

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

July 8, 2020, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on July 8, 2020, via Zoom, at 7:00 p.m.

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

Absent: Kathy Healy, and Alternate Stefan Mattlage

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

Public: Rebecca Ross, Lori and John LaPlante, Gale Taylor

**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](http://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](mailto: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](mailto: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**

***June 10, 2020***

A motion was made by Mr. Kane, seconded by Mr. Lewis, to approve the June 10, 2020, minutes, as amended with edits that do not alter the content of the meeting.

The motion passed 5/0/1, with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Councilor Todd – in favor

Mr. Chormann – abstained, as he was not at the meeting.

**2. Public hearing to receive testimony relative to the proposed Knowlton Woods Trail on Hot Hole Pond Road, located adjacent to Oak Hill trails.**

Mr. Owers gave an overview of the property. The City purchased the property in 2018 from the Knowlton family with the plan to add onto the Oak Hill Trail network. In January, the Murray lot was purchased which then allowed the trails to expand further east. Changes since the trail was first proposed include avoiding the use of the NH Fish & Game parking lot and building one on-site, and relocating the trail to avoid wildlife areas. The only issues brought up by an abutter include the location of the parking lot and potential drainage issues. Feedback from other abutters on Hot Hole Pond Road has been positive. Ron Klemarczyk designed an on-site parking area. This was reviewed by Karen Hill, Traffic Engineer for the City, who determined that there are adequate site distances for access into the parking lot. She also addressed concerns of an abutter regarding siltation and drainage

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overflow onto his property. Ms. Hill's opinion is that with proper drainage and ditching as proposed there will be no siltation or runoff issues. Mr. Owers added that there was a trail walk and members were pleased with the proposed trails.

Ms. Fenstermacher stated that Mr. LaPlante, an abutter, submitted written testimony regarding concerns with the proximity of the trail to his house, and he will be meeting with Mr. Klemarczyk tomorrow, which may shift portions of the trail. Mr. LaPlante had provided a diagram noting his concerns. He expressed concern with the public accessing his own private trails and the visibility of his house due to the layout of the trails. Mr. Owers noted that the trail may not be able to be adjusted as there is one area that is near an intermittent stream and a wetland and the other area is near a deer yard. He added that there is still a 100 foot downward slope from the LaPlante's property. Mr. Klemarczyk stated he appreciated the effort to move the trail from the deer area. There is a large oak tree that the deer are feeding at every other year. The trail has moved closer to the LaPlante's property. However, there is a stone wall that is 300 feet from the LaPlante's boundary, and he may suggest moving the trail to follow along the west of that wall, which would provide more of a buffer. He stated that he will look at this option tomorrow with the LaPlantes. It was suggested that the property owner add "No Trespassing" signs, with hopes that the signage would discourage people from accessing the private trails.

Ms. Tardiff opened the public hearing.

Mr. LaPlante stated that he is very excited about the Commission's purchase of the land. He believes that they should be able to find a solution. More area of concern would be the visibility of the house; it's not so much of a concern regarding the distance. Ms. LaPlante stated that you can see the house in several locations even with the trees leafed out. She noted that the trees are all deciduous trees.

Matt Bowser of NEMBA, stated that it may be difficult to relocate the trail between the property lines and the wet areas much through the area at the southwest corner of Mr. LaPlante's property. When developing the trail they tried to get as far away as possible from both of these. He stated that signage is helpful; however, the degree of the slope should discourage mountain bikers from accessing the private trails. He added that as far as rogue trails, NEMBA has been working hard to get the word out and the people that were making the rogue trails have been spoken to. He believes that moving the trail 50 to 100 feet east should resolve the LaPlante's concerns. He added that he is excited for this project.

Mr. Klemarczyk stated that the timber sale was approved at the last meeting. He offered to lead a hike with members to show the area. He will then mark for the sale after the tour.

With no further public comment, Ms. Tardiff closed the public hearing at 7:28 p.m.

Mr. Lewis stated that this looks like there is 80 feet of vertical slope so there should not be any concern with trespass. He suggested that there was 500 feet between the house and trail location, as proposed. This would not encroach into the deer habitat.

Mr. Lewis spoke to the parking area and asked about the dimensions of the spaces. Mr. Klemarczyk stated that there is room for up to six spaces with turning room. He stated that there was a tremendous use of the trails in the spring, it has since slowed down and he believes six should be sufficient for current trail use. Discussion ensued regarding the potential expansion of the parking area. Mr. Lewis stated that certain requirements would need to be met if this were a commercial parking lot. He asked if there is a plan for the expansion of the parking lot and parking along the road. He suggested to take the time to do it correct and prevent issues. Mr. Klemarczyk stated that the area is not suitable for on

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street parking and if there are concerns, it should be planned for a larger parking area. Ms. Fenstermacher stated that the larger parking area would be a City project that should go before the planning board and this would also make the public aware.

Mr. Owers explained the construction plan of the trail work; beginning inward and work outward. There would not be any people accessing the trails during that process. He suggested moving forward now and doing the parking lot as originally planned with the five to six spaces. He noted that there is also the F&G parking lot and it is seldom used and has 22 spaces for overflow if needed.

A motion was made by Mr. Owers, seconded by Mr. Lewis, to move forward with the Knowlton Woods Trail, as presented.

Mr. Lewis asked about the outreach that occurred for this project. Mr. Owers stated that he sent out a two page letter along with a map to all abutters. Notification was posted on two websites, one being the City's website. Mr. Fenstermacher stated that comments were received from abutters Mr. McMann and Mr. LaPlante; Mr. McMann was the abutter concerned with the siltation. Mr. Lewis stated that he does not have any problems with the trails and would like the work to begin as soon as it can; however, he expressed concern with the parking. He stated that he is apprehensive to move forward without more information about the parking lot.

Mr. Lewis amended the motion to approve the trail subject to adjustments based on the upcoming meeting with the LaPlantes and with the condition for further discussion of the parking lot. Seconded by Mr. Chormann.

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

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

Additional discussion was held regarding the parking lot. Mr. Lewis stated that there is no area for overflow and he feels that it should be made bigger now and subject to planning board. Mr. Owers would like to leave it at five spaces and address an expansion, if necessary. He stated that there needs to be a real plan provided with dimensions. Mr. Lewis suggested a preliminary plan be created to look at what is there. Mr. Klemarczyk stated that he can blend the timber sale and driveway projects together for access when he applies for the driveway permit. He will rough it out for 8- 10 spaced and build it out for 5 now. He noted that the area will be worked on for the driveway for the logging trucks. Councilor Todd stated that he strongly supported thinking about the future need for the parking lot and agreed with Mr. Klemarczyk's idea to rough out the initial design. He added that he sits on the Parking Committee and they do their best to accommodate and think of safety. He added that he appreciated the Commission trying to mitigate the issues and following the process. He supported the idea of going before the planning board with the proposal. Ms. Tardiff agreed that it would be good to design the parking lot and go before the planning board. Mr. Klemarczyk stated that there are some soil issues and weather drives the logging industry so the project could be postponed out to winter for logging and the parking lot for spring time.

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**3. Society for the Protection of New Hampshire Forests, requests a Conditional Use Permit to allow disturbance of the bluff buffer for construction of a storage silo at 54 Portsmouth Street.**

Jack Savage President of the Society for the Protection of New Hampshire Forests (SPNHF) represented the application along with Mark Froling of Froling Energy.

Ms. Fenstermacher gave an overview of the project. She stated that the proposal is to add a silo adjacent to the heating plant for bio-fuel storage. The area is previously disturbed and paved. There will be some removal of pavement to restore the area near the bluff and they plan to relocate the propane tank.

Mr. Savage stated that the silo is for the storage of pellets for heating. The silo will allow delivery of larger quantities of the pellets and will be more efficient going forward. Mark Froling added that the proposed boiler is a dual function boiler and can handle dry chips and pellets.

Mr. Lewis asked about the removal of the pavement. Mr. Froling stated that the silo foundation is 15' x 15' and they will actually be able to reduce the pavement for a negative impermeable area. Mr. Lewis clarified that the CUP is required for the structure in buffer. Ms. Fenstermacher replied yes. Mr. Lewis stated that there needs to be caution used with the excavation in the bluff area. He stated that there should be no water runoff directed to the edge. He did not have any issues other than concern for drainage towards the bluff. Ms. Tardiff asked if he had any concerns with runoff from the silo roof towards the bluff. Mr. Lewis replied that the roof looks like it will be over the pavement and continue to what it is doing today. Mr. Kane asked if there is any issue with the silo weight. Mr. Lewis replied no. The main issue is to control the run off.

Mr. Kane asked if the property was built out before the ordinance for the bluff buffer. Ms. Fenstermacher replied yes.

A motion was made by Mr. Lewis, seconded by Mr. Owers, to recommend approval of the CUP for the Society for the Protection of New Hampshire Forests, to allow disturbance of the bluff buffer for construction of a storage silo.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

**4. Concord Skyhawks regarding facilities at the leased area of the W. Locke Rd agricultural fields.**

Ms. Fenstermacher stated that the Skyhawks Club subleases a portion of the field from Morrill Farm, which is an allowed use under the Easement as a part of the recreational use. They have a porta-potty unit on site that has seen an increase in activity; an increase of service required twice a week now.

Dan Weed of Concord Skyhawks stated that they have the unit on site for their members and farmers to use. There has been an increase in the use of the facility as more and more people have

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rediscovered the outdoors and it could be use of the trails. He asked if the Commission would assist with the increase in the cost of \$200 for the remainder of the year.

A discussion was held reading locking the unit when the Skyhawks are not utilizing the field. Mr. Weed stated that the unit cannot be locked for safety purposes. Mr. Owers suggested removing the toilet. Ms. Tardiff suggested relocating it to a less accessible area. Mr. Weed stated that they could relocate it; however, he is not sure if it will mitigate the use. Ms. Tardiff asked if the Commission has any porta-pottys on other trails and if the Commission contributes it may be setting a precedent. Mr. Owers stated that the Commission does not even have trash cans along the trails. Mr. Lewis asked for the location in proximity to the trail. Mr. Weed replied that the trail is along the farm road which runs adjacent to their subleased area; some contingency is the homeless camp adjacent to the river, which may be the extra use but he is not sure. He added that the unit provides a convenience for members to have.

Councilor Todd asked if there has been anything similar that may have come up before that could even allow the Commission to consider the expenditure for this use; trail maintenance funds perhaps if it is tied into the trail usage. He also suggested that the Commission could recommend the matter to City Council. With a referral to Council they will address the matter. Additional discussion was held regarding the fact that the increase could be a result of Covid-19. Councilor Todd stated that he would not be surprised if the other units have seen an increase in use and that would be under the purview of City Council.

A motion was made by Mr. Owers, seconded by Mr. Chormann, to send a referral to City Council relative to the Skyhawks request for \$200 to cover the additional increase in usage of the portable toilet at the W. Locke Rd. agricultural fields.

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

Ms. Tardiff – in favor

Mr. Owers – in favor

Mr. Kane – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

5. **NHDES Items** – Ms. Fenstermacher noted a link provided in the agenda for a wetlands mitigation document prepared by NHDES, for informational purposes.

6. **Reports**

- a. *Trails Subcommittee*

Mr. Lewis attended the Zoom Trails Subcommittee meeting and provided a synopsis of the meeting for the Commission. He stated that the Subcommittee has been working through their list of projects making progress on cleaning up and blazing the trails. A lengthy discussion was held regarding the Backwoods trail and what the blazing should be. They also discussed the portion of the trail proposed to cross private property. They are moving forward with the loop trail and will hold off on the construction of the portion that crosses private property until that agreement can be reached. Trail names were suggested to be the Backwoods loop and Cart Path.

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Mr. Lewis noted that there is some concern with the trails on Weir Road entering into Boscawen that are mapped trails and are not being maintained. He suggested that an effort be made to reach out to Boscawen to assist them in fixing the problem.

Ms. Tardiff asked if the Commission should weigh in on the Backwoods discussion regarding it being bypassed. Mr. Lewis will follow up.

Mr. Klemarczyk reviewed his report and updated the members on what he has been working on.

Ms. Fenstermacher is working to consolidate the trails guide.

**b. *Forestry***

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

**c. *Concord Tree Committee***

Ms. Fenstermacher stated that the Tree Committee has not met. She stated that there are still two sections of the inventory data that need to be completed. Ms. Fenstermacher will be reaching out to Ted Diers, Tree Subcommittee chair.

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

Mr. Chormann stated that the Local River Advisory Committees have not met. He added that the Upper Merrimack River Advisory Committee is meeting soon and he plans to attend.

**7. City Open Space**

**a. *Easement Monitoring Update***

Ms. Fenstermacher stated that the intern has been working on the easements. An abutting property owner expressed concern with the potential of a fire hazard due to the amount of yard waste by an abutter near the easement property line. Ms. Fenstermacher will follow up with the property owner.

**b. *Gully Hill Agricultural Easement***

Ms. Fenstermacher stated that the Gully Hill lease will be expiring. She explained that the process is that any renewals must go to City Council. She stated that there were previous discussions regarding the use of the space being used as a park or for event space. She does not foresee this happening in the next few years and is not aware of anything else being proposed for the parcel.

Mr. Owers asked if the lease would go back out to bid. Ms. Fenstermacher stated that the farmer has the option to renew first and the renewal would be for either two or three years. A discussion was held regarding the length of the lease and the affects to the property that a shorter lease may have as it does not allow for other viable products. Councilor Todd stated that in regards to the length of the leases part of the issue is due to discussions within the City relative to the use of the property, should the property be developed and if developed how and for what purpose. He noted the potential developments within the surrounding areas. Mr. Kane suggested looking into other options for the property. Councilor Todd stated that the timing looks right now for recommendations due to the zoning being addressed now and the Master Plan will be the next item addressed. It was suggested that a land management plan be developed in the future.

A motion was made by Mr. Owers, seconded by Mr. Kane, to recommend a two year renewal for

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the Gully Hill lease.

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

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

**8. City Council/Planning Board**

Councilor Todd stated that the Planning Board granted the CUP for St. Paul's.

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

***a. Request for Fencing - Rolinda Ave. Connector Trail***

Ms. Fenstermacher stated that an estimate for the fence was provided from Mr. Klemarczyk. The estimate is \$920 for materials and \$1,300 for labor for the installation of 6 foot stockade fence. She noted that at the June meeting the Commission felt that the fence made sense for this issue.

A motion was made by Mr. Kane, seconded by Mr. Chormann, to authorize the expenditure of \$2,130 for the purchase and installation of the stockade fence at the Rolinda Ave Connector Trail.

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

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

***b. Leadbeater & Crosby Acquisitions***

Ms. Fenstermacher stated that Mr. Britain is finalizing the Leadbeater and Crosby Acquisitions.

***c. Easement Enforcement Policy***

Mr. Kane provided a draft easement enforcement policy for review. He explained that he used several different models to create this draft. Ms. Fenstermacher stated that she would like to have this issue completed as soon as possible since the 2020 easement monitoring is underway.

Ms. Tardiff stated that the goal would be to have Council adopt as guidelines or procedures. Discussion ensued regarding creating a template and what should be included and implementing the policy. Councilor Todd suggested the public be involved and the Commission establish a list of other record requirements in addition to the policy that would be required. Ms. Fenstermacher noted that there are records; enforcement is what needs to be addressed and who responsible needs to be determined.

Edits to be sent to Ms. Fenstermacher by July 22, and she will work with Mr. Kane. The revisions will be discussed and finalized at the August meeting.

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**d. Trail Master Plan**

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

**e. Update to Bylaws**

This item was continued.

**f. Conservation Easement Standard Templates**

This item was continued.

**10. Other Business**

***74 Currier Road***

Ms. Fenstermacher stated that the cost for the survey for the relocation of the the West End Farm Trail portion through 74 Currier Road has been received. Mr. Klemarczyk had recommending hiring an independent survey. The Commission previously motioned to approve up to \$5,000. Richard Bartlett's office was contacted and the cost for the survey is \$6,350, which includes establishing the boundaries, and providing a final plat. Setting the monumentation would be an additional \$500 per monument. Mr. Lewis asked if there has been any outreach done yet for this project. Ms. Fenstermacher replied that nothing has been done at this time.

A motion was made by Mr. Owers, seconded by Mr. Chormann, to authorize the expenditure of \$6,350 to hire Richard Bartlett to do a survey of 74 Currier Road, to include establishing the boundaries, a final plat, and setting the Monumentation, and to utilize City resource as much as possible.

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

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

***Healy Park***

Ms. Fenstermacher stated that David Gill, Parks & Recreation Director, has submitted a request for financial assistance from the Commission to pay for a gate for Healy Park. She explained there will be some clean up done to open the site lines and address vegetation and the homeless camps and a gate is needed. The request is for \$2,000. Ms. Tardiff stated that this is a park and an opportunity for better trail use and clean up.

A motion was made by Mr. Lewis, seconded by Mr. Kane, to authorize the expenditure of \$2,000 for a gate for Healy Park.

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

Ms. Tardiff – in favor  
Mr. Owers – in favor  
Mr. Kane – in favor  
Mr. Lewis – in favor

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Mr. Chormann – in favor  
Councilor Todd – in favor

***Merrimack River Greenway Trail***

Mr. Kane stated that the first layer of paving has been completed on the Merrimack River Greenway Trail at Terrill Park. The Friends of the Merrimack River Greenway Trail received a grant for \$2,500 for an information kiosk. The base for the information kiosk has been installed.

***Invasive Species***

Mr. Kane stated that he and his wife worked to spot treat with herbicide and cut the heads off of the invasive wild chervil plants at the entrance to the bike path by Exit 3. He is hopeful that with this treatment that it may protect the State from this new invasive.

**Adjournment**

There being no further business, Mr. Chormann made a motion, second by Councilor Todd, to adjourn the meeting at 9:30 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  
Mr. Lewis – in favor  
Mr. Chormann – in favor  
Councilor Todd – in favor

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist