

CONCORD CONSERVATION COMMISSION  
REGULAR MEETING  
MINUTES  
January 10, 2018, 7:00 p.m.  
Second Floor Conference Room, City Hall, 41 Green Street

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

**1. Minutes**

*December 13, 2017*

A motion was made by Mr. Lewis, and seconded by Mr. Owers, to approve the December 13, 2017, minutes, as written. The motion passed unanimously.

**2. NHDES Items**

**a. Hayner/Swanson, Inc., on behalf of the State of NH, requesting an expedited Wetlands Permit review for wetland impacts associated with the Archives Building addition at 71 S. Fruit Street**

David Goulet from the State of NH Public Works was present. Ms. Fenstermacher gave a brief overview of the wetlands permit filed for the proposed addition for the State of NH Archives Building and relocation of Industrial Drive. The permit is for a total wetland impact of 120 sf to replace the existing stormwater outlet and upgrade the drainage piping.

With no comments or concerns, Ms. Tardiff signed the permit.

**3. Sam Durfee, 2017 Easement Monitoring Update**

Mr. Durfee provided a report noting the easement monitoring that he completed over the summer and fall months. He reviewed the monitoring schedule including three new easements for monitoring this year. Mr. Durfee stated that there are some easement violation items that should be followed up from previous reports and he informed the Commission of new potential easement violations. Mr. Durfee stated that overall the forests are doing well. He added that there is funding available for additional work to continue in the spring if so desired by the Commission.

Additional discussion ensued as to the proper process of addressing violations and the possibility of establishing a policy and enforcement. Ms. Fenstermacher stated that there is funding in the budget to address these issues. Samples of form letters and policies used by other land trusts will be reviewed at the next meeting.

**4. Review and Approve FY2019 budget**

Ms. Fenstermacher provided an overview of the proposed FY2019 budget. A discussion was held regarding the Tree Planting Program. She requested that this line be increased utilizing funds available in the Urban Tree Trust Fund. She explained that this budget item was created to be used to replace select trees in downtown Concord, as determined necessary. She noted that the Urban Tree Trust Fund was created using donations, and that there may be opportunities to obtain additional funding through grants or donations to replenish or increase the fund for future years.

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Additional discussion ensued relative to the street tree program, the street tree subcommittee, and where trees could be planted. Ms. Fenstermacher explained that she will work with the arborist and General Services to determine proposed locations. It was suggested that the description be amended to state “*in Concord*” not just “*downtown Concord*”.

General discussion ensued as to the other accounts and budget items for the Commission. Ms. Fenstermacher explained that the yearly budget is created based on prior years.

Mr. Kane made a motion, second by Mr. Chormann, to increase the Tree Planting Program, line 11-50-41-305\_44300, from \$2,500 to \$10,000, with funds to be transferred from the Urban Tree Trust Fund.

A brief discussion was held regarding the bond. Ms. Fenstermacher stated that there is 2.56 million and the purpose is for the purchasing of conservation land.

Mr. Kane made a motion, second by Mr. Lewis, to approve the budget, as amended.

**5. Jim Kennedy, City Solicitor, Discussions for the Acquisition of Conservation Property**

Mr. Kennedy provided an overview of RSA 91-A:3,II.

Mr. Kane made a motion, second by Mr. Lewis, to enter into a non-public session, per RSA 91-A:3,II(1). The motion passed by a unanimous vote at 8:12 p.m.

Mr. Kane made a motion, second by Mr. Owers, to come out of non-public session at 8:41 p.m. The motion passed unanimously.

Mr. Owers made a motion, second by Mr. Chormann, to seal the minutes of the non-public session, per RSA 91-A:5, IV. The motion passed unanimously.

**6. Reports**

*a. Trails Subcommittee – Structure*

Ms. Fenstermacher provided an overview of the Trails Committee meeting. She mentioned that the monthly hikes are continuing through the winter and reminded the Commission of the Concord Public Library and Trails Committee hike next month that coincides with the Concord Reads program.

Mr. Owers spoke to *unauthorized construction of trails in the Winant Park area*, damage to private property, and trespassing. He reported that he did contact a property owner who was receptive to a walk of the property boundary with Mr. Klemarczyk. Additional discussion ensued regarding the rogue construction and use of trails and the overall impacts these rogue trails have. Mr. Owers indicated that he provided a sample trail easement to the property owner, and stated that we should propose a location for the trail easement. Mr. Owers offered to attend the next trails sub-committee meeting to engage the sub-committee to determine the best location for an official trail to propose to the property owner, to work on

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education outreach, and to discuss a plan for closing off unsanctioned trails. The Commission supported Mr. Owers attending the next trails meeting to address this issue.

Ms. Fenstermacher stated that the Trails Sub-Committee is working on the criteria for new trails and will present the criteria to the Conservation Commission for approval when it is completed.

Ms. Fenstermacher reminded the Commission of the work session to address the structure of the Trails Sub-Committee and the Street Tree Committee, Tuesday, January 16, 4 p.m.

A discussion was held regarding the program Leave No Trace. Members expressed interest in a presentation from Bob Holdsworth relative to the 7 Principles of Land Use and partnering with Leave No Trace for training.

*b. Upper Merrimack River Local Advisory Committee*

Mr. Chormann stated that the Bug Nights are returning.

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

*d. Forestry* - A copy of the monthly forestry report was distributed for review.

A discussion was held regarding the 2009 forest management plan and plans to work with Mr. Klemarczyk to determine if any of the management plan needs to be updated.

*e. Street Trees* – previously addressed

**7. City Open Space**

*a. Horne Property, Reserve Place*

Ms. Fenstermacher stated that the acceptance of the donation of the Horne property was approved by City Council Monday night. At this time, the deed needs to be signed by the property owner and returned to the City.

**8. City Council/Planning Board**

*a. Form-Base Code Update*

Ms. Fenstermacher provided an overview and explained the upcoming schedule for the Form Base Code (FBC). She explained that the FBC is a two year process for redoing the entire City zoning ordinance that will redistrict the City.

*b. Cluster Ordinance Update*

Ms. Fenstermacher stated that a work session will be scheduled to discuss the potential of rewriting or removing the cluster ordinance requirement.

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*c. Other*

*Open Space Plan*

Ms. Tardiff stated that she and Ms. Fenstermacher met with the Fiscal Policy Advisory Commission (FPAC) December 18, 2017 and presented the preface developed for the Open Space Plan with hopes that it would address concerns expressed from the November FPAC meeting. Additionally, the report was re-named and the recommendations section language was revised to clarify that new recommendations were made by the consultant for potential future action. The revised plan will now be presented to City Council.

Councilor Coen provided a nice accolade to the Commission for their continued work on projects, saving land and funds, and the knowledge that the members bring to the City. Their work is appreciated by City Council and they will continue to receive support of Council.

*Land off Antrim Avenue*

Councilor Coen questioned whether this property would be of interest to the Commission. Ms. Fenstermacher stated that this item was a prior City Council referral where the applicant was requesting to waive the provisions of prior covenants to prohibit certain uses.

General discussion was held regarding the area and topography. It was noted that the property may be a habitat for the Karner Blue Butterfly. The Commission was receptive to looking further into the property.

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

*a. Conservation Easement Standard Templates: Agriculture/Forestry, Riparian/Wildlife, and SPNHF revised*

This item was continued to next month.

**10. Other Business**

*a. West Portsmouth Street – Solar Array Project*

Ms. Fenstermacher reported that the Brochu Nursery is moving forward with a solar array project and had filed for a variance to allow for the use. The proposal is to cover 54 acres of the lot with solar panels, representing 79% of the lot; 27 % of the lot would be considered impervious. A discussion was held regarding the type of land that is suitable for this type of proposal and other items and potential impacts that could occur on the property if it were sold. The Commission had concerns that the proposal would impact the rural character of the neighborhood, and that considerations for additional buffering should be included in the design. The Commission felt that any comments they have would be through the Planning Board process and did not want to submit comments regarding the proposed variance to the ZBA at this time.

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*b. Walkers Reserve*

Ms. Fenstermacher explained that she received a request from the property owner to remove some hazard trees within the easement and also to harvest trees in the easement as well. The easement was reviewed and states that there is to be no commercial forestry allowed in the easement area; therefore, the Commission did not support the request.

*c. Pan Am Property Trail Easements*

Ms. Fenstermacher updated that she and Mr. Blagden are still working on the license agreement for the segment of the proposed rail trail between Fisherville Road and Carter Hill Road that crosses over City property. She indicated that she will reach out to the Lassondes to notify them that a trail will be constructed in accordance with the existing trail easement.

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

Mr. Kane made a motion, second by Ms. Healy, 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 10:17 p.m.

Mr. Kane made a motion, second by Mr. Owers, to come out of non-public session at 10:27 p.m. With a roll call vote, the motion passed unanimously.

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

Mr. Chormann made a motion, second by Mr. Owers, to begin the process for a title search to be performed for the Chesley property. The motion passed unanimously.

**There being no further business, Mr. Owers made a motion, second by Ms. Healy to adjourn. The motion passed unanimously at 10:29 p.m.**

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist