

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

June 10, 2020, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on June 10, 2020, via Zoom, at 7:00 p.m.

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

Absent: Rick Chormann, and Alternate Stefan Matlage

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

Public: Brad Tanner, Rebecca Ross, Arlene Devold, Naomi Praul (Nobis Group), Megan MacMullen, and Rob Knight Trails Subcommittee Chair.

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.

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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.

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

May 13, 2020

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the May 13, 2020, minutes, as written. 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

Councilor Todd – in favor

2. Public Hearing Backwoods Loop Trail adjacent to Winant Park, off Fisk Road.

Mr. Owers stated that over the past two years the Conservation Commission has acquired additional land, linking several City-owned parcels into Winant Park. He referred to a map that was presented showing the modified loop trail. He noted that purchasing this land in 2018 created the first opportunity to build one authorized trail using the existing trails to create a loop back into Winant Park. He stated that he has met with the land owner where a portion of the trail crosses over private property. Mr. Owers stated that permission has not yet been granted by the property owner to allow for the use; however, a draft of the trail agreement has been sent to him, and there will be a 30 day time frame that would allow for the cancelation of the agreement giving the Commission time to relocate the trail.

Ms. Tardiff noted that letters were received from the public and distributed to the Commission for review prior to the meeting. A letter from Paula Hurley and Robert Graffy of the Fisk Road

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Association brought up issues relative to liability issues and the proposed trail crossing Mr. Lambert's property, which is part of the Fisk Hill Association. A letter from Matt Miskoe on Little Pond Road brought up issues regarding liability and creating new trails where many already exist.

Ron Klemarczyk stated that the intent is to keep the trail on the City-owned property as best as possible. The rest of the trail ties into the older trails and the addition of the loop should keep people on the trail. Mr. Owers added that there have been many complaints about the trails in this area and this new loop should help alleviate some of the illegal trails.

Rob Knight, Chair of Trails Committee, commented that there is a maze of trails in this area and it has been a problem. He sees this as a benefit to use the existing trails and they will now be marked.

Brad Tanner of Fisk Hill Farm Road stated that a section of the area is his back yard. He was on this trail today and looked at the proposed location. He asked about the liability of the new section. Mr. Owers explained the State encourages landowners to open their land and RSA 508:14 protects the land owner so that they are not able to be sued.

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 process is not quick. His only concern would be the crossing of private property.

Councilor Todd asked if the trail will affect the parking lot. Mr. Owers stated that this is an interior trail; there is no additional trail head. It may make Winant Trail more desirable. It was noted that typically users would access through the Concord Hospital side. Mr. Lewis stated that the parking is a global issue that should be looked into.

Mr. Klemarczyk asked about signage for the trail and suggested that the Commission avoid a grand trail opening due to the Corona virus and the impact of over-usage. Ms. Fenstermacher stated that there is funding for signage.

A motion was made by Mr. Owers, seconded by Mr. Lewis, to approve the Backwoods Trail, as presented, subject to the possibility of rerouting the portion that crosses the Lambert's land and pending comments from The Fiske Hill Road Association.

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

Councilor Todd – in favor

3. Ron Klemarczyk

a. Forest Inventory & Management Plan for Country Hill Woods District 5 Road

Mr. Klemarczyk presented a Forest Type Map to the Commission and gave an in depth overview of the background of the property as well as what he found in the field. He stated an inventory was completed earlier in the spring. He described the area north of District 5 Road as farm land with intensive agriculture. He noted that the property was a working farm at one time and there is a cellar hole on the property at stand 1.

Mr. Klemarczyk described seven different stands throughout the property, noting the contents,

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quality, and maturity of each stand. He stated that the area was last logged in the late 1970's. He found a rock dump, and evidence of a fire and hurricane. There are vernal pools that drain both North and South. Wetlands exist on the property which he described as bog like and appear to have been bogs for many years. He noted that at stand 6, there are black gum trees along the edge. There is also evidence of deer habitat, as well as porcupine, bear, and coyote.

Mr. Klemarczyk stated that his overall impression is that stand 3 and 4 could be thinned. He discussed access to the stands and explained a portion of the discontinued District 5 Road has a very steep slope and is impassable with the wetlands. He noted he will provide more detail relative to the future uses in the management plan of the property. He added that this property will be a longer process as there are other issues that need to be addressed first. He referenced the logging industry has been affected by the COVID-19. Discussion ensued as to logging plans that would allow a view of Mount Kearsarge.

Rob Talmadge asked for clarification of the Commission's intention of use of Country Hill Estates. He stated that previously he was told by members of the Commission that the property was for conservation purposes only and there would be no trails developed at this time. Ms. Tardiff replied that the Commission's intentions have not changed. She added that it was stated to City Council that the first step was getting a layout of the land and to develop a land management plan for the property. Mr. Talmadge stated that Mr. Klemarczyk did a fantastic job explaining the wetlands and the potential impacts and history of the property.

b. Proposed re-routing of the West End Farm Trail at Currier Road

Mr. Klemarczyk explained he built a by-pass trail re-routing the West End Farm Trail due to the fact that the property owner blocked off a portion of trail that crossed through his property at Currier Road. The trail was only wide enough for foot traffic and was not adequate for the snowmobile trail, maintenance, and for emergency access for rescues. The City Surveyor has confirmed that the proposed location is, in fact, on City land. However, he recommends that an independent surveyor be hired to confirm.

Additional discussion was held regarding the construction of a parking lot. Mr. Klemarczyk stated that the cost would be around \$4,000 and require him to do a layout and necessary supervision of the job. It would also involve clearing and stumping the site. There may be additional items required should General Services require ditching. A permit may also be required. He added that this area would accommodate up to four parking spaces. He noted that the costs may be less should the work be done at the same time. Mr. Owers stated that it would make sense to do the work all at the same time.

Discussion ensued regarding the budget and if the work could be done at the same time. Ms. Fenstermacher noted that the funds would come from the 2021 budget since the work would not be completed prior to July 1, 2020.

Additional discussion ensued regarding the requirements for the trail relative to leashing dogs while on the trails. Ms. Fenstermacher stated that there have been some issues with dogs. She suggested that dogs be required to be on a leash for this trail as it would be consistent with the northern part of the trail into Rossvie Farm. Mr. Lewis questioned if this could be enforced since it is not required by the ordinance on the trail. He referenced the Rossvie easement as it specifically requires dogs to be leashed and suggested that this trail be consistent with the Rossvie property due to the proximity. Mr. Klemarczyk stated that the abutter also has some

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responsibilities as well for keeping his dogs from running on to the trails. Mr. Kane added that the Commission should make a decision of which trails should allow dogs and which ones should not. Mr. Klemarczyk noted that the trails impact wildlife as well.

Ms. Fenstermacher stated that she will contact Mr. Marro for comments and/or concerns.

A motion was made by Mr. Owers, seconded by Mr. Lewis, to appropriate up to \$5,000 to begin the process to get community outreach to build a parking lot and hire an independent surveyor.

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

Councilor Todd – in favor

4. Nobis Group, on behalf of St. Paul's School, requesting a Conditional Use Permit for disturbance to the buffer within the Shoreland Protection District at 25-29 Hockey Lane.

Naomi Praul of Nobis Group represented the application.

Ms. Praul gave an overview of the project. She stated that St. Paul's School is looking to install two new 12'x24' chiller units outside the existing hockey center, adjacent to the Turkey River. The chillers will be mounted on concrete pads and the placement will require an existing fire hydrant to be relocated, approximately 30 feet southwest. She explained that minimal ground disturbance will be required for the installations and all areas will be restored once the improvements are complete.

Ms. Praul stated that the Conditional Use Permit is requested for the disturbance of the buffer within 150 feet of the Turkey River as the project is within the City Shoreland Protection District for the Turkey River. In addition, the School has filed a Shoreland Permit from NHDES for impacts that are within the 150-foot Woodland Buffer of the Turkey River.

A motion was made by Mr. Lewis, seconded by Mr. Kane, to recommend approval of the Conditional Use Permit for St. Paul's School, as submitted.

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

Councilor Todd – in favor

5. NHDES Items - none

6. Reports

a. Trails Subcommittee

Mr. Lewis attended the Zoom Trails Subcommittee meeting and provided a synopsis of the meeting for the Commission.

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Mr. Lewis stated that the Trails Subcommittee discussed resuming maintenance of the trails in small work groups.

Ms. Fenstermacher updated the Commission on the schedule for construction and restoration at Terrill Park.

