

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

February 10, 2021, 7:00 PM

MINUTES

The regular monthly meeting of the Conservation Commission was held on February 10, 2021, via Zoom, at 7:02 p.m.

Attendees: Chair Kristine Tardiff, Vice-Chair Jim Owers, Councilor Brent Todd, 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: Councilor Amanda Grady Sexton, Councilor Jennifer Kretovic, and Robert Seidman

Call to Order

The meeting was called to order by Chair Tardiff at 7:02 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.

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

January 13, 2021

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the January 13, 2021, 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
Councilor Todd – in favor

2. Mr. Robert Seidman, Clarke Street resident, to discuss dogs off leash on trails and conservation land.

Mr. Seidman described an encounter he and his wife had with a dog off of a leash. He explained that he and his wife were walking on the Morono Trail and a dog lunged at his wife. He stated that this was an unfortunate experience and felt that the issue needed to be raised. He expressed concern with safety for other visitors to the trail systems and the need for dogs to be under the care of their owners and/or leashed. He stated that the trails are great and there has been some amazing work done on the trails. He is hopeful that something positive can come of this recent event.

Ms. Tardiff stated that this has been an ongoing issue resulting in many discussions. She explained that currently dogs are not required to be leashed on City trails or any conservation lands. Mr. Owers added that owners are to have control of their dogs while on the City Trails. She added that everyone wants the trails to be safe and to be a safe experience for everyone.

Ms. Tardiff stated that the matter comes down to enforcement and is an item that City Council will need to address as it would need to become a City policy. She noted that this was recently discussed

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by the Trails Subcommittee and the Committee is working to establish dog etiquette and making the information available.

Mr. Lewis commented that many people could be affected by a leash law. It would not allow owners to play with their dogs if they are required to be on a leash all of the time throughout the City. He added that this is a big issue and is more than just about the trails. The public needs to be able to provide input. This could alter people's lifestyle and that is very important. Mr. Lewis added that he would like to see specific areas designated prohibiting dogs for public safety and for protection of conservation land.

Councilor Kretovic asked if City Council made a recommendation for a leash law would the Conservation Commission support it. Ms. Tardiff replied that there would be support from the Commission if there were a public hearing held by City Council. Councilor Todd added that the Commission is currently working on updating signage on the trails and will begin to move forward to an educational program. He added that there is some confusion as to the status of a leash law in the City and that matter needs to be addressed and can be done while waiting for other actions to take place.

3. NHDES Items

a. City of Concord Wetlands Permit Application for culvert replacement that carries Beaver Meadow Brook under Alder Creek Drive resulting in approximately 1577 sf of wetland impacts.

Ms. Fenstermacher stated that the permit has not yet been received. She stated that the project is for a culvert replacement with 1577 sq ft of impact; 850 sq. ft will be permanent impacts and 727 sq ft is temporary. The existing 48-inch culvert needs to be replaced because it is structurally and hydraulically deficient. The new culvert is 16 ft with an 8 ft span. She added that the application and permit will be submitted for approval at the March meeting.

The plan was reviewed. Members felt that the proposal was an improvement and had no comments on the proposal.

4. Reports

*a. **Trails Subcommittee***

Mr. Lewis attended the Zoom Trails Subcommittee meeting and provided an overview.

Mr. Lewis stated that Mr. Klemarczyk was in attendance and provided an overview of his forestry report. He updated the Committee on the Knowlton Woods log yard at Hot Hole Pond, which has been blocked off for the winter. The trail has been flagged and is ready for volunteers to start clearing for a spring opening.

Mr. Lewis stated that the Subcommittee discussed the Locke Road trail system at length. They would like to develop a loop trail that would not cross the agricultural field.

Mr. Lewis stated that members discussed goals for 2021. Members would like to see the West End Farm Trail re-route completed this year. They are working to developing standard kiosk signage, one of which is dog etiquette for trails. The Subcommittee will also be working on a list of all trails that are named after people to provide more information about these people, either on the trail signage or in the trail guide.

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Mr. Lewis stated that Rob Knight is working to develop a process to decommission trails. He noted that this process is important and should be included in the Trails Master Plan.

Mr. Lewis stated that the Subcommittee his hoping to add benches to some of the trails.

There is evidence of ATV usage on the Oak Hill Trails.

Ms. Fenstermacher is currently working on revising the trail maps for a new issue.

Mr. Chormann asked if the City trails are added to the Trail Finder website as it has a lot of detailed information about trails, and the tracks can be downloaded. Ms. Fenstermacher explained that she worked with UNH to add City owned trails. Trail Finder focuses on promoting only trails that they have permission to post, which required action by City Council to approve posting of the trails. There are many privately owned trails and these cannot be included without received permission from each individual property owner. Ms. Fenstermacher stated this is the reason why not all of the trail systems can be found on that website, it would require a lot of legal paperwork.

Mr. Lewis stated that Rob Talmadge's appointment is expiring on the Trails Subcommittee. Mr. Talmadge would like to stay on the Subcommittee. A motion was made by Mr. Lewis, seconded by Mr. Owers, to reappoint Mr. Talmadge as a member to the Trails Subcommittee, for a three-year term, through January 15, 2024.

The motion passed, 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. *Forestry*

The Forester's report was linked.

c. *Concord Tree Committee*

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

d. *Local River Advisory Committees*

Mr. Chormann had no update from the Local River Advisory Committees.

5. City Open Space

a. *Easement Monitoring follow up*

Ms. Fenstermacher stated that she has all of the letters. She explained that the City will be hiring an intern again this year. The intern has easement experience and will be working on the easements. The plan will be to send the letters out in March with all follow up to be done in April and May by the intern.

6. City Council/Planning Board

Councilor Todd stated that the NHDOT recently released new projects for transportation alternative programs, TAP funding. The City submitted a letter of interest for design and construction for the

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Merrimack River Greenway Trail. He explained that this would be comprised of funds from TAP, the City, and the Friends of the Merrimack River Greenway Trail. He stated that there is still a continued interest with the City to build this trail.

Mr. Lewis asked about the update on code rewrite. Ms. Fenstermacher stated that the Code should be on the March Planning Board agenda.

7. Follow-up/On-going Items

a. Merrimack River Greenway Trail (MRGT)

Mr. Kane stated that various work continues with regard to funding and the progress of the Greenway Trail.

b. Update to Bylaws

The Bylaws were reviewed. Two items needed to be corrected; Council designee can count as a quorum and the chair can cancel a meeting rather than by a vote of the Commission.

Mr. Owers made a motion, second by Mr. Lewis, to approve the Conservation Commission Bylaws, as amended.

The motion passed, 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

c. Education/Outreach: ConcordTV videos, 50th anniversary ideas

Discussion continued regarding ideas for the 50th anniversary of the Conservation Commission. Ms. Tardiff stated that she is working on an outline covering the Commission's accomplishments over the past 50 years and hopes to cover all sections of the City. She requested members to continue to think of projects and properties that should be highlighted.

Discussion ensued regarding publicizing the milestone and how to engage the public. Councilor Todd suggested a presentation be given at a City Council meeting. Ms. Fenstermacher noted that the intern may be able to offer some assistance with research.

Continued to next month.

d. Trail Master Plan update

Ms. Fenstermacher stated that she heard from Craig Tufts; she will get an update on the schedule of deliverables by the end of this week. She will forward the draft out to members for review once received.

e. Conservation Preserves

Ms. Tardiff stated that the group has been meeting over the past month and will continue to meet during the next few weeks. An update will be provided at the next meeting.

f. Conservation Easement Standard Templates

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This item has been postponed until after the Conservation Preserves update next month.

8. Other Business

a. Leadbeater Property

Ms. Fenstermacher stated that the closing process is moving forward.

b. Appraisal Services

Ms. Fenstermacher stated that an RFP has gone out for appraisal services. McManus & Nault was the only firm that submitted a response to the RFP, which needs to be reviewed and a corresponding score sheet needs to be completed. Mr. Owers, Ms. Tardiff, and Ms. Fenstermacher will complete the scoring sheet.

c. Hoit Marsh OHRV Usage

A discussion was held regarding the hearing relative to overturning the bill to allow Off-Highway Recreational Vehicles on Hoit Marsh during the winter months. It was stated that the biggest discussion held was if the site meets the definition of NH public waters due to the fact that it is a manmade marsh. Discussion ensued if the Commission should weigh in at this time. It was determined that the Commission will wait for updates. Unless persuasive evidence is presented that it impacts interests of the Commission, they prefer to leave up to state.

d. UNH Student

Mr. Owers mentioned that he will be following up with a UNH doctoral student who has requested that a survey be completed.

e. Trail Ranger Position

Ms. Fenstermacher updated the Commission on the status of a Trail Ranger. She explained that the position is being addressed within the budget process. The position is being described as a trail ranger position for two years as a pilot, with no law enforcement. After two years, the position will be re-evaluated to see if law enforcement would be helpful and a report will be given to Council relative to the success of the position and if there is a need for further expansion.

9. Non-Public Session

Mr. Kane 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 (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

Councilor Todd – in favor

Mr. Owers made a motion, second by Mr. Kane, to come out of non-public session at 9:03 p.m.

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

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

Mr. Owers made a motion, second by Mr. Lewis, 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
Councilor Todd – in favor

Adjournment

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

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist