

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING  
MINUTES  
JULY 11, 2018, 7:00 PM  
Second Floor Conference Room, City Hall, 41 Green Street

Members present at the meeting included: Kris Tardiff (Chair), Jim Owers (Vice Chair), Tracey Boisvert, Jeff Lewis, and Jan McClure (alternate). Assistant City Planner Beth Fenstermacher and Administrative Specialist Lisa Fellows-Weaver were also present. Chris Kane arrived at 7:15 p.m.

**1. Minutes**

*June 13, 2018*

A motion was made by Mr. Lewis, and seconded by Mr. Owers, to approve the June 13, 2018 minutes, as amended, with edits that do not alter the content of the meeting. The motion passed unanimously.

**2. Public Hearing for the construction of a mountain bike trail at Broken Ground conservation area in collaboration with the Central NH chapter of the New England Mountain Bike Association (NEMBA).**

Ms. Tardiff opened the public hearing at 7:04 p.m.

Matt Bowser of NEMBA provided a general overview of what the Central NH chapter of the New England Mountain Bike Association (NEMBA) is and the proposed mountain bike trail at Broken Ground. He explained that the goal is to build sustainable trails throughout New England. He presented a map of the proposed trail system showing an upland route that stays within the property line and avoids wetlands impacts, disturbing hydric soils, and any sloped areas. He believes that this is a good loop to add to the City's trail system.

Mr. Bowser described the timeline of the plan for the trail system explaining that the layout should be completed within the next few weeks. A core team of members comes in and begins with raking and outlining the interior of the trail, then they brush out areas that need to be cleared, and then establish a foot path with some switchbacks. He hopes to have the trail open by late September. Maintenance is done yearly, as needed, but a clean-up day is held every year.

Mr. Owers stated that he is familiar with NEMBA. They are a very responsible group, and a financially sound organization. He added that the trail is being built at no expense to the City. Mr. Bowser explained that members pay dues to NEMBA.

A discussion of rogue trails and conflicts of other users ensued. Mr. Bowser replied that all trails are multi-use; perhaps this trail will increase the NEMBA membership in the Concord area and may help with reducing the creation of rogue trails. He added that this trail is too small to be considered a "destination trail" and does not anticipate the amount of use seen at Franklin Falls or Bear Brook. This trail will mostly be used by people who live and work in Concord.

Dan Williams, 169 Portsmouth St. commented to the need of mountain bike trails especially on this land. He noted that it is interesting to know that there is evidence that there are violations within the City creating and/or altering the trail system. He expressed concern for the wildlife in the area and what effects the trails will have on the wildlife and referenced the Best Management Practices for trails. Mr. Williams requested that the Commission proceed slowly and with caution and they contact all of the stake holders before moving forward.

Mr. Bowser replied that there is information indicating that mountain biking has less impact on wilderness areas than hikers. He added that this area is not a primary wilderness area. He noted that NEMBA supports wildlife and they post signs, if it is deemed necessary. Mr. Bowser also indicated that they are working with the City to educate about the impacts of rogue trails, and sent out a PSA to a listserv of over 500 people.

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Ms. McClure stated that during the public process for the purchase of the Broken Ground property, it was evident that the community wanted trails and the Conservation Commission is responding to that request.

Ms. Fenstermacher stated that Lilly Garfield, 19 Broken Ground Dr. came in to view the plan and expressed concerned with the increase in traffic that the new trail will bring to the neighborhood along with the responsibility of general maintenance with trash, and partying on the trails.

With no additional comment, Ms. Tardiff closed the public hearing at 7:52 p.m.

Mr. Owers made a motion, second by Mr. Kane, to approve the construction of a new mountain bike trail at the Broken Ground conservation area in collaboration with the Central NH chapter of the New England Mountain Bike Association (NEMBA).

Mr. Owers stated that this is the first step and he is hopeful that this new trail may help with obtaining control of mountain biking and setting a model of how it should be done. This new trail will also aide in seeing how the process works and what doesn't work. He stated that without this trail the rogue mountain bike trails will continue unless there is an alternative outlet. The demand is there and he is looking forward to getting NEMBA started; if concerns arise, this is a small enough project that the issues can be addressed. He would like to move forward and re-evaluate the project one year after use.

Discussion ensued relative to the need for a Memorandum of Understanding (MOU) to address any issues that may arise. Ms. McClure made a motion, second by Ms. Tardiff, to amend the motion to include a Memorandum of Understanding (MOU) with the following criteria:

- Mr. Owers will work with Matt Bowser in the creation of the MOU, to be reviewed by the City Solicitor;
- The Commission will meet with a representative of NEMBA one year after the opening of this trail to review any concerns or issues with the trail;
- The draft MOU will be reviewed at the September Commission meeting for approval;
- The MOU will establish a mechanism to reference back to NEMBA for complaints, maintenance, and the costs for any vandalism to be borne by NEMBA;
- NEMBA will provide signage;
- The City will monitor parking and determine if overflow parking is a safety concern;
- The Commission reserves the right to close the trail down at any time if issues are not addressed.

The amendment passed unanimously. The motion passed unanimously.

### **3. David Rauseo - Development off Whitney Road.**

David Rauseo was present along with Brendan Quigley from Gove Environmental Services.

Mr. Rauseo provided a history of the Whitney Road area explaining what exists and the potential of future development. He stated that he is working to develop the property. A concept plan was presented which he stated was a result of a charrette. He noted that there is an interest for a supermarket for this space.

A discussion was held regarding the existing wetlands. Mr. Quigley explained that the wetlands were delineated in 2012 and would need to be updated. Mr. Rauseo stated that the Conservation Commission was previously interested in an easement in the recycling property and along the Burnham Brook, totally 0.88 acres. He asked if there is still any interest in that easement. Ms. McClure stated that the conservation benefit of protecting the brook is already covered by the State of NH Shoreland District and an easement would not be providing any benefit. If the commission is not interested in the easement, this project would require a payment to ARM fund unless there is a project elsewhere in the City for which the funds can be used. It was noted that the proposed easement would not meet the full mitigation

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requirement. Ms. Boisvert commented that she would prefer that the Commission have the funding. It was suggested that Mr. Rauseo evaluate other options and areas for the possibility of mitigation.

A site walk will be scheduled once the wetlands are flagged.

**4. NHDES Items – none**

**5. Reports**

***a. Trails Subcommittee – Trail Criteria Review***

A discussion was held regarding proper planning for future trail development and the process. It was suggested to consult the new GIS layer from Fish & Game to determine wildlife impacts from trails.

Ms. Tardiff will recirculate the trails criteria to members for another review and it will be addressed at next month's meeting. Any suggestions or recommendations are to be sent to Ms. Tardiff.

Ms. Fenstermacher stated that Bob Holdsworth from Leave No Trace Center for Outdoor Ethics, attended the Trails meeting. He explained that if the Commission were to become partners with Leave No Trace Center for Outdoor Ethics, the Commission would have access to educational resources, and assistance with language for signage. He stated that he believes it would be useful to the Commission. A few examples of education materials were distributed with the hopes that the Commission would use them to educate trail users. Ms. Tardiff stated that the "bag tags" would be great for trail hikes, market days, school groups, etc.

***b. Upper Merrimack River Local Advisory Committee – nothing new to report***

***c. Contoocook and North Branch Rivers Local Advisory Committee - nothing new to report***

***d. Forestry***

As a follow up from last month, a discussion was held regarding habitat management recommendations from Jim Oehler from NH Fish and Game for the Riley lot. A synopsis was previously provided which explained that both wildlife and the forest both need to have cuttings performed routinely to survive. Herbicide treatments will also be done to maintain invasive species. Ms. Fenstermacher stated that the proposal for Fish & Game is in compliance with the current forest management plan.

A copy of the monthly forestry report was distributed for review.

***e. Street Trees***

Cory Keefe, the Community Forestry Specialist from the NH Division of Forest and Lands, reached out to Ms. Fenstermacher and indicated that he is interested in working with the City and suggested he could assist with an urban forestry plan for the City. It was suggested that this could be a good jumping off point for the Street Tree subcommittee. A workshop to discuss the structure of the subcommittee will be scheduled for 6 pm on August 8<sup>th</sup>, just before the next Commission meeting. Ms. Fenstermacher will invite Mr. Keefe.

**6. City Open Space**

***a. Herbicide Treatment at Jim Hill River Walk***

As a follow up from last month to the invasive plant species overtaking the field trail on the Jim Hill River Walk, it was recommended that herbicide be applied. It has been determined that there is no impact to the Lady Slippers, as previously thought. Mr. Kane will follow up with names of certified applicators to complete the herbicide treatment.

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***b. Spears Park Encroachment***

Ms. Fenstermacher explained that at the Forest Society annual monitoring site visit in May, a wetlands violation was noticed where some dumping has occurred into a stream. A letter was sent out via regular mail as well as certified return receipt, and NHDES was copied. She and the City surveyor visited the site. One area has been addressed and cleaned up; however, another has been filled in and it is on City property.

The commission requested that the City Solicitor be contacted for appropriate action.

***c. Easement Monitoring***

Ms. Fenstermacher stated that the annual easement reports are coming in.

**7. City Council/ Planning Board**

Ms. Fenstermacher stated that Renewable Energy policy presented by Counselor Werner was approved by City Council. Mr. Werner is writing a solar ordinance per the direction of the Mayor.

Ms. Fenstermacher added that the landfill will be re-zoned and will be coming before the Planning Board in August. The re-zoning to Industrial will facilitate the proposed solar installation at the landfill.

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

***a. Chesley property update***

Ms. Fenstermacher stated that City Council approved the acquisition and the City Solicitor is working on the deed. Due to timing it may be necessary to quiet the title after the deeds are executed.

***b. Lassonde Land Swap - Update***

Ms. Fenstermacher stated that the application is being presented to the Planning Board on Wednesday, July 18.

***c. Hardy Property***

Mr. Owers stated that the Hardy purchase and sales agreement should be received by the end of the week. Ms. Fenstermacher added that the plan is for the Hardy property to be presented at the August City Council meeting.

***d. Martin Property***

Mr. Owers stated that the Martin property acquisition is moving forward. Ms. Fenstermacher added that the Martin property will be presented at the August City Council meeting.

***e. Country Hill Estates***

Mr. Owers reported that he has spoken with Peter Holden who was not shocked with the appraisal; he felt it was a fair price. Ms. Fenstermacher stated that the wetlands evaluation will begin within a month. She added that Five Rivers is also interested in partnering with the City for this project.

A general discussion was held regarding the current property acquisitions that the Commission is working on. Mr. Owers stated that he feels that the Commission needs to close on the Hardy property without Five Rivers, and then take a conservation easement. Discussion ensued as to property restrictions. Ms. Fenstermacher stated that the Lassonde property is a donation and there will be restrictions in the deed per the request of the family. The Commission requested that legal be contacted regarding deed restrictions.

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- f. Easement Enforcement Policy Discussion – continued to future meeting*
- g. Conservation Easement Standard Template – continued to future meeting*
- 9. Other Business**

***Richards Property - Hutchins St.***

A discussion was held regarding the potential sale of 84 acres on Hutchins Street. Ms. McClure will contact the land owner.

There being no further business, Ms. Tardiff made a motion, Mr. Kane second, to adjourn the meeting at 10:07pm. Motion was passed unanimously.

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist