain. The existing telephone poles will be reconfigured. He stated that there is a wetland on the abutting State of NH land. The existing retaining wall will be removed and replaced with a segmented four foot high block wall.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend approval of the Conditional Use Permit to impact 2,430 sf of wetland buffer for the expansion of a substation at 5 Gulf Street, as presented in the revised drawings. The motion passed unanimously.

Mr. Golon explained the second Conditional Use Permit project is due to 2,475 sf of impact to the wetland buffer for the replacement of utility poles and overhead wires along Line 374 between Theatre Street and Gulf Street. There will be one new pole added for circuit and one new pole for the substation. The wetland buffer has been previously impacted. Temporary mats will be used for access and removed once the utility poles are installed.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend approval of the Conditional Use Permit to impact 2,475 sf of wetland buffer for the replacement of utility poles and overhead wires along Line 374 between Theatre Street and Gulf Street, as presented. The motion passed unanimously.

Mr. Golon explained the submittal for an expedited wetlands permit for the temporary impact to 2,620 sf and a permanent impact to 12 sf of scrub-shrub wetland for the replacement of utility poles and overhead wires along Line 374 between Theatre Street and Gulf Street.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend the signature of the Expedited Wetlands Permit application for the temporary impact to 2,620 sf and permanently impact 12 sf of scrub-shrub wetland for the replacement of utility poles and overhead wires along Line 374 between Theatre Street and Gulf Street, as presented. The motion passed unanimously.

CONCORD CONSERVATION COMMISSION

MINUTES

October 9, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

**4. NHDES Items**

See Item 3.c. No additional new applications.

**5. Reports**

**a. Trails Subcommittee**

Mr. Lewis attended the Trails Subcommittee meeting and provided a synopsis of the meeting for the Commission. The September hike was successful. He mentioned the upcoming hikes. There has been successful trail work and maintenance done over the past month. Signage for trails is an ongoing item. He welcomed a new volunteer to the trails committee.

Ms. Fenstermacher stated that the Leandra Nault, forestry intern, has completed the internship for this year.

Ms. Fenstermacher stated that there is a new hiking group that consists of residents from Havenwood Heritage Heights that have been diligently hiking the City trails.

Ms. Fenstermacher stated that there has been graffiti and other damage at the Broken Ground trails.

Ms. Fenstermacher stated that a request was received to remove the boulder at the end of the Ry's Way trail at Broken Ground. The Commission did not support this request.

Ms. Fenstermacher will add notification to the website relative to having appropriate foot wear when hiking during the winter months.

Ms. Fenstermacher stated that Morono Park is now open. With the completed construction, it is now possible to construct a trail to connect the Clarke Street neighborhood with the Morono Park trail. A pedestrian bridge will need to be built to cross Rattlesnake Brook to complete the trail connection. Ron Klemarczyk will go out to the site to figure out the size and cost.

**b. Forestry**

The Forester's report was circulated.

Ms. Fenstermacher stated that Mr. Klemarczyk has recommended a timber sale be done at Broken Ground and would like to see the bid get out this winter. She provided an overview of the prior proposal; the logger that was chosen defaulted.

Mr. Kane expressed concern with the logging and the location. Ms. Fenstermacher stated that this is the next cut scheduled in the City's forestry plan for Broken Ground. Mr. Owers added that the area has been marked out.

Mr. Owers made a motion, second by Councilor Todd, to proceed with the logging on Broken Ground property for the 2019-2020 winter season. The motion passed; 6/0/1. Mr. Kane abstained.

**c. Concord Tree Committee**

Ms. Fenstermacher provided an update of the last Concord Tree Committee meeting. She stated that the Committee felt that the City should be setting a better example for tree maintenance and asked David Gill from Parks & Recreation to attend the meeting for an update. Mr. Gill provided a summary of the staff and equipment available. He stated that they are only equipped for reactive maintenance, and wishes there were resources for proactive maintenance. Members felt that there

CONCORD CONSERVATION COMMISSION

MINUTES

October 9, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

should be a push for the Committee to meet with City Council for awareness that there is a priority for trees and funding for proactive maintenance for Parks and General Services.

Ms. Fenstermacher stated that the Committee is working on goals and strategies to update the 2000 tree inventory.

In addition, a discussion was held regarding properties that are in violation of their site plans regarding tree requirements. The Committee will work on a draft letter to notify of the violation, but also include information about the many benefits of replanting the trees.

Councilor Todd stated that there have been some discussions held at recent TPAC meetings and how trees can promote traffic calming, which could be an incentive to planting the trees and should be included in the information sent to property owners.

Ms. Fenstermacher stated that the Committee has suggested a walking tour showing the great trees throughout the City.

The next meeting is scheduled for November 1, 2019, at 8 a.m. Location to be determined.

**d. *Local River Advisory Committees***

Nothing new to report.

**6. City Open Space**

**a. *Easement Monitoring Report***

The easement monitoring report prepared by Nathan Cote, the intern from Central NH Regional Planning Commission was reviewed. General discussion ensued and the Commission agreed that there is a need for enforcement. Ms. Tardiff stated that she will work on a letter for general easement enforcement and follow up next month.

**b. *Warren Richards Forest***

Ms. Fenstermacher stated that a letter was sent to the abutter from the City Solicitor regarding the encroachment onto the conservation property, including storage of materials, removal of vegetation, ATV usage, and mowing the field. She stated that the abutter has requested to attend the next meeting to discuss these issues with the Commission. Ms. Fenstermacher asked if the Commission would consider a future maintenance agreement if the abutter wants to continue mowing the city property adjacent to his lawn.

**7. City Council/Planning Board**

Nothing to update

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

**a. *Solar Ordinance***

The solar ordinance was tabled by City Council in September after the continued Public Hearing. Councilor Todd and Ms. Fenstermacher had not heard any indication of when the item would be pulled and voted on by the Council.

**b. *Nault Property – Black Hill Road***

As a result of discussions from the August meeting, a few members were able to revisit the site and walk it again prior to the meeting. Mr. Lewis requested to have further discussion regarding

CONCORD CONSERVATION COMMISSION

MINUTES

October 9, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

the proposal to rezone the land from Residential (RO) to Gateway Performance District (GWP). A discussion was held regarding the future infrastructure and potential impacts to the entire corridor.

Mr. Lewis stated that the development is within a conservation focus area and felt there should be further analysis done of the area. However, after the site visit, those members present felt that the area proposed for re-zoning made sense, and rezoning for development would provide an opportunity to improve the area which is overrun with invasive species and homeless camps. He stated that there may be an issue with endangered species and native habitats, but that would need to be addressed as part of the permitting. Chris Kane stated that further analysis should be now prior to any rezoning. Ms. Tardiff stated that the impacts will need to be addressed in order to get any state permits. Ms. Boisvert stated that if there are impacts to the property that could be something to negotiate with the developer.

Discussion ensued relative to sending a communication in support or denial of the rezoning based on the findings.

Mr. Lewis made a motion, second by Mr. Owers, the Commission, will take no position on the rezoning request at this time. The motion passed unanimously.

**c. *Education outreach – ConcordTV***

This item was continued to the next meeting.

**d. *Update to Bylaws***

This item was continued to the next meeting.

**e. *Merrimack River Greenway Trail***

Nothing to update

**f. *Public Notice Policy*** - continued to future meeting

**g. *Easement Enforcement Policy*** - continued to future meeting

**h. *Conservation Easement Standard Templates*** - continued to future meeting

**9. Other Business**

**a. *Dimond Hill Farm - Amendments to Partner Agreement***

Ms. Fenstermacher stated that back in July she and Mr. Lewis met with the conservation partners of the Dimond Hill Farm. As a follow up to the meeting, Equity Trust, the fee holder, drafted amendments to the Partner Agreement, which was shared with the Commission members prior to the meeting. Ms. Fenstermacher summarized comments from Danielle Pacik, Deputy City Solicitor. Commission members were in general agreement with the concerns raised by Ms. Pacik. Ms. Fenstermacher stated that there will be a follow up conference call with the partners to discuss the amendments.

Ms. Fenstermacher is looking to the Commissions for any information they may have relative to the negotiations around the original agreement and property acquisition. Commission members present stated that they were not actively involved and suggested following up with Five Rivers for more background.

CONCORD CONSERVATION COMMISSION

MINUTES

October 9, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

Discussion ensued and the Commission requested to be updated and included in the proposed meeting with all partners and the Deputy City Solicitor.

***b. Arbor Day Annual Report***

Ms. Fenstermacher presented the Arbor Day Annual Report and renewal information.

Ms. Boisvert made a motion, second by Councilor Todd, to approve the annual membership fee of \$15. The motion passed unanimously.

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

Ms. Boisvert made a motion, second by Mr. Owers, 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 9:10 p.m.

Mr. Owers made a motion, second by Ms. Healey, to come out of non-public session at 9:35 p.m. With a roll call vote, the motion passed unanimously.

Mr. Kane made a motion, second by Mr. Owers, 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 Mr. Lewis, to adjourn the meeting at 9:37 p.m. The motion passed unanimously.

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist