

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

February 12, 2025, 7:00 p.m.

City Hall, 2nd Fl Conference Rm, 41 Green St

Attendees: Rick Chormann, Mark Coen, Katherine Healy, Councilor Michele Horne, Emily Landry, Tracey Lesser, Vice-Chair Jeff Lewis, Chair Kristine Tardiff

Absent: Alternate Jim Owers

Staff: Kearsten O'Brien, Senior Planner
Krista Tremblay, Administrative Specialist II

Public: Jim Arsenault (71 Cottonwood Ave, Laconia, NH)
Erin Lambert (2 Home Ave, Concord, NH)

1. Call to Order

The meeting was called to order by Chair Tardiff at 7:00 p.m.

2. Minutes – Approve meeting minutes from January 7, 2025 and January 21, 2025

Mr. Chormann moved, Ms. Landry seconded, to adopt the January 7, 2025, minutes as written. All in favor. Motion passed unanimously.

Vice-Chair Lewis moved, Mr. Chormann seconded, to adopt the January 21, 2025, minutes with one correction. All in favor. Motion passed unanimously.

Tracey Lesser arrived at 7:04 p.m.

3. New Business

a. Request from Jim Arsenault for orienteering the Broken Ground Trail area

Jim Arsenault is asking for permission to complete a map to hold orienteering events on an annual basis. Mr. Arsenault stated the club has been around for a number of years. They are trying to expand into areas they have not been before. They are looking at areas with good, interesting terrain from an orienteering perspective. Mr. Arsenault is looking for land owner permission to host events. Mr. Arsenault stated if he is to receive permission from the Conservation Commission his expectation is to go to Unutil for permission on their property, as well as Hogue who owns the timberlands further out. This would expand and give more space for more advanced courses. Mr. Arsenault stated the Conservation Commission is the first stop to ask for permission.

Chair Tardiff asked what is entailed and if there is need for any building on the land.

Mr. Arsenault stated when they set up an event there is a registration staging area consisting of two or three tables with a couple of pop ups depending on weather and enough parking for the people who will show up. Mr. Arsenault noted what they have out in the forest is a small box and everyone receives a timing chip with marks in each box to then visit the control in order. Mr. Arsenault stated when they do an event they will have five to seven different levels of courses both in navigational difficulty as well as distance needed to travel. The beginner courses would stay on the trail with check points along the way. As they get more advanced, they will spend less than 10% of the time on a trail

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and most of it will be cross country through the forest. They will be using a map to navigate taking the picture the map gives and aligning it with what is seen on the ground. The goal is to do it as quickly as possible. This ranges from highly competitive to families with kids. Mr. Arsenault stated everything is collected at the end of day or the next morning. Mr. Arsenault noted they have been doing this a long time and have a lot of long-term positive relationships between the state, municipal, county, and private land owners.

Katherine Healy arrived at 7:10 p.m.

Mr. Chormann asked if they move or remove anything.

Mr. Arsenault said no, they make no trails. They map what is existing.

Mr. Chormann asked when the event takes place.

Mr. Arsenault stated they do occasionally do winter events depending on snow and ice. Mr. Arsenault noted their high season is spring and fall. Mr. Arsenault stated they tend to take the summer off.

Mr. Chormann asked about sensitive vegetation like ephemeral flowers in the spring that could be trampled with steps in the woods and dealing with collateral damage.

Mr. Arsenault stated they never heard negative feedback about there being collateral damage on sensitive plants.

Ms. Lesser stated she did these 20 years ago and people were very conscientious.

Mr. Chormann asked if Mr. Klemarczyk can review the course to make sure there is no impact and to ensure avoidance of sensitive vegetation.

Chair Tardiff stated the Conservation Commission trails are laid out in a way that if there are sensitive areas they are avoided by keeping on the trail.

Mr. Arsenault stated a counter argument is the Conservation Commission allows hunting on this property. Mr. Arsenault stated numbers for local events might have between 50-100 people. They do not make a big impact on the land that they travel over.

Mr. Chormann stated hunting is fall focused.

Chair Tardiff asked if they have done this on state land and if those areas need to be closed during the duration of the event.

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Mr. Arsenault stated no, they share with the people and invite them to join. Mr. Arsenault stated this would be ideal for a national ranking event. For an event like that it would be around 250 people for the event. Mr. Arsenault noted for an event like that there would be a little more involved with audience area and food vendors.

Mr. Chormann thinks this is great as people are losing their conventional map reading skills and would not rely on GPS to find their way.

Ms. Landry asked if there is a precedent for other trail races.

Chair Tardiff stated yes, they do. They have given the approval for a couple of trail races at the west end. Chair Tardiff noted there is a separate permit they need to receive from the City. Chair Tardiff stated in the past when they have given permission for the first time for the first year and had someone out there at the event. Then they reported back to the Conservation Commission on how the event went before it was approved for another event.

Vice-Chair Lewis asked how often they would they hold the event.

Mr. Arsenault stated once a year on this map.

Vice-Chair Lewis asked if the time of year would vary.

Mr. Arsenault stated yes, they could do spring one year and fall the next year. In addition to that, they will work with Scout troops, which would be smaller and low-key.

Mr. Chormann asked if the maps are proprietary and do they share.

Mr. Arsenault stated the map itself as a work of art is around a \$5,000-\$6,000 project. Most of that is time wandering around capturing the details or filling in the linear data. They are available for non-profit or educational use.

Chair Tardiff asked when they are looking to have the event this year.

Mr. Arsenault stated it would be a fall event or over a year from now and will need to see where they can fit it in their schedule.

Vice-Chair Lewis asked about parking if there was 250 people or less at the event.

Mr. Arsenault stated if there was 250 people he would work with the school district. Mr. Arsenault also noted the shoulder on Portsmouth St is wide enough for parking.

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Chair Tardiff stated the parking issue will come up with any permit.

Mr. Arsenault asked who in the City would issue the permit.

Chair Tardiff stated they will have to go back to look at what they did with the trail race.

Ms. O'Brien will talk to Ms. Skinner about getting the permit information.

Chair Tardiff stated the first step is for the Conservation Commission to agree to one event with members to report on numbers and impacts. Chair Tardiff noted they are aware of sensitivity with marsh and water with wildlife. Fall might be better for that than spring. Chair Tardiff stated they will have him work with our City Forester to give approval of the locations to make sure they are not missing a sensitive area.

Vice-Chair Lewis noted that will need to be done every year due to them changing the courses. Vice-Chair Lewis asked how they manage in fall during hunting season.

Mr. Arsenault stated some of the properties they have maps on do not allow hunting and they tend to go there in the fall.

Vice-Chair Lewis agrees Broken Ground is the place to do it.

Mr. Chormann made a motion to conditionally approve this particular use of the Broken Ground property for orienteering for one event on a trial basis. Ms. Landry seconded. All in favor. The motion passed unanimously.

- b. Provide a recommendation to the Planning Board on 2025-005 – a conditional use permit request for disturbance to a wetland buffer at 557 Mountain Rd to construct a new house.

Erin Lambert represent agenda item 3(b) 557 Mountain Rd and 3(c) 563 Mountain Rd. Ms. Lambert stated there are two conditional use permits at two different lots. Ms. Lambert stated these are two residential building lots that were subdivided off an existing home. They were not a part of the original subdivision. Ms. Lambert stated one of the homes has started construction. Ms. Lambert stated both are similar. Ms. Lambert stated there is a high ground water table at about 30 inches. Ms. Lambert stated they will have the opportunity for a finished basement. They want a foundation drain around them. Ms. Lambert noted the goal would be to drain by gravity instead of having a sump pump. Ms. Lambert stated if the power goes out that is a concern for home owners. Ms. Lambert stated they looked at raising the elevation. However, they would have to bring in three feet of fill and that would make the homes look like they are sticking out. Ms. Lambert stated for the homes to sit naturally on the land the goal is to install a foundation drain. They will need to go into the wetland buffer. Ms. Lambert noted at 557 Mountain Rd they are requesting the foundation drain to encroach

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on the 50-foot buffer. The area of encroachment would be 6 feet wide by 14 feet. That is what they would need to disturb to install it and it would get restored to the natural vegetation. Ms. Lambert stated that will be a total of 77 square feet of disturbance. Ms. Lambert stated the second lot at 563 Mountain Rd that the area of encroachment is based on topography and the elevation you would need for it to drain by gravity. The disturbance would be 6 feet wide and 30 feet long so the total area of temporary disturbance is 172 square feet. Ms. Lambert stated she was able to get the staff reports for Planning Board that were published. There are a couple of precedent conditions that they would like the project to comply with that are relevant to the Conservation Commission's decision. Ms. Lambert stated they have asked for erosion control to be shown. They have also asked to have a note added to the plan to restore with native vegetation. They will add the notes for both of those.

Chair Tardiff asked what they envision for the erosion control.

Ms. Lambert stated they would have silt fence or silt sox when the area is disturbed to collect the sediment. Then to have it disturbed for as little time as possible so excavate it, put the pipe in, install top soil and seed it.

Chair Tardiff asked once it is revegetated do they need anything else.

Ms. Lambert stated it will be ground water that is offset from storm water. Ms. Lambert noted it is a nice shallow pitch. It is a small perimeter drain. Then they would do erosion control once the vegetation is established.

Vice-Chair Lewis asked about the septic design for this. Vice-Chair Lewis asked when it was subdivided.

Ms. Lambert stated two years ago.

Vice-Chair Lewis asked about the type of wetland buffer.

Ms. Lambert stated there are a couple of different wetlands. Ms. Lambert thinks it came up when they applied for the building permit. Ms. Lambert stated the City noticed and brought it to their attention.

Vice-Chair Lewis noted it could have not been shown on the plan with the building itself. They also could have more impact. Vice-Chair Lewis stated if they are going to have 50-foot wetland buffers they should make sure they are not in them. Vice-Chair Lewis noted this is a minor encroachment.

Chair Tardiff asked if they are out of the 75-foot shoreline?

Ms. Lambert answered yes.

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Chair Tardiff stated there is shoreland from Burnham Brook and they are outside of that.

Mr. Chormann asked what other disturbance can be permitted in the buffer? Can you cut trees?

Vice-Chair Lewis stated it should be marked as a buffer.

Vice-Chair Lewis made motion to recommend the Planning Board approve both conditional use permit applications. Mr. Coen seconded. All in favor. The motion passed unanimously.

- c. Provide a recommendation to the Planning Board on 2025-007 – a conditional use permit request for disturbance to wetland buffer at 563 Mountain Rd to construct a new house
This agenda item was discussed above in 3(b).

- d. Draft annual report

Mr. Chormann had a proposed edit under the forestry when it talks about yearly timber sales. Mr. Chormann suggested to remove the words yearly timber sales and add conducts timber sales regardless of frequency.

Chair Tardiff stated they could change to periodic.

Mr. Chormann and Vice-Chair Lewis agreed with the word periodic.

Ms. Healy asked the management of the City Forest is financially self-sustaining? Ms. Healy stated it is located in the middle of the first paragraph.

Ms. O'Brien stated the document is from 2012.

Chair Tardiff stated she is not sure if that if the Conservation Commission's ultimate goal. However, this is not something that is costing the City out of budget.

Mr. Chormann stated the Conservation Commission does not do these at a loss.

Chair Tardiff stated the Trails Subcommittee is working on their annual report. Chair Tardiff asked if they will attach the Trails Subcommittee report to the Conservation Commission's report.

Ms. O'Brien will attach the Trails Subcommittee report to the Conservation Commission report.

Vice-Chair Lewis asked if the Trails Subcommittee had anything in their report about invasive species?

Chair Tardiff answered yes.

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Vice-Chair Lewis asked how they are monitoring the invasive species?

Chair Tardiff stated in conjunction twice a year monitoring. Chair Tardiff suggested for Conservation Commission to note the Trails Subcommittee will continue to monitor and maintain the trails.

Councilor Horne asked if there is a way to add the sunflower fields?

Ms. O'Brien stated if the Conservation Commission can put together if the information she can add it to the report.

Vice-Chair Lewis suggested to get the report out now for 2024. Then focus on having on the agenda next time.

Chair Tardiff stated that is true.

Ms. Landry asked about adding the Potter easement.

Vice-Chair Lewis suggested to keep this as a working document to add as they go.

Chair Tardiff suggested to add a separate entry for the Street Tree Committee with a summary bullet of the report.

Ms. Landry made a motion to approve the Conservation Commission 2024 annual report with the discussed changes and any additional edits. Vice-Chair Lewis seconded. All in favor. The motion passed unanimously.

4. Reports

a. Trails Subcommittee update – Jeff Lewis

Chair Tardiff attended the Trails Subcommittee and noted they are working on annual report. In the report they are highlighting volunteer hours, number of volunteers and the monthly trails hikes. Chair Tardiff stated for the guided trail hikes they looking for volunteers. Chair Tardiff noted the Trail Ranger is back and gave a detailed report on the trails. The Trail Ranger noted there is snow mobile use at Morono Park and has reported to Fish and Game. The Trails Subcommittee has their monthly hikes set up for February, March and April. Chair Tardiff stated the Trails Subcommittee is in need of trail stewards for East Sugarball and the Marsh Loop at Broken Ground.

Councilor Horne asked what is a trail steward?

Chair Tardiff stated they are responsible for monitoring the trail. Twice a year in the spring and fall they are asked to do a full monitor. They send in notes on conditions and any problems.

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Vice-Chair Lewis asked if the Trails Subcommittee discussed Country Hill?

Chair Tardiff stated it did not make it on the agenda.

Ms. O'Brien stated this will be discussed at the special meeting in February.

b. Forestry

Chair Tardiff noted the forestry report is attached to the minutes.

c. Tree Subcommittee update – Rick Chormann

Mr. Chormann passed minutes to the Conservation Commission to read. Mr. Chormann stated they are making progress for locations of trees with the repaving project on Clark St and Fisher St. Mr. Chormann noted it is just a matter of getting land owner consent. They need to agree to take care of the tree for at least a year. It is a free tree and just need to take care of the tree.

d. Local River Advisory Committees

There was nothing to report on this agenda item.

e. New Hampshire Department of Environmental Services

There was nothing to report on this agenda item.

f. City Open Space and Easements

There was nothing to report on this agenda item.

g. City Council/Planning Board

Councilor Horne stated City Council approved the Conservation Commission reappointments.

5. Old Business

a. Reminder – Preservation Matrix special meeting on February 26, 2025, at 6:30 PM

Ms. O'Brien stated she worked with Mr. Klemarczyk and condensed down any duplicates. Mr. Klemarczyk had information for commission to create the characteristics. Ms. O'Brien will send to the Conservation Commission to review.

b. Current Land Use Change Tax

a. 4th Quarter 2024 and Parcels with Current Use Map and List

Ms. O'Brien stated what the Conservation Commission received previously was not reflecting the current use correctly by acreage. Ms. O'Brien noted it was showing owners that had current use but all of their land. Ms. O'Brien stated it appeared as though the Conservation Commission had gross amounts of land in current use that was not accurate.

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Chair Tardiff stated that makes more sense.

Ms. O'Brien received a list from accessing. Ms. O'Brien looked at tax exempt properties. There are tax exempt properties in current use not paying any taxes. Ms. O'Brien stated the Conservation Commission probably would never see a land use change tax from them unless the City sold off the land to a developer or the state. Ms. O'Brien stated the total acreage for those properties is 2700.

Chair Tardiff asked if that would include Gully Hill?

Ms. O'Brien is not sure if that would include the forest. Ms. O'Brien will also research what is in current use conservation or if it is in an easement. Ms. O'Brien stated it is also broken down by farm land current use, hardwood current use, other land current use, unproductive wet and white pine. Ms. O'Brien noted there is 14,867.93 acres in current use that is taxable. Ms. O'Brien stated this is property that if there is no conservation easement could be developed. Ms. O'Brien noted there is a little over 800 acres of wetlands in current use.

Mr. Coen asked what is the percentage of the tax?

Ms. O'Brien stated each property is different as to what they are getting off of their values. Ms. O'Brien stated the people that are getting the recreational credit for the current use which means they cannot post their land get an extra 20% off of the current use credit they receive now. Ms. O'Brien noted typically with a land use change tax it is 10% of the sale price that year.

Mr. Coen asked what would he be saving in taxes by putting land into current use?

Ms. O'Brien stated if you have 20 acres and property was 5 acres out and left the rest there is a tax break based on the accessed value.

Mr. Coen stated there is 64 square miles in the City. Mr. Coen asked how much is in current use or tax exempt?

Ms. O'Brien stated the Conservation Commission has more land that is taxable than non-taxable. Ms. O'Brien noted there is 2700 acres that is not taxable that are receiving the current use credit. Compared to 14,867.93 that is receiving the current use credit. Ms. O'Brien suggested to have the Conservation Commission look at conservation easements for properties.

Chair Tardiff noted they would need to match up these properties with the open space plan. Chair Tardiff asked the Conservation Commission in putting together a proposal so they want to go back to City Council to say for lands that are taking out of current use for development that have to pay the tax. The Conservation Commission receives 50% of the tax now and they use to get

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100%.

Ms. O'Brien stated DRI sends a report by county and that was sent in the link. Ms. O'Brien noted total land in current use for Merrimack County is 344,000. Ms. O'Brien stated it also can be broken down by City and Town. For Concord in 2023 there is about 40,933 acres. For the City it is about 14,000 acres in current use, about 4607 are receiving the extra 20% for recreational. In 2022 91 acres were removed from current use and they receive 50%.

Mr. Coen asked where Concord fits with the 36.44% and other towns or cities?

Ms. O'Brien stated Manchester is at 6%, Bow 24%, Bedford 11.9%, Nashua is 2.14%, and Salem is 7%. Ms. O'Brien noted there are towns that do not receive any money. For example, Allenstown does not receive any money. However, there are other towns that receive a percentage such as Bow, Boscawen, Hooksett and Canterbury receive 100% and Andover receives 50%.

Chair Tardiff stated the current use tax money the Conservation Commission receives has been used to purchase conservation lands or conservation easements. Chair Tardiff noted this is a way for the Conservation Commission to be self-sustaining. It is money generated from taking land out of conservation for development. Chair Tardiff pointed out it is not an infinite source of funding. Chair Tardiff stated they will have to pin down the number of properties are in current use.

Mr. Coen stated the Conservation Commission has done a great job of targeting property.

Vice-Chair Lewis asked what is the percentage of land the Conservation Commission is looking to preserve?

Chair Tardiff noted in the open space plan the Conservation Commission targets areas are listed. Chair Tardiff stated there are lands in current use that will be developed over time and Conservation Commission will not stop the economic development of the City. However, getting the land current use tax money can offset getting lands to balance out development over time.

Mr. Chormann noted as the population grows there will be demand for access and use of the properties.

Chair Tardiff will target a draft document for the March meeting and then they can have further discussion.

6. Staff updates on items

Ms. O'Brien received an email from the City Manager asking for the opinion of the Conservation Commission for an alternate member based on the submitted resume. Ms. O'Brien noted there is no

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formal action needed and just need feedback to be sent to the City Manager.

The Conservation Commission discussed and would like to meet the applicant before they provide feedback. The Conservation Commission will request the applicant to attend the next meeting in March.

Adjournment

Ms. Landry moved, seconded by Ms. Healy, to adjourn the meeting at 9:07 p.m. All in favor. Motion passed unanimously.

Respectfully Submitted,

Krista Tremblay

Krista Tremblay

Administrative Specialist II