

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

NOVEMBER 14, 2018, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

Members present at the meeting included: Kristine Tardiff (Chair), Councilor Mark Coen, Jim Owers (Vice-Chair), Jeff Lewis, Jan McClure, and Chris Kane. Assistant City Planner Beth Fenstermacher and Administrative Specialist Lisa Fellows-Weaver were also present.

**1. Minutes**

*October 10, 2018*

A motion was made by Mr. Lewis, seconded by Mr. Owers, to approve the October 10, 2018 minutes, as written. The motion passed unanimously.

**2. Proposed Ordinance Revisions to Address Solar Collection Systems.**

Ms. Fenstermacher stated that she drafted the proposed ordinance and Site Plan Regulation revisions using model ordinances from NH Sustainable Energy Association, NHMA, and other communities. She stated that the draft presented is a work in progress and more input and discussions are needed before it goes to the Planning Board. Lengthy discussion was held as members reviewed the proposed revisions. Members felt that there is a need to clarify how lot coverage is measured. Locations for solar were also discussed. Members agreed that the solar land coverage should be measured using the “occupied area” footprint. Members agreed that the proposed draft is on the right track. They suggested that the proposed site plan regulation language be strengthened and include better protection for prime Ag soils. There was also discussion about creating siting requirements so that all of the solar development does not occur along the frontage, similar to the issue of how the Cluster ordinance inadvertently allows for the creation of frontage lots with open space in the rear of the lots. Ms. McClure suggested looking into an option of only allowing a certain percentage of the frontage to be occupied by the development. Mr. Kane requested that staff study what different shaped and sized lots would look like with the proposed coverages.

Ms. McClure stated that the solar ordinance needs to be consistent with the Master Plan and Open Space Plan. Ms. McClure summarized that the Commission wants to permit solar development in the City without sacrificing the values of what we’re protecting in the RO District, by not impairing scenic and natural resource values.

Ms. Fenstermacher stated that she would be meeting with the energy environment committee and will present another draft in December for review.

**3. NHDOT – Environmental Assessment/Draft Section 4(f) Evaluation for I-93 Improvements Project - Bow/Concord.**

Ms. Fenstermacher stated that she is in receipt of The Environmental Assessment/Draft Section 4(f) Evaluation. Mr. Lewis did an initial review of the document and stated that the document explains the process of how the transportation project was developed, and it includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with applicable environmental laws and executive orders. He stated that there are three acres of wetlands impacts. He noted that the watershed areas are identified; however, the location proximity to the river is not clear.

Members expressed concern with the impacts to water quality of the river, tributaries and supporting wetlands, agricultural land, wildlife corridors, access to the river, and trail access through the area as well as maintaining the community character. Noise pollution and air quality were also concerns. It was also mentioned that there should be a no-build option provided and Mr. Lewis confirmed that it was included as an alternative. Ms. Tardiff stated that she would draft a letter and circulate it to the members for review. It was also suggested that the Commission request that someone from NHDOT come in and talk

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to the commission relative to this project. Ms. Fenstermacher stated that the Transportation Policy Advisory Committee has been following this project and provided comments. She will follow up with City administration to let them know that the Commission plans to submit a letter.

**4. NHDES Items** – none

**5. Reports**

*a. Trails Subcommittee*

Mr. Lewis attended the subcommittee meeting and provided a few updates. He reminded folks of the upcoming hikes. He added that the sub-committee is still looking for trail stewards.

Mr. Owers stated that the Devoid property trail signs were put up. Mapping discussion was held and will be continued as a future project.

Maintenance at the Walker Reserve Trails and connectivity issues were discussed.

Mr. Owers stated that he has been communicating with Concord Hospital and the UU Church regarding trail easements to formalize the trails connecting those properties to the Winant Park Trails. There was discussion about whether the UU Church will have concerns with trail users parking on their property.

Mr. Owers stated that the mountain bike trail at Broken Ground is almost completed. He added that the mountain biking community has requested to name the trail as *Ry's Way*, in memory of Ry Perry. Mr. Owers made a motion to name the mountain bike trail at Broken Ground *Ry's Way*, in memory of Ry Perry, an avid cyclist and human rights advocate who recently passed away. Seconded by Mr. Kane. The motion passed unanimously.

A discussion was held regarding diverting trails at the West End Farm to avoid the Rossview Farm area.

It was noted that there may be a need to update the hunting information that is currently posted on the website.

A discussion was held regarding trail racing on conservation commission lands and if there is a licensing process. Ms. Fenstermacher stated that she was not officially informed of any trail races, but heard that one is planned for the spring of 2019. Members agreed that the committee that is organizing the race should meet with the Commission prior conducting any races. Ms. Fenstermacher will follow up with the code office to see if permits are being obtained. Ms. McClure stated that she will contact the Emerson School regarding their trail racing on City property. The Commission recommended that the Code office include an item on the event permit applications where the applicant can indicate whether the race occurs on City trails or Conservation land.

*b. Upper Merrimack River Local Advisory Committee*

Nothing new to report.

*c. Contoocook and North Branch Rivers Local Advisory Committee*

Nothing new to report.

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

NOVEMBER 14, 2018, 7:00 PM

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*d. Forestry*

Ms. Fenstermacher circulated the Forester's Report. She mentioned that there is an infestation of red pine needle scale and the trees are being removed from the former Penacook Water Tower site on Village Street.

*e. Concord Tree Committee - Nomination of members*

The letters of interest from Robert Baker, Peter Breu, Ted Diers, Heidi Lemay, Guy Petell, and Craig Tufts were reviewed. Mr. Lewis made a motion, second by Ms. McClure, to nominate the six interested people that expressed an interest and to appoint Chris Kane as the Conservation Commission representative to the Concord Tree Committee.

**6. City Open Space**

*a. Morrill Farm Dairy Lease*

Ms. Fenstermacher stated that an updated letter was presented requesting that the lease payment be decreased. The Morrills initially made the request back in the spring, but the City Manager did not approve based on the fact that there was not sufficient evidence provided to justify supporting a decrease. The Commission reviewed the letter and supported the decrease, recommending that the new letter be forwarded to the City Manager for review and approval.

*b. Five Rivers Easements – Fisk Road properties*

The Conservation Commission is proposing to amend the Freese property easements to include the newly acquired Lassonde and Martin properties; the Winant Park easement will not be included or amended. Five Rivers is proposing to use their current easement language, which would require amending the language in the existing Freese easement deed. Before moving forward, Five Rivers would like to get an opinion from the Attorney General's office to see if this is an option and if not then they will just use the original language in Freese easement and add in the other properties. Five Rivers would steward these properties in perpetuity. Five Rivers is also requesting up to \$6,000 from the Commission to cover the legal fees to amend the easements.

There was a discussion held regarding the differences with the easement deeds. Mr. Owers stated that the difference is with public access, but was not clear on the specifics. Ms. McClure indicated that she will reach out to the Five Rivers to get the specific changes. Ms. Fenstermacher stated that the language will also have to be approved by the City Solicitor's office.

Mr. Coen made a motion, second by Mr. Kane, approve up to \$6,000 to cover the legal costs to amend the easement; subject to the review of the Conservation Commission.

Mr. Owers will contact Beth McGuinn of Five Rivers.

**7. City Council/Planning Board**

Mr. Coen stated that this will be his last meeting as Council representative with the Commission. Councilor Brent Todd will be taking over. Members thanked Councilor Coen for his support with the Commission.

Ms. Fenstermacher provided an update for the Current Use totals. This year the amount is \$61,300.

CONCORD CONSERVATION COMMISSION

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

*a. Update Bylaws*

The review of the Commission's By-Laws was continued to the next meeting.

*b. Country Hill Estates – ARM Grant Announcement*

Ms. Fenstermacher announced that the City received the ARM Grant, in the amount of \$350,000 for the purchase of Country Hill Estates. She stated that the completion date is to be by August 2019. She will begin working on the due diligence items. Mr. Owers stated that he would contact Peter Holden regarding a purchase and sales agreement. A cost estimate will be obtained from NH Title and Richard Bartlett & Assoc. for the title search and updated survey. Ms. Fenstermacher will reach out to DES to determine if the 1986 survey is acceptable.

*c. Easement Enforcement Policy Discussion - continued to future meeting*

*d. Conservation Easement Standard Templates - continued to future meeting*

**9. Other Business**

Members provided feedback of the sessions they attended at the NHACC Conference.

**10. Non-public session** for the discussion of the acquisition of conservation property in accordance with RSA 91-A:3, II(d).

Mr. Lewis made a motion, second by Ms. McClure, to enter into a non-public session, per RSA 91 A:3,II(d). By a roll call vote, the motion passed by a unanimous vote at 10:10 p.m.

Mr. Kane made a motion, second by Mr. Owers, to come out of non-public session at 10:38 p.m. With a roll call vote, the motion passed unanimously.

Mr. Lewis made a motion, second by Mr. Owers, to seal the minutes of the non-public session, per RSA 91-A:5, IV. With a roll call vote, the motion passed unanimously.

There being no further business, Mr. Lewis made a motion, second by Ms. Tardiff, to adjourn the meeting at 10:41 p.m. The motion passed unanimously.

Respectfully submitted,

Lisa Fellows-Weaver

Administrative Specialist