

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

December 11, 2019, 7:00 PM

MINUTES

Second Floor Conference Room, City Hall, 41 Green Street

The Concord Conservation Commission (CCC) held its regular monthly meeting on December 11, 2019 in the 2nd floor conference room at 41 Green Street.

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

Absent: Chair Kristine Tardiff, and Alternate Stefan Mattlage.

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

Public: Megan MacMullin and Rebeca Ross

**Call to Order**

The meeting was called to order by Vice-Chair Owers at 7:00 p.m.

**1. Minutes**

***November 13, 2019***

A motion was made by Mr. Kane, seconded by Mr. Chormann, to approve the November 13, 2019 minutes, as amended, with edits that do not alter the content of the meeting. The motion passed unanimously.

**2. Craig Tufts, Central NH Regional Planning Commission - proposed scope for Trails Master Plan.**

Ms. Fenstermacher provided an overview of goals of the Trails Master Plan. She explained that the trails in Concord cover 81 miles with more in the works. She stated that the trails are not just a conservation commission issue; they are seen as economic development for the City. She has reached out to Central NH Regional Planning Commission (CNHRPC) to help the City move forward with the master plan including the vision and future of trails in the City. She noted that CNHRPC was awarding funding through NHDOT to work on the master plan.

Craig Tufts of CNHRPC spoke to the layout and goals of the proposed Trails Master Plan. He stated that it will include a vision and the reason why there are trails, which will include noting economic development values, as well as the health benefits and potential impacts to wildlife. He stated that there are many trails and the plan will work to address trail connections and networks. Lastly, the Plan will address the need for maintenance, and stewardship resources.

Mr. Tufts would like to have an open house/public meeting in January. He suggested that there be surveys available for public input, and he would like to see other interest groups involved to discuss other uses of conservation land such as agriculture, hunting, etc. Maps would also be an item included and would be an item for public comment too.

A discussion was held regarding data collection *for trail use* and data collection processes. Parking was also noted to be an issue as well as dogs on the trails. A suggestion was made to consider different levels of trails to address different uses.

Councilor Todd stated that the timing of the Trails Master Plan is perfect as the zoning changes are being addressed now. The Master Plan will follow and the new Trail Master Plan will then be added

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in. Having the user data will also be an asset; anything would be helpful. He commented that the City views trails as a great resource and an asset. Knowing what citizens want, the best or most proper areas for trails, the best views for trails, and potential for future trails is something that the City values and will be addressing in the future.

Mr. Tufts stated that feedback from City Council would be very helpful with the project. Councilor Todd replied that any data obtained is a good tool to have. He stated that although the data may be difficult to collect, more is always better and will certainly aid in decisions.

**3. Jason Cross, 90 Sanborn Road, regarding Warren Richards Forest encroachment.**

Naomi Houle and Emily Landry of the NH Forest Society were present along with land owner Jason Cross.

Ms. Fenstermacher explained that the Warren Richards Forest is a 113 acre parcel that was gifted by the Richards to the City. The Society holds the easement for this property. As a result of the monitoring completed by the NH Forest Society's, it is evident that there are some violations to the easement, including Mr. Cross storing equipment and mowing the City property, and using an ATV on the property.

Ms. Houle provided an overview of the easement and the restrictions. She explained that the Forest Society does annual monitoring by either visits or aerial. The Forest Society deems this property of high priority because there are so many abutting residential properties, which typically means that they will do an annual visit instead of an aerial photo review.

A discussion was held regarding the violations and concerns of the wetlands and habitat. Mr. Cross stated that he has addressed some items and requested that he be allowed to continue to mow and do additional maintenance along a portion of the land which appears by historic aerial photos that it has been mowed prior to his ownership. He stated that the lawn maintenance is important due to the tick population and the overgrowth of bittersweet. Additional discussion was held relative to the property boundary, which is not clear. Ms. Houle suggested that the City stake and re-establish the bounds of the property and recommended installing blue bird boxes along the boundary. Mr. Cross was receptive to adding the boxes along the boundary and offered to assist in that process.

Mr. Chormann expressed concern with the property owner using City property. Mr. Owers stated that the City has been allowing this activity to occur and should it be changed now. Discussion ensued regarding the private use of public land. Mr. Cross stated that he agrees that this is City property; however, mowing the area maintains the view and helps with keeping the invasive species at bay. Ms. Houle added that it is better to be mowed if it helps keep invasives down. Mr. Owers commented that if the Forest Society does not have any issues with the mowing then neither should the City. Councilor Todd mentioned sidewalks and curb areas that are typically maintained by citizens and at what point does it become an adopted area which requires legal documentation. Ms. Boisvert stated that she feels if the City allows the mowing to continue, it is better to have a boundary set and a definitive agreement in place. Discussion ensued. Ms. Houle commented that she does not see any negative value to the conservation area relative to the continuation of mowing, as long as he does not mow into the wetland area.

Ms. Fenstermacher suggested drafting an agreement and presenting it to the Commission at the next meeting. It was agreed that the agreement should include a purpose statement, include the comments

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from the Forest Society, and shall only run with Mr. Cross, not future land owners. She also suggested adding a split rail fence along the property line to delineate the boundary.

**4. Stantec, on behalf of Eversource Energy, requesting a Conditional Use Permit for impacts to the wetland buffer for the replacement of existing poles in the F139 line right-of-way off Sanborn Rd, Hoit Rd, and Mountain Rd.**

Ms. Fenstermacher provided an overview of the project. She explained that this area is the former Northern Pass route. The proposal is to replace the five existing wooden poles with metal poles; replacing in kind. All work will be done over the winter months. All impacts to the wetland buffer and Shoreland Protection buffer are temporary impacts.

A motion was made by Mr. Owers, seconded by Mr. Kane, to recommend approval of the Conditional Use Permit for impacts to the wetland buffer and Shoreland Protection buffer for the replacement of existing poles in the F139 line right-of-way, as presented. The motion passed unanimously.

**5. NHDES Items**

**a. City of Concord Wetlands Permit application for the permanent impact of 3039 sf of wetlands and 104 sf of bank associated with Bela Brook for the replacement of the Birchdale Road Bridge.**

**b. City of Concord Wetlands Permit application for the permanent impact of 2423 sf of wetlands and 55 sf of bank associated with Bela Brook for the replacement of the Hooksett Turnpike Bridge.**

Ms. Fenstermacher addressed the aforementioned applications together as they are both similar projects relative to the Bela Brook and are City projects. She stated that the proposals are both permanent impacts as the bridges are being widened.

The Commission had no comments or concerns with the projects as proposed.

**6. Reports**

**a. Trails Subcommittee**

Mr. Lewis attended the Trails Subcommittee meeting and provided a synopsis of the meeting for the Commission. He mentioned the upcoming hike scheduled for December 14<sup>th</sup>.

Last month it was noted that someone has been removing the brush placed by Mr. Klemarczyk to close a section of the re-routed Murray Trail at Oak Hill trails; it has been an ongoing problem. It was recommended that a sign be placed at this location explaining why the trail was closed.

Mr. Lewis stated that Mr. Tufts presented the proposed scope of the Trails Master Plan to the Trails Committee.

Mr. Lewis provided forestry updates from Ron Klemarczyk regarding Exit 13 and Terrill Park. Ms. Fenstermacher provided additional information and stated that the City will be clearing trees at Healy and Terrill parks. She stated that the clearing at Healy Park by Exit 13 is being done by General Services to remove invasive species and also improve the views of the river.

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Ms. Fenstermacher stated that contract awarded for the Broken Ground timber sale will be amended to include the clearing of Terrill Park for the proposed dog park and phase 1 of the Merrimack River Greenway Trail. The trees are mostly Ash and are diseased. More plantings will occur as part of the project.

Mr. Lewis stated that Mr. Owers and Rob Knight presented the Backwoods Loop Trail criteria to Trails Subcommittee; the Trails Subcommittee is looking for a recommendation from the Commission to move forward and layout the marked trail. Mr. Owers added that parking will be addressed next.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to authorize the Trails subcommittee to pursue the backwoods trail proposal, as presented. The motion passed unanimously.

**b. Forestry**

The Forester's report was circulated.

**c. Concord Tree Committee**

Ms. Fenstermacher provided an update of the last Concord Tree Committee meeting. She stated that the Committee has been focusing on reaching out to various city committees to introduce themselves and explain the importance of trees. They will meet with the ZBA in January, and will continue to other committees over the next few months.

In addition, regarding the street tree inventory, Ms. Fenstermacher explained that a training day was held with members and Cory Keeffe, Urban Forester with the Division of Forest and Lands. It was evident that additional training was required. Based on discussions with the City Arborist and General Services, it was decided that the committee will focus on a higher level inventory and just determine whether a tree is located where there was a tree in 2000, and areas where more trees would be beneficial. General Services will do their own detailed inventory to include tree species and health. Members of the Tree Committee will each be assigned to a neighborhood for inventory to work on over the next few months, and will present their findings to Council in April.

**d. Local River Advisory Committees**

Nothing new to report.

**7. City Open Space**

Nothing new to report.

**8. City Council/Planning Board**

A brief discussion was held regarding the Planning Board's recent amendment proposed to the landscaping standards that would allow all required landscaping to be located around the perimeter of a lot, instead of in landscape islands for vehicle display in the CH District.

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

**a. Murray Lot**

Ms. Fenstermacher stated that the deeds are being prepared.

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**b. Solar Ordinance**

The ordinance has been completed.

**c. Education outreach – ConcordTV -**

This item was continued to a future meeting.

**d. Update to Bylaws**

This item was continued to a future meeting.

**e. Public Notice Policy**

This item was continued to a future meeting.

**f. Easement Enforcement Policy**

Ms. Tardiff is currently working on drafting the enforcement letter.

**g. Conservation Easement Standard Templates**

This item was continued to a future meeting.

**10. Other Business**

**a. Reappointments: Jeff Lewis**

Mr. Lewis indicated that he would like to remain as a regular member of the Commission. Ms. Fenstermacher will send the necessary correspondence to Council requesting the reappointment.

Additional discussion was held relative to the current membership and open seats for the Commission and Trails Sub Committee.

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

Mr. Owers made a motion, second by Mr. Lewis, 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 8:53 p.m.

Mr. Owers made a motion, second by Mr. Lewis, to come out of non-public session at 9:06 p.m. With a roll call vote, the motion passed unanimously.

Mr. Lewis 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.

Mr. Owers made a motion, second by Mr. Lewis, to proceed with appraisals with McManus & Nault for the Crosby and Leadbeater lots, and to appropriate sufficient funds for these two appraisals. The motion passed unanimously.

**Adjournment**

There being no further business, Mr. Owers made a motion, second by Ms. Healy, to adjourn the meeting at 9:07 p.m. The motion passed unanimously.

Respectfully submitted,

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Lisa Fellows-Weaver  
Administrative Specialist