

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

October 14, 2020, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on October 14, 2020, via Zoom, at 7:00 p.m.

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

Absent: Councilor Brent Todd, Kathy Healy, and Alternate Stefan Matlage

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

Public: Rebecca Ross, Stephanie Parkinson (student from UNH)

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://us02web.zoom.us/j/89103102691>.

If you do not have website access, you may dial the following phone number 929-205-6099 and enter the webinar id **891 0310 2691**.

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

August 18, 2020

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the August 18, 2020, minutes, as amended with edits that do not alter the content of the meeting.

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

2. NHDES items

Jon Buschbaum, on behalf of Chris & Dina Condodemetraky, requesting Expedited Minimum Impact for proposed 256.6 sf of wetland impacts for the construction of a driveway at 100 Horse Hill Road.

Jon Buschbaum represented the Condodemetrakys.

Mr. Buschbaum explained that the property was an old agricultural farm with a very small drainage way that crosses most of the south east area of the parcel, which makes access to the rear of the parcel an issue. A crossing and culvert are proposed with a total impact of 256 sq. ft., which will allow the Condodemetrakys to access the rear of the property for residential purposes. There is a potential of a driveway proposed as well.

Mr. Buschbaum noted that they did find the invasive species Glossy Buckthorn around the wetland,

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and they will be attempting to remove and manage the invasive plant.

A motion was made by Mr. Kane, seconded by Mr. Chormann, the Commission does not wish to intervene with the application and recommends the project proceed as presented.

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

3. Reports

a. Trails Subcommittee

Mr. Lewis attended the Zoom Trails Subcommittee meeting.

Mr. Lewis gave an update on the Knowlton Woods. Mr. Klemarczyk received the bids for logging and the bid was awarded to Chuck Rose. The timber harvest schedule will be forthcoming. NEMBA began working on the trail and will be scheduling additional days with NEMBA members; the Trails Committee will be notified of the dates for additional help as needed. Concord High School students in the ROPE (Reaching Our Potential in Education) program will be building a foot bridge for this trail in November. Mr. Klemarczyk will be working to coordinate the project. The parking lot should be completed in the spring. Mr. Owers stated that trail is passable on the west side.

Mr. Lewis stated that with the Backwoods Trail, progress is waiting on the connection through the Lambert property; we are waiting to hear back from the Fisk Hill Road Association. He stated that the trails committee will consider rerouting if necessary. Mr. Owers stated that the Association has requested to be added as additionally insured under the City's General Liability Insurance Policy. Ms. Fenstermacher will contact the City Solicitor and follow up.

Mr. Lewis referenced the Forestry report relative to the issue regarding the boundaries of the West End Trail off Currier Road. He stated that the corners have been set and the wetlands impact permit has been submitted to NHDES.

Mr. Lewis stated that Mr. Klemarczyk has been working on a plan for the parking spaces on Currier Road and has determined that a test pit is necessary to determine if there is ledge in the proposed parking location.

Clarke Street bridge has been completed.

Mr. Lewis stated that the Trails Committee has been continuing with trail maintenance and a discussion was held regarding adding additional signage on several of the trails.

b. Forestry

The Forester's report was linked in the agenda.

The updated Country Hill Forest Management Plan was previously provided by Mr. Klemarczyk and reviewed.

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A motion was made by Mr. Lewis, seconded by Mr. Owers, to accept the Country Hill Forest Management Plan, as complete.

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

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

a. *Spears Conservation Easement - Wetlands Impact Follow-up Report*

Ms. Fenstermacher stated that the Society for the Protection of New Hampshire Forest (SPNHF) discovered fill within two areas of jurisdictional wetlands during their annual monitoring, and notified the City of the easement violation. The Commission hired Daniel Geiger, a Certified Wetland Scientist, who performed an inspection of the property in September with Emily Landry from SPNHF and Ms. Fenstermacher. Mr. Geiger's assessment indicated that the small impacted area is now acting as a wet meadow, which is actually functioning better to filter runoff from the adjacent horse farm; restoring the area to open water would likely cause more damage. Ms. Fenstermacher stated that Mr. Geiger recommended doing nothing for this area. The area with the historic dumping by the footbridge has started to dam up and could cause additional problems. This will need to be addressed. Ms. Tardiff stated that the Commission is obligated to address the matter.

Mr. Chormann asked when the filling/dumping occurred. Ms. Fenstermacher replied that she is not sure; it is an old drainage channel for when the property was a horse farm and could have been dug as a ditch for filling in debris and is now overgrown by debris and vegetation.

A motion was made by Mr. Kane, and seconded by Mr. Lewis, to approve the expenditure of up to \$5,000 for the removal of fill and debris to correct the easement violation in the Spears Conservation Easement area.

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

b. *Final Easement Enforcement Guidelines*

The Easement Enforcement Guidelines have been reviewed and finalized.

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A motion was made by Mr. Owers, and seconded by Mr. Lewis, to approve the Easement Enforcement Guidelines, as presented.

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

c. 2020 Easement Monitoring Update

Ms. Fenstermacher provided members with the Easement Monitoring Update. Ms. Fenstermacher stated that most of the issues have been reported as general yard and dumping. She suggested sending a form letter out; however, there are a few properties where the boundaries will need to be confirmed and/or identified to determine if there is an encroachment.

A discussion was held regarding surveyors to do the boundary searches. Ms. Fenstermacher stated that the Commission has used Ron Klemarczyk in the past.

Discussion ensued relative to have a subcommittee look into the issues further and the properties. Ms. Fenstermacher will send out the entire reports including current and former surveys, any related correspondence, and the easements. Mr. Lewis, Mr. Kane, and Ms. Tardiff all agreed to be on the subcommittee.

5. City Council/Planning Board

Ms. Fenstermacher spoke to the significant amount of trash around the Gully Hill field due to the homeless camp. She stated that Adam Clark of the City's Solid Waste Division contacted Clean Harbors for an estimate to clean up the area. Clean Harbors is treating the area as a bio hazard site. The estimate was for \$5,382. This was the worst-case scenario cost; it could be less. She explained that she spoke to the City Manager to see who is responsible for the cleanup and should the Conservation Commission be using Conservation Commission funds for this matter. She requested feedback from City Council; however, it is a matter that does need to be addressed as it is right along the river.

Mr. Kane asked if the homeless camp is an active camp. Ms. Fenstermacher replied yes and she would coordinate with the police department. She stated that this would not be a job for volunteers.

Ms. Fenstermacher explained that this could potentially be cost shared. She stated that the area really needs to be monitored so that there is no return of the situation. Mr. Lewis stated that the area is a high-profile area and it is a conservation easement. He supported the cost share suggestion.

Ms. Fenstermacher stated that she has walked the entire site for the expansion of the Merrimack River Greenway Trail. She stated that discussions have been held regarding purchasing a gate as cars enter the area and are accessing the camps. The area of the dumping does not flood and is near the parking lot.

Mr. Kane stated that there should be monitoring established now. He added that when the trail is built, that may take care of the matter; however, something needs to be sooner than later, before the matter becomes a bigger issue.

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Mr. Lewis asked if the Commission would be setting a precedent for all cleanup issues throughout the City. He stated that this is a much larger issue for the City to address. He added that he does not want to see the Commission and Conservation funds being continuously used to address these matters and bailing out the City. He suggested asking Council to address this matter. He stated that he would support the Commission doing their part at this time as this is along the river and is a conservation easement; however, it is a City matter.

Ms. Tardiff stated that the Conservation Commission has noticed these camps on private and public properties; she doesn't want to just see the matter moved on to some other area. She stated that she would support the cost share suggestion for this matter; however, she has a concern with future camps on private and public properties.

A discussion was held regarding the percentage that the Commission would support for cost sharing. Members agreed to contribute 50% of the estimate with the source of the remaining amount to be determined by the City Manager or City Council.

Discussion of the gate will be held in the future as the clean up is the first matter that needs to be address immediately.

A motion was made by Mr. Owers, and seconded by Mr. Kane, to approve 50% of the cost sharing estimate received, in the amount of \$5,382, from Clean Harbors for the bio-hazard cleanup at Gully Hill field, along the Merrimack River.

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

6. Follow-up/On-going Items:

a. Locke Road – Concord Skyhawks Request

Ms. Fenstermacher stated that City Council has not addressed this matter and it has been sent back to the Commission by the City Manager. She added that she has also not heard from Mr. Weed.

Mr. Lewis suggested tabling the item until next month when Councilor Todd is present.

b. Education/Outreach: ConcordTV Videos, 50th Anniversary Ideas

Ms. Fenstermacher stated that in an effort to continue with education and outreach, a video was done last week on the Broken Ground Trail with Concord TV. She will share the link when it is available.

Discussion continued regarding ideas for the 50th anniversary of the Conservation Commission. Ideas suggested were to have a contest with local school districts requesting students submit designs for a T-shirt; have a poster contest; photo contest; timelines to outline the work of the Commission over the past 50 years.

This item was continued to next month.

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c. Trail Master Plan Update

Ms. Fenstermacher provided an update on the Trail Master Plan. She stated that a meeting was held with the working group, hosted by CNHPRC. She stated that she would like the members to look at and contribute to provide feedback as to what properties they feel should be preserved without any trails and no timber sales. It was suggested to have another subcommittee meeting within the next few weeks.

d. Update to Bylaws

Ms. Fenstermacher stated that a meeting was held, Ms. Tardiff incorporate the edits and they were sent to Danielle Pacik for review. The Bylaws will be circulated and discussed at next month's meeting.

e. Conservation Easement Standard Templates

This item was continued to next month.

7. Other Business

a. Friends of the Merrimack River Greenway Trail requesting letter of support for LWCF grant application for the construction of the trail through the Gully Hill Road parcel.

Mr. Kane explained that Parks and Recreation Director David Gill along with the Friends of the Merrimack River Greenway Trail (FMRGT) are moving forward with the project to construct a trail through Gully Hill Road field. They are applying for a grant to LWCF for funding and one portion of the application is letters of support. He requested the Commission send a letter of support for the grant application for the project. The scope of work was described. The grant would be for the trail from the end of Terrill Park and go behind the Buffalo Wild Wings restaurant. Mr. Kane stated that, if funded, this grant would include the permitting and design process. The City would be the applicant.

Ms. Fenstermacher added that the project would not impact the field or any farming activities. The benefit would be having a trail maintained by the Parks & Rec Department, who have the necessary staff and resources to maintain the trail and to make it successful.

Mr. Lewis asked about the construction portion of the project. Mr. Kane explained that there would be construction for the boardwalk and trail. All funding would be for the design of the trail not the construction of the trail. Ms. Tardiff concurred.

A motion was made by Mr. Lewis, and seconded by Mr. Chormann, to approve sending a letter of support for the grant application for the MRGT.

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

b. Disc golf course, request from Parks & Recreation Director

Ms. Fenstermacher stated that she has received a request from David Gill, Parks & Recreation Director, for the creation of a disc golf course suggested for Broken Ground. She explained that

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there has been some recent logging done and a citizen saw the logging road and thought this would be a great activity for this area. She stated that the use does not comply with the conservation values of the property as the purchase of the property was done in part by a grant; this would be a commercial activity and may not be a permitted use for this location.

A lengthy discussion was held regarding this type of activity and the type of terrain needed. Several members felt that this would not be a conflict and would have minimal impact on the conservation values. They felt that without knowing the full proposal, they could not make a determination. There is also the question of whether the commercial use would be allowed. In general, the Commission members were supportive of the idea, but Parks & Recreation should consider other non-Conservation lands first.

A motion was made by Ms. Tardiff, and seconded by Mr. Owers, to not support a disc golf course at Broken Ground due to the conservation easement restrictions; a commercial aspect is not a permitted use.

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

c. Next Meeting - Tuesday, November 10, 2020

d. Stephanie Parkinson, a student from UNH, attended the meeting as a part of her Natural Resource course. She requested that a member reach out to her for further information relative to the Commission. Ms. Fenstermacher will follow up.

8. Non-Public Session

Mr. Kane made a motion, second by Mr. Owers, to enter into a non-public session at 8:38 p.m. per RSA 91-A:3, II(d) and (l).

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

Mr. Owers made a motion, second by Mr. Chormann, to come out of non-public session at 9:06 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

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Mr. Lewis made a motion, second by Mr. Owers, 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

Mr. Lewis – in favor

Mr. Chormann – in favor

Mr. Owers made a motion, second by Mr. Lewis, to make an offer on the Leadbeater property, in accordance with the appraisal including the timber value and to set the public hearing for November 10, 2020 at 7:00 PM.

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

Adjournment

There being no further business, Mr. Lewis made a motion, second by Councilor Todd, to adjourn the meeting at 9:09 p.m. The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Ms. Healy – in favor

Mr. Owers – in favor

Mr. Lewis – in favor

Mr. Chormann – in favor

Councilor Todd – in favor

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist