

CONCORD CONSERVATION COMMISSION
REGULAR MEETING
MINUTES - DRAFT
May 9, 2018, 7:00 p.m.
Second Floor Conference Room, City Hall, 41 Green Street

Members present at the meeting included: Kris Tardiff (Chair), Jim Owers (Vice Chair), Councilor Mark Coen, Kathy Healy, Tracey Boisvert, and Rick Chormann. Assistant City Planner Beth Fenstermacher and Administrative Specialist Lisa Fellows-Weaver were also present. Alternate Jan McClure arrived later in the meeting.

1. Minutes

April 11, 2018

A motion was made by Ms. Healy, and seconded by Councilor Coen, to approve the April 11, 2018, minutes, as written. The motion passed unanimously.

2. *Presentation by Rob Knight, Trails Subcommittee Chair, proposed new trails procedure and criteria checklists.*

Rob Knight, Trails Subcommittee Chairman, met with the Commission regarding a proposal for procedures to approve new trails and a criteria checklist.

The procedures were reviewed and were well received by the Commission. One suggestion was to amend item 10 relative to the need for a public hearing being held. The criteria checklist was also well received. Members felt that this set of documents was a great idea and will be a useful tool and the checklist encompasses all of the issues that have recently come up. Ms. Boisvert stated that the checklist should be utilized for any and all projects.

Ms. Tardiff stated that the Commission will address these items next month to allow time for members to compare the procedure with the newly revised open space plan.

Mr. Knight thanked the Commission for their support of the trails committee. Ms. Tardiff thanked all of the volunteers for their efforts with the City trails.

3. *Meisner Brem Corporation on behalf of James Carroll Revocable Trust, requesting Major Subdivision approval for a five lot cluster subdivision for property off of Carter Hill Road in the Residential Open Space (RO) District. MBL: 37Z/56*

Ms. Fenstermacher explained that the proposal is for a five lot cluster subdivision, with 8 acres of open space to be placed under a conservation easement on Carter Hill Road in the Open Space Residential (RO) District. Ms. Fenstermacher stated that there will be three driveways, two will be shared. She added that while the frontage lots are not ideal, the design proposed meets the zoning requirements.

The Conservation Commission reviewed the plan set and supported the reduction in the number of driveway cuts. There was some concern with the proposed layout and the house lots along the frontage and whether the layout is consistent with the intent of the Master Plan for preserving the rural character of the district. The Commission also discussed the