

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

May 13, 2020, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on May 13, 2020, via Zoom, at 7:00 p.m.

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

Absent: Alternate Stefan Mattlage

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

Public: Rebecca Ross

Call to Order

The meeting was called to order by Chair Tardiff at 7:00 p.m. at which time Ms. Tardiff read the following statement:

As Chair of the Concord NH Conservation Commission, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Commission is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, we have provided public notice of the necessary information for accessing the meeting, and instructions are provided on the City of Concord's website at: www.concordnh.gov/planning

With Regard to providing public access to the meeting;

We are utilizing the Zoom platform for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through visiting the following website address: <https://zoom.us/j/181542776>.

If you do not have website access, you may dial the following phone number 929-205-6099 and enter the webinar id 181 54 2776.

For those calling in who want to provide public testimony, *via* the website, you may click on the chat icon to ask, or click "raise hand" to be recognized as authorized by the Chair. For participants, dialing in on a phone, you may dial *9 to alert the Chair that you want to testify. Please note that testimony only applies to public hearings, and public participation may not be authorized in a public meeting which is not a public hearing.

With Regard to providing the public with a way to alert us about access problems;

If anybody has a problem, please call 603-225-8515 or send an email to: planning@concordnh.gov.

With Regard to adjourning the meeting if the public is unable to access the meeting;

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Roll Call attendance was taken with each member indicating whether there is anyone in the room with them during this meeting, which is required under the Right-to-Know law.

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Reminder for the public

If you have a question or any trouble accessing this meeting please call the planning dept. at 603-225-8515 or send an email to: planning@concordnh.gov

For those calling in who want to provide public testimony, *via* the website, you may click on the chat icon to ask, or click “raise hand” to be recognized as authorized by the Chair. For participants, dialing in on a phone, you may dial *9 to alert the Chair that you want to testify. Please note that testimony only applies to public hearings, and public participation may not be authorized in a public meeting which is not a public hearing.

Reminder to Commission members

- Please mute yourself when not speaking.
- Please raise your hand in the participants section of your Zoom screen.
 - Also, if viewing in gallery view, wave your hand in front of the camera to make sure you are heard.
- In your zoom screen, change your view in the upper right corner from speaker view to gallery view to see all panelists.

1. Minutes

April 8, 2020

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the April 8, 2020, minutes, as written. The motion passed 6/0/1. Ms. Boisvert abstained as she did not attend the March meeting.

2. NHDES items

HDR Engineering, on behalf of the City of Concord, Permit by Notification for the Washington Street bridge rehabilitation project in Penacook. The proposed project will result in approximately 733 sq. ft. of temporary perennial stream impacts, as well as approximately 639 sq. ft. of temporary bank impact as a result repairing the bridge abutments.

Ms. Fenstermacher explained that due to COVID 19, NHDES will allow the Chair to send an email to serve as the Commission’s comments or concerns as well as an approval.

Tom French and Brett Battaglia of HDR Engineering and City of Concord City Engineer David Cedarholm were on the Zoom call representing the application.

Mr. French gave a presentation explaining the Washington Street Bridge project. He stated that NHDES recommended the PBN process for this bridge that was built in 1975. The bridge is a two lane bridge, 69 feet long and 26 feet wide. Approximately 3,000 vehicles cross the bridge daily. NHDOT put this bridge on the red list in July of 2011 and it is in jeopardy of being closed, in the near future. Photos were presented that show the significant deterioration including the staining of the structure which indicates the deterioration of the abutments. A site assessment was done in November by a Certified Wetland Scientist, which was included in the PBN packet.

Mr. French reviewed the goals to accomplish with the project. He stated that they intend for the proposed repairs made to the deck and abutments will extend the life of the bridge for an additional 10 – 15 years. At that time there will probably need to be a full replacement. He added that they also hope to that the repairs will minimize the impacts to the Rolfe Canal and surrounding areas. The repairs list was also noted and reviewed.

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Ms. Healy asked about the time frame for the repairs. Mr. French replied they anticipate the repairs to take six months with completion for late October, beginning November.

Mr. Lewis stated that the presentation was very thorough and impressive for a PBN. He asked if the applicant had reached out to Contoocook River Local River Advisory Committee. Mr. French replied that they are meeting with them May 18th.

A motion was made by Mr. Lewis, seconded by Mr. Chorman, to approve the Permit by Notification for the Washington Street bridge rehabilitation project in Penacook, as presented, and to authorize the Chair to send notification of the approval to NHDES via email.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Ms. Boisvert – in favor

Ms. Healy – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

3. Reports

a. Trails Subcommittee

Mr. Lewis attended the Zoom Trails Subcommittee meeting and provided a synopsis of the meeting for the Commission. He explained that the trails are currently very busy.

Mr. Lewis stated that a discussion was held regarding rerouting the West End Farm Trail.

Additional discussion was held relative to the Raymond property off of Carter Hill Road connector. He stated that there are no bikes or horses allowed; the applicable signage has been added and the trail maps on the website have also been updated to indicate this.

Mr. Lewis stated that the Trails Committee has many ongoing projects. There are no workdays scheduled at this time to do any work; however, members have identified that there is still trail work required and the work needs to be completed, such as blazing. Members are continuing to work independently and are making progress; however, at a slower rate.

Mr. Lewis stated that there have been complaints that people are leaving the dog waste bags. It was suggested that Leave No Trace be contacted and get involved.

Mr. Lewis stated that parking continues to be an issue at many trail heads. City management and other groups within the City are aware. At this time, the Trails Committee is not being tasked with anything.

A discussion was held to consider redoing the white blazes to the entrance of Winant Park. Ms. Tardiff stated that it is important that the City's authorized trails are blazed and they stay identified.

i. Backwoods Trail

A map was presented showing the modified loop trail. Mr. Owers explained that the Commission has obtained this land over the past two years and it is linked into Winant Park. A discussion was held regarding the fact that some of the trail may cross over private

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property. Mr. Owers stated that permission will be granted by the property owner to allow for the use.

Mr. Owers stated that the Trails Committee approved the Backwoods Trail at tonight's meeting. The new checklist for public outreach was reviewed as well as the new criteria for adopting a trail. The Trails Committee requests that the public hearing be scheduled for June 10, 2020.

Mr. Lewis stated that the Commission is very fortunate to have the efforts and availability of Mr. Owers and Ron Klemarczyk. He stated that the new processes are working. The two trails discussed tonight will both be precedent setting and will have public input. He expressed concern with the parking as noted at the Trails meeting; however, believes that the process should move forward. The abutters notifications should be mailed out, an abutters list should be provided and read aloud at the public hearing.

Mr. Kane stated that he has walked the trails twice. He added that throughout his walk he noticed vernal pools, and confirmed that the trail does not impact the vernal pools.

Ms. Tardiff stated that this has been a huge amount of work but shows that the process is working. She is glad the process is being followed. She offered to assist with the verbiage for the abutters letters.

Additional discussion was held relative to the portion of land that crosses private property and the possibility to re-route the trail differently if the owner should change their mind in the future.

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the Backwoods Trail, as presented, and move forward with the process by scheduling the public hearing for June 10, 2020, and send out abutter's notices. Ms. Tardiff asked if there is any documentation of permission like a trail use agreement. Mr. Owers stated that he has addressed this issue with the property owner and will continue to work with the owner after the public hearing. Mr. Kane asked about liability issues. Mr. Owers stated that he believes that there is documentation previously created in the trail use agreement the City has.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Ms. Boisvert – in favor

Ms. Healy – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

ii. Knowlton Woods Trail

A revised map was presented which showed the proposed trail systems for this area. Mr. Owers explained that Mr. Klemarczyk had indicated in his report that he saw evidence of deer wintering in the area and therefore, the trail has been moved farther west. A trail walk will need to be done. It was reported that the Rob Knight, Trails committee chair, visited the area twice and was not able to locate the proposed trails. The next step will be to approve to do a guided site walk and schedule a public hearing at the June meeting for July then proceed with the process of sending out abutter's notices.

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Mr. Lewis noted the efforts of Mr. Owers and Mr. Klemarczyk. He referenced the abutter's comments and Mr. Klemarczyk reply. Mr. Owers stated that there are more impacts if there are parking lots. There is now an abutter expressing concern. He too appreciates Mr. Klemarczyk's reply; however, we need to make sure that there is some understanding how the parking area is happening; is it a City project and who is managing the parking area. Additional discussion was held regarding the parking and having engineering look into it further. Ms. Tardiff stated that the logging would not happen until September. It was agreed that a site walk will be conducted first and engineering will look into the area after the site walk. Ms. Fenstermacher will relay any pertinent information to the abutter including site walk information as it becomes available. Ms. Fenstermacher will send out dates for the site walks.

b. Forestry

The Forester's report was previously provided. No discussion was held.

i. Final Management Plan for Knowlton Woods, Hot Hole Pond Rd.

Ms. Fenstermacher stated that Mr. Klemarczyk presented the forest inventory and management plan and his recommendations at the April meeting. Based on discussion and comments, a revised plan has been submitted.

Mr. Kane commented that the plan was more thorough and he appreciated the detail. This is a great document that shows practical and good uses to the City land. He added that he likes the fact that some areas will remain natural.

Ms. Tardiff commented that Mr. Klemarczyk did a nice job. It is nice to have the discussions and have the areas highlight. She is pleased to be moving forward with additional properties.

c. Concord Tree Committee

Ms. Fenstermacher stated that the Tree Committee has not met.

d. Local River Advisory Committees

Mr. Chormann stated that the Local River Advisory Committees have not met.

4. City Open Space

Ms. Fenstermacher stated that Central NH Regional Planning Commission has hired an intern again this year and the City will be utilizing the intern again for easement monitoring. This should begin in June.

5. City Council/Planning Board

Councilor Todd stated that the public hearing for the properties on Currier Road and District 5 Road was held on April 13 and the both properties were approved unanimously. He thanked Mr. Owers' testimony at the meeting; it was appreciated.

At the May meeting, the recommendation by the Parking Committee for no parking at the end of District 5 Road passed. He noted that there was some confusion in that the impression was given that the trail head was going to be closed. He stated that there are plans in the works regarding addressing other parking issues. Ms. Fenstermacher stated that Karen Hill, the traffic engineer, will be taking a look at complaints regarding people parking at the other end of District 5 Road where the Carter Hill Connector crosses; Ms. Hill will be submitting a recommendation of a plan to the parking committee. Councilor Todd added that if there are other issues of on street overflow parking at other trail heads it

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should be reported as well. He referenced safety on the trails and the Commission is more than welcome to provide any recommendations to him and he will pass on to the parking committee.

Mr. Lewis stated that parking provisions are the continued flaw of the trails as well as safety issues. He added that he appreciates that Councilor Todd is willing to assist the Commission with the parking issues and he would like to see parking and safety discussed more at a future meeting and become more proactive.

6. Follow-up/On-going Items:

a. Leadbeater & Crosby Acquisitions

Ms. Fenstermacher stated that the title searches have been received, and Paul Gendron is reviewing the reports. The closings will be scheduled within the next few weeks.

b. Trail Master Plan

Ms. Fenstermacher stated that there is no update at this time.

c. Education Outreach – ConcordTV

This item is on hold as ConcordTV is otherwise engaged with COVID-19 projects/updates.

d. Update to Bylaws

This item was continued.

e. Easement enforcement policy discussion

Mr. Kane stated that he will provide examples of policies for the next meeting.

f. Conservation Easement Standard Templates

This item was continued.

7. Other Business

a. Pan Am – Negotiations

Mr. Kane asked if there is any update regarding Pan Am. Ms. Fenstermacher stated that the negotiations with Pan Am have been delayed since there have been no meetings. Councilor Todd stated that although there has been a delay, he believes that negotiations are still ongoing. He added there is still enthusiasm and motivation for the project to be completed.

b. Dan Geiger

Mr. Lewis asked if there is any follow up relative to up on the wetland violations at Spears Park at Country Hill Estates. Ms. Fenstermacher reached out to the Forest Society to see if this could be delayed to the end of summer due to the uncertain times.

8. Non-Public Session

Mr. Lewis made a motion, second by Mr. Owers, to enter into a non-public session at 8:31 p.m. per RSA 91-A:3, II(d), and RSA 91-A:3, II(1).

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

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Ms. Boisvert – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – in favor

Ms. Boisvert left the non-public session at 8:50 p.m.

Mr. Owers made a motion, second by Mr. Chormann, to come out of non-public session at 9:02 p.m.

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

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Kane – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – 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. Owers – in favor
Mr. Kane – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – in favor

Adjournment

There being no further business, Mr. Owers made a motion, second by Ms. Healy, to adjourn the meeting at 9:03 p.m. The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Owers – in favor
Mr. Kane – in favor
Ms. Healy – in favor
Mr. Lewis – in favor
Mr. Chormann – in favor
Councilor Todd – in favor

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist