

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

February 12, 2020, 7:00 PM

MINUTES

Second Floor Conference Room, City Hall, 41 Green Street

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

Absent: Kathy Healy, Chris Kane, and Alternate Stefan Mattlage

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

Public: Rebecca Ross and Rob Talmadge

**Call to Order**

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

**1. Minutes**

*January 6, 2020*

A motion was made by Mr. Lewis, seconded by Councilor Todd, to approve the January 6, 2020, as amended, with edits that do not alter the content of the meeting. The motion passed unanimously.

**2. Public hearing to receive testimony relative to the proposed acquisition of a parcel of open space land off Currier Road, identified as Map 99 Block 2 Lot 8**

Mr. Owers gave an overview of the parcel. He stated that the parcel is 31 acres with an appraised value of \$35,500. He noted the property boundaries. The property owner is now deceased; the eldest son is the trustee. The family has indicated that they would like to see the property used as conservation land. The family has accepted the appraised value. Mr. Owers stated that this property is noted in the Master Plan as a focus area and a portion of the West End Farm Trail System goes through this property. He added that maintaining this trail system is very important for recreation. In addition, the Commission has spent money on two bridges on this property. This property does about the Rossview easement.

Ms. Tardiff opened the public hearing at 7:06 p.m.

Rob Talmadge of District 5 Road, asked if there are other options or potential uses for the property other than conservation areas. Mr. Owers replied that the only access to the lot is through Currier Road and once the Crosby's sell the property the easement goes away for subsequent owners; the access will still only be through the Conservation Commission's land. Mr. Talmadge expressed concern with the existing trails and does not want to see additional trail networks and habitat impacts. He would like to see the parcel remain available to the public but with no trail systems added to it. Mr. Owers stated that the property is very wet and he does not see any advantage to building trails on the parcel. He added that there are tall white pines and hemlocks on the property so there is a potential for logging.

Rebecca Ross of District 5 Road thanked Ms. Tardiff for reaching out to her regarding tonight's public hearing. Ms. Ross expressed concern with the fact that there is no known intended use for the property. She noted that there is serious confusion about the ownership and what can be used by the public. She is also concerned with how the public will be educated relative to the access. The City does not have any resources to enforce the use and there is minimal access. She expressed concern with the fact that there would be an invitation to use the land without anything designated. This is seen on other land and may add to the use. She requested that a fence be added around the property boundary since it is hard to regulate the public from crossing onto her private property. She noted that the land is a landlocked

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parcel and she commented that the price is very high. She wondered if this is the best fiscal use of tax dollars; it is useless and landlocked. She added that if the purpose is for preservation and habitat then she requested that the trails on the land not be increased.

With no further comment, Ms. Tardiff closed the public hearing at 7:12 p.m.

Councilor Todd commented on the concept of purchasing property with regard to tax payer's money; this acquisition will be paid for by the public and therefore, the public should be allowed access. He stated that it is a harder sell to the tax payers if you would not be able to use it. He feels that typically there should be a balance over the usage of trails; however, it is not likely for this parcel as it is significantly wet.

Mr. Owers noted that the boundary onto the Ross property is not posted. Ms. Ross stated that there are impacts whether it is posted or not; it does not stop the pedestrian traffic since there is no one to enforce.

Mr. Lewis asked about the timing of the project. Mr. Owers stated that there is an oral agreement now and the purchase and sales agreement has been drafted. The P&S would then be signed and the process is then on to City Council to approve. Mr. Lewis requested that the Commission have a site walk prior to the final City Council meeting. Additional discussion was held regarding rogue trails. Mr. Owers stated that the West End Farm trails have existed for 10 years and it does not seem to be an issue for this parcel. Mr. Owers stated that he does not see any reason to delay the purchase of this parcel. Councilor Todd agreed with Mr. Owers; however, Mr. Lewis' point is well taken and it would be good to have the trails committee take this parcel into consideration and look at the area.

Mr. Owers stated that this is noted as a conservation focus area. There is a known plan and there has been no discussion to expand the trails on the property. He noted that the preservation of the property is reason alone to purchase it.

Mr. Chormann stated that there have been significant monies contributed to the property for trail improvements already and the purchase is well justified. It is preserving the area and the trail network that already exists. Ms. Boisvert agreed.

Ms. Tardiff commented that this is an important area to protect for conservation purposes, and for the preservation of the existing trail. She added that in terms of future trails it would be good to look at the area for the future.

Mr. Owers made a motion, second by Mr. Chormann, to approve the recommendation to City Council for the appropriation of \$35,500 from the Conservation Trust Fund to purchase the Crosby property. The Commission will hold a site walk to be held prior to the final public hearing with City Council. Mr. Lewis amended the motion to include the aforementioned reasons to purchase the property as noted in the discussion, which included that the existing trail would be maintained and there is no intention for additional trail expansions at this time. The motion passed unanimously.

**3. Public hearing to receive testimony relative to the proposed acquisition of a parcel of open space land off District No. 5 Road; Map 68Z Lot 1.**

Mr. Owers provided an overview of this 11.1 acre parcel. He explained that the property is within the Beech Hill conservation focus area with high conservation values. The parcel is an important piece of connectivity as the purchase will give access to Currier Road via Country Hill Estates property. A snow

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mobile trail currently goes through the property, which will be protected. Erick Leadbeater agreed to sell at the appraised value. Mr. Owers noted that the property has been logged in the past.

Ms. Tardiff opened the public hearing at 7:30 p.m.

Mr. Talmadge expressed concern with the future uses of the area and additional development of trail systems. He would like to see the property maintained as conservation land and a protected wildlife corridor. He does not have any concerns relative to the snow mobile trail as it currently exists.

Ms. Ross stated that the land is landlocked and again sees that there is little to no value. She expressed concern with any change of use and with the development of additional trails.

With no further comment, Ms. Tardiff closed the public hearing at 7:32 p.m.

Mr. Lewis expressed that there is potential on this property for trail development to continue the West End Farm Trail. He stated that it seems that there is a possibility that there could be a demand or request for additional trails in this area. He stated that he would like to see it remain a conservation land with limited public use.

Ms. Tardiff commented relative to the conservation values of the property. It contains headwaters of Ash Brook and associated watershed.

Mr. Owers made a motion, second by Councilor Todd, to approve the recommendation to City Council to appropriate \$12,000 from the Conservation Trust Fund to purchase the Leadbeater property. The motion passed unanimously.

**4. NHDES Items - none**

**5. Reports**

**a. Trails Subcommittee**

Mr. Lewis attended the Trails Subcommittee meeting and provided a synopsis of the meeting for the Commission. He mentioned that there was a good turnout at the January 25th hike.

The timber sale at Broken Ground will be completed next week.

The State has closed the rogue trail on Walker State Forest and increasing monitoring for rogue trails will be done. The property is still open for public use; the purpose of the forest is for public passive recreational use, wildlife, and forestry. But, there will be no 'official' trails approved by the State.

Mr. Lewis stated that the Trails Subcommittee is continuing to work on addressing items for trail closings due to mud season.

Mr. Lewis mentioned that the Trails Subcommittee is working on a notification policy. They plan to create language for a check list for notification or public outreach. They plan to present this at next month's meeting.

A discussion was held regarding the need to maintain the Carter Hill Connector Trail due to unauthorized trails being developed into the District 5 Forest. Ms. Fenstermacher received a notice from the State regarding concern over trails committee members creating unauthorized trails on their property.

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Signage was discussed for Old Dimond Road where it crosses private property owned by the Rosses. Ms. Fenstermacher confirmed that the City holds a recreation easement for the road, east of the centerline. Mr. Owers recommend property owners post their property should they not want the public accessing areas. Ms. Fenstermacher will work on suggested language to be posted asking trail users to stay on the designated trail in this location.

**b. Forestry**

The Forester's report was circulated.

**c. Concord Tree Committee**

Ms. Fenstermacher stated that the Tree Committee's next meeting is scheduled for February 14, 2020 at 10:00 a.m. She stated that Committee is beginning to collect the inventory data.

**d. Local River Advisory Committees**

UMRLAC annual report was submitted. Mr. Chormann noted that Bug Nights have begun.

**6. City Open Space**

Nothing new to report.

**7. City Council/Planning Board**

Councilor Todd noted the reappointment of Mr. Lewis.

Councilor Todd stated that there was a discussion at the Parking Committee meeting relative to eliminating some parking at the end of District No. 5 Road at the request of Rossview Farm. There have been some issues with parking at the intersection and around the hammerhead that has resulted in larger vehicles not being able to turnaround. The Parking Committee approved the request and it will be presented to City Council within the next month. He stated that if approved by Council, the City will address with signage.

Ms. Fenstermacher will update that trail map to indicate no parking in the specific areas.

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

**a. Trails Master Plan update**

Ms. Fenstermacher stated that the Trails Master Plan public meeting was very well attended; approximately 75 people were in attendance. She explained how the meeting was laid out with different tables for discussions. She stated that a survey has been placed on the City's trails website and so far 450 people have responded. CNHRPC is working on gathering the input from the meeting and will be providing an overview.

**b. Education Outreach – ConcordTV**

ConcordTV is working on small educational video clips that will be added to the Trails website. Topics include impacts to vernal pools, wetland buffers, proper trail etiquette, etc.

**c. Update to Bylaws**

This item was continued.

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**d. Easement Enforcement Policy**

This item was continued to next month as Mr. Kane was not in attendance to provide examples of policies.

**e. Conservation Easement Standard Templates**

It was suggested that perhaps the City's legal intern may be able to assist the Commission with this item.

**9. Other Business**

**a. NH Fish & Game – House Bill 1571**

Mr. Chormann provided information relative to House Bill 1571. If passed, the bill will change the NH Fish & Game to include members of conservation commissions, foresters, biologists, and other professionals. Mr. Chormann suggested that the Commission send a letter of support for HB 1571.

Mr. Owers made a motion, second by Mr. Chormann, for Ms. Tardiff on behalf of the Concord Conservation Commission, to send a letter of support for HB 1571. The motion passed unanimously.

**b. Hoit Road Marsh – House Bill 1316**

Ms. Fenstermacher attended the House Committee hearing regarding removing a ban on the Hoit Road Marsh for motorbike usage on the frozen marsh during the winter months. Issues noted were noise and impacts to wildlife. No decision or outcome had been determined. Commission members recalled when the matter began. No further discussion was held.

**c. Training Areas for Drones**

Ms. Fenstermacher stated that Economic Development Director Suzi Pegg, was contacted by a company searching for open space areas for drone training to collect LiDAR data. City-owned open space areas fitting their request have been identified as the Penacook and Hall Street wastewater treatment plants, the farmland on W. Locke Road, and the farmland on West Portsmouth Street.

A discussion was held regarding the City obtaining the data collected and if a special use permit or similar is required for FAA or the City. Ms. Fenstermacher will also follow up with the Forest Society, which holds easements on the farmland properties, and the model airplane club, which has a lease to utilize the W. Locke Road property.

**d. Election of Officers**

Mr. Owers made a motion nominating Ms. Tardiff for Chair of the Conservation Commission through December 2020, seconded by Mr. Chormann. With no other nominations, the motion passed unanimously.

Mr. Chormann made a motion nominating Mr. Owers for Vice-Chair of the Conservation Commission through December 2020, seconded by Mr. Lewis. With no other nominations, the motion passed unanimously.

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Mr. Owers made a motion nominating Mr. Lewis for Secretary of the Conservation Commission through December 2020, seconded by Mr. Chormann. With no other nominations, the motion passed unanimously.

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

Mr. Owers made a motion, second by Councilor Todd, 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 8:52 p.m.

Mr. Owers made a motion, second by Mr. Chormann, to come out of non-public session at 9:14 p.m. With a roll call vote, the motion passed unanimously.

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

**Adjournment**

There being no further business, Mr. Lewis made a motion, second by Councilor Todd, to adjourn the meeting at 9:15 p.m. The motion passed unanimously.

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist