

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

April 10, 2024, 7:00 p.m.

City Hall, 2<sup>nd</sup> Fl Conference Rm, 41 Green St

Attendees: Chair Kristine Tardiff, Members Rick Chormann, Mark Coen, and Tracey Lesser, Alternate Jim Owers

Absent: Katherine Healy, Emily Landry, Vice-Chair Jeff Lewis, Alternate Allison McGregor, and Councilor Michele Horne

Staff: AnneMarie Skinner, Assistant City Planner/Acting City Planner  
Krista Tremblay, Administrative Specialist II

Public: Ellen Kenny

1. Call to Order

The meeting was called to order by Chair Tardiff at 7:06 p.m.

2. Minutes – Approve March, 13, 2024, March 26, 2024, and re-adopt February 14, 2024 meeting minutes  
A motion was made by Mr. Owers, seconded by Mr. Chormann, to re-adopt the minutes of February 14, 2024. All in favor. The motion passed unanimously.

A motion was made by Mr. Owers, seconded by Mr. Chormann, to approve the minutes of March 13, 2024. All in favor. The motion passed unanimously.

A motion was made by Mr. Owers, seconded by Mr. Chormann, to approve the minutes of March 26, 2024. All in favor. The motion passed unanimously.

3. New Business

- a. New alternate member Trails Subcommittee – Judy Barrett Weatherbee  
Ms. Skinner stated Judy Barrett Weatherbee expressed interest and provided a resume.

Chair Tardiff stated Ms. Weatherbee was a former trail steward.

Ms. Skinner stated Ms. Weatherbee is requesting to be an alternate.

Mr. Owers moved to appoint Judy Barrett Weatherbee as an alternate to the Trails Subcommittee. Mr. Chormann seconded. All in favor. The motion passed unanimously.

- b. Appoint liaison to Trails Subcommittee

Chair Tardiff stated they still need to do that and has not yet discussed with Mr. Lewis to see if he is able to continue as the liaison.

Ms. Skinner stated it is imperative to have someone from the Conservation Commission in attendance.

Chair Tardiff stated another member can attend in Mr. Lewis's absence, noting that she will attend the May meeting.

- c. Appoint liaison to Tree Subcommittee

Mr. Chormann stated he would like to continue in that role.

- d. Run Row Ride event Morono Park

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Ms. Skinner stated she received a request for an event, Run Row Ride, September 29, 2024, from 9 a.m. to 3 p.m. They want to use Morono Park for the event.

Chair Tardiff stated they have done a nice job in past couple of years.

Mr. Chormann asked if public needs to be noticed to not be on the trails during the event?

Chair Tardiff stated she does not think last time it was noticed.

Mr. Chormann asked about conflicts with trail use?

Chair Tardiff stated she does not think there will be conflicts, noting that the trail along the river is not heavily used.

Mr. Chormann moved to approve the Run Row Ride event at Morono Park on September 29, 2024, from 9 a.m. to 3 p.m. Mr. Owers seconded. All in favor. The motion passed unanimously.

- e. Carol Breault – preserving open space  
Carol Breault is not present for this agenda item and it was not discussed.

4. Reports

a. Trails Subcommittee

Chair Tardiff provided a summary of what was discussed at the April meeting. Chair Tardiff stated the Woodard settlement and bypass was discussed. They looked at maps and discussed the language in the agreement. The Trails Subcommittee scheduled a site walk for April 22<sup>nd</sup> at 4:30 p.m. They will meet at the end of District 5 Rd. Instructions were given to park east of the posted non-parking for emergency vehicles turnaround. The goal is to walk the area and look at a location for the bypass.

Chair Tardiff noted that Mr. Klemarczyk remarked during the meeting that he has been busy removing downed trees on the trails. Chair Tardiff provided a reminder to everyone that, if they see fallen trees, to report to AnneMarie Skinner or Mr. Klemarczyk.

Chair Tardiff stated that Carl Matson, Trail Ranger, is back.

Chair Tardiff reported that the Trails Subcommittee is working on their annual goals and that discussion will continue next month. The Trails Subcommittee is also working on amending the adopted new trail checklist.

b. Forestry

Ms. Skinner stated Mr. Klemarczyk is clearing down trees.

Chair Tardiff stated that it is mud season and to post accordingly.

Ms. Skinner replied that she has updated the city's trails website to reflect the muddy season.

c. Tree Subcommittee meeting minutes March 22, 2024

Ms. Skinner provided a brief update on the March 22<sup>nd</sup> meeting, noting that Arbor Day is April 26,

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2024 and that the location for the planting of the two trees is selected. The event is being coordinated and publicized. The Tree Champion Award is going forward in May. The trees on the self-guided tree tour have been determined and Stacey Brown will bring the final brochure to the next Tree Subcommittee meeting. Then it will come to Conservation Commission for approval. The trees from Unital have been ordered and the cemetery has requested the trees for planting in the cemetery.

Chair Tardiff asked about the street trees planting program.

Ms. Skinner stated that is active and the Tree Subcommittee is contacting the properties that were identified as appropriate locations. Ms. Skinner stated as of the last meeting there were no takers.

Chair Tardiff clarified that she was thinking of the program where a property owner would purchase a tree and the city would plant it.

Ms. Skinner stated that is the sustainable tree program which is different from the street paving tree planting program.

- d. Local River Advisory Committees  
Nothing to report at this meeting.

- e. New Hampshire Department of Environmental Services  
Nothing to report at this meeting.

- f. City Open Space and Easements  
Ms. Skinner reported today she received a voicemail from Delta Dental responding to the letter that was sent regarding items in the conservation easement that need to be removed. The message stated the situation will be investigated and remedied as needed.

Ms. Skinner noted she is having Carl Matson, Trail Ranger, check on the Hardy #2 conservation easement next to the Hofmanns and all the encroachments. They were to have everything removed by yesterday. If it is not removed, she will report back to the Conservation Commission for next steps.

- g. City Council/Planning Board  
No one was present from City Council to provide an update.

Ms. Skinner stated there are no applications going before the Planning Board right now that need to come to Conservation Commission that haven't already done so. Ms. Skinner noted there will be a conditional use permit application for disturbing a wetland buffer at Chappell Tractor that will likely be coming to the Conservation Commission at the May meeting.

- h. 1<sup>st</sup> Quarter Timber Cut report  
Mr. Chormann asked if the intent to cut notifications are for city or private land owners?

Ms. Skinner stated the notifications are for all properties in the city.

Chair Tardiff stated the completed Bunten lot is city-owned conservation land.

- i. 1<sup>st</sup> Quarter Current Use Change Tax report

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Ms. Skinner stated there was approximately \$11,000 for the Conservation fund.

5. Old Business

- a. New Hampshire Wildlife Federation Conservation Committee – turtle nesting (Steve Crawford)  
Chair Tardiff spoke with Steve Crawford and he is working with the New Hampshire Fish and Game biologist. Chair Tardiff suggested walking the area, because they aren't sure of the exact location. They were looking at city property where there was a timber cut. Chair Tardiff will ask about availability between now and the May meeting. Chair Tardiff asked if anyone is interested in the walk to let her know. Chair Tardiff stated Mr. Crawford told her he is working with other towns.

Chair Tardiff asked this item to be on the agenda for next month.

- b. Conservation Land Preservation Discussion follow-up actions from March 26, 2024 special meeting  
Chair Tardiff stated there is no update and she and Emily Landry are still working on this item.

Ms. Skinner will keep on agenda for May.

Chair Tardiff stated they may need to have another special meeting.

Mr. Owers stated after the trail walk it will be helpful.

Chair Tardiff asked to keep this item on the agenda as either old or ongoing business.

- c. Conservation Easement Monitoring – update on responses and additional actions, if any  
Ms. Skinner stated there was a partial update provided earlier in the meeting.

Ms. Skinner noted the property owner of the Susan Taylor Conservation Easement contacted Ms. Skinner about tree removal within the easement. The property owner explained that trees fell down or were about to fall down during the storm and he would like to remove those hazard trees.

Chair Tardiff asked if there was a picture of the trees and Ms. Skinner passed the picture to Chair Tardiff.

Mr. Chormann asked if the owner explained why the trees needed to be removed?

Chair Tardiff stated they are near the house and not in the wooded area behind the house.

Mr. Chormann stated if it is in his yard they cannot tell him not to cut the tree.

Chair Tardiff stated if the tree fell in the conservation easement that would be different. The removal of the tree that fell into his yard is fine.

6. Staff updates

Ms. Skinner does not have any updates.

Chair Tardiff asked if there is any other business for the Conservation Commission.

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Mr. Coen asked if on the City website if there is a breakdown of the 64 square miles of what is conservation land, current use land, state owned property, federal owned property, and the largest five private land holders?

Ms. Skinner stated no, there is nothing on the website that breaks it down like that.

Chair Tardiff stated the GIS layers have all kinds of information.

Mr. Coen stated over a period of time people have asked him looking for amount of land that is under current use or in conservation. How much is in conservation compared to the 64 square miles? How much is currently available for development?

Ms. Skinner stated there are different types of zones and different zones allow and have different types of development.

Mr. Coen stated the overall theme is like the lady that wrote the letter to the Concord Monitor regarding the Monitor Way site.

Ms. Skinner asked if he is asking about the city-owned conservation land?

Mr. Coen stated that is one.

Ms. Skinner stated there is city-owned conservation land and there is privately-owned property that has city conservation easements on it.

Chair Tardiff stated the best resource is the Conservation and Open Space plan on the website.

Mr. Coen stated the reason why he is asking is when he is asked again he can lead them to the website to get the information.

Mr. Owers stated as soon he read the article he went to the GIS on the city's website to look at the tax map.

Ellen Kenney, member of the public, stated this meeting was brought to her attention by the letter in the Concord Monitor from Carol Breault. Ms. Kenney is concerned about the habitat loss above the Merrimack. Ms. Kenney only read the letter and asked if it is truly 50 feet from the river that they are talking about building?

Ms. Skinner provided information for Ms. Kenney, noting that there is no application for development and there is nothing pending.

Ms. Kenney stated this is all being spoken of as though it is going to happen.

Ms. Skinner stated again that there are no pending applications. Ms. Skinner noted the individual who wrote the letter has been advised of that no less than six times in the last three weeks. The property is zoned industrial and housing is not an allowed use in the industrial zone. Ms. Skinner stated before any applications can be submitted for a major site plan or major subdivision that one of two things must

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occur: 1) an application must be submitted to the zoning board of adjustment for a variance in use, and the zoning board of adjustment would then need to approve the variance request; or, 2) the property owner needs to submit an application to City Council to change the zone of the property, and the City Council would then need to approve the zone change. Once either action occurs, then the developer can develop a plan for housing if one of those two actions are approved. At that point, then, the developer would submit their application for major site plan and major subdivision.

Mr. Chormann asked if both of those are subject to public hearings?

Chair Tardiff stated yes.

Mr. Owers stated he was not even sure if the Monitor was selling the property.

Ms. Skinner stated the property is privately owned and not in the open space plan. It does not have any conservation easements on it.

Ms. Skinner stated the property is in a shoreline protection zone, and the zoning ordinance has protections for the shoreline. There are two buffers: one is 75 feet and the other is 150 feet. There cannot be any development that takes place in either of those buffers.

Ms. Owers stated there is also a bluff ordinance that requires a setback from the bluffs. Mr. Owers stated it would be a tough site to develop.

Chair Tardiff stated if someone went through all those steps, it was rezoned, and someone came forward with an application to develop housing and to the extent they are near the bluff, that would come to Conservation Commission for review and comment. Any development along the Merrimack needs to protect the water resources.

Ms. Kenny thanked the Conservation Commission for the explanation and found it to be helpful.

7. Non-public session for the discussion of the acquisition of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community in accordance with RSA 91-A:3, II(d).

The non-public session was entered into at 7:55 p.m. At 8:23 p.m. the non-public session ended and the Commission entered into public session. Mr. Owers moved, seconded by Mr. Chormann, to accept the proposed changes to the trail agreement discussed during the non-public session. All in favor. The motion passed unanimously.

Mr. Owers moved, seconded by Mr. Chormann, to seal the minutes of the non-public session.

**Adjournment**

Mr. Chormann moved, seconded by Mr. Owers, to adjourn the meeting at 8:24 p.m. All in favor. The motion passed unanimously.

Respectfully Submitted,

*Krista Tremblay*

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Krista Tremblay  
Administrative Specialist II