Ms. Fenstermacher stated that Judy Weatherbee has expressed an interest in becoming a member to the Trails Subcommittee. Ms. Tardiff commented that Ms. Weatherbee is an excellent candidate.

A motion was made by Mr. Lewis, seconded by Mr. Kane, to appoint Judy Weatherbee as an alternate member to the Trails Subcommittee.

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

Councilor Todd – in favor

Ms. Fenstermacher stated that Tim Pifer moved and resigned as a member to the Trails Subcommittee. Alternate member David Ross has expressed an interest in becoming a full member to the Trails Subcommittee.

A motion was made by Mr. Kane, seconded by Mr. Lewis, to appoint David Ross from an alternate member to a regular member of the Trails Subcommittee.

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

Councilor Todd – in favor

i. Knowlton Woods Trail

Mr. Owers reported that members of the Commission and trails subcommittee walked the proposed trails last week. A discussion was held regarding the parking location for this trail and utilizing the proposed log yard. An abutter sent a letter to the Commission regarding potential siltation runoff from the parking lot on to their property. He stated that Mr. Klemarczyk has prepared a response, and the parking lot will be reviewed by the City's Engineer. He added that Mr. Klemarczyk has proposed one bridge for the trail to go over the stream.

Mr. Kane stated that this will make a nice connection; however, he expressed concern with proposed timber cutting impacting the aesthetics of the trail. Mr. Owers stated that he does not believe there will be any issues and feels that the trail should be able to move forward. He suggested scheduling a public hearing for the July meeting.

A motion was made by Mr. Owers, seconded by Mr. Lewis, to begin the community outreach for the Knowlton Woods Trail and set the public hearing for July 8, 2020.

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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
Councilor Todd – in favor

ii. *Request for Fencing at Rolinda Ave. Connector Trail*

Ms. Fenstermacher stated that the property owner has requested the Commission place a fence along their property line and the trail. The trail is close to the house and the screening has fallen down or died. They are concerned as there have been some instances with dogs trespassing onto their land. Mr. Klemarczyk has gone to the location and determined that the house is very close to the trail; it is one of the closest trails to a property line.

A motion was made by Mr. Owers, seconded by Mr. Kane, to approve the purchase of screening for Rolinda Ave. Ms. Fenstermacher will research different fencing options and pricing and report back to the Commission at the July 8, 2020 meeting.

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
Councilor Todd – in favor

c. *Forestry*

The Forester's report was linked. No discussion was held.

d. *Concord Tree Committee*

Ms. Fenstermacher stated that the Tree Committee has not met. She stated that John Regan and Craig Tufts will be addressing the last two sections of the inventory data.

e. *Local River Advisory Committees*

The Local River Advisory Committees have not held any meetings due to COVID-19.

7. *City Open Space*

Ms. Fenstermacher stated that the intern started last week. Two properties are completed. Letters to easement holders have been mailed out. Mr. Klemarczyk stated that he would welcome the intern's assistance this summer with trail work. Funding is available.

8. *City Council/Planning Board*

Councilor Todd stated that the City Council has been reviewing the budgets. It is their goal for a budget with a 0% tax increase. Ms. Fenstermacher state that City Council has reviewed the Commissions budget and did not have any questions.

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9. Follow-up/On-going Items:

a. Leadbeater & Crosby acquisitions

Ms. Fenstermacher stated that the acquisition information has been sent to attorney Tim Briton. The closings should be scheduled within the next few weeks.

b. Trail Master Plan

Ms. Fenstermacher stated that she has spoken to Craig Tufts and there is no update at this time.

c. Education Outreach – ConcordTV

This item is on hold due to COVID-19.

d. Update to Bylaws

This item was continued.

e. Easement enforcement policy discussion

Mr. Kane stated that he has some easement samples; however, he is waiting for 5 Rivers and the NH Forest Society to submit something to him. He will hold off providing any examples until he has all of the sample policies.

f. Conservation Easement Standard Templates

This item was continued.

10. Other Business

a. Resignation

Ms. Tardiff stated that Tracy Boisvert has submitted her resignation to the Conservation Commission due to her appointment to the Board of Five Rivers Conservation Trust, as well as potential conflicts with her job.

Adjournment

There being no further business, Mr. Lewis made a motion, second by Ms. Healy, to adjourn the meeting at 9:04 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

Councilor Todd – in favor

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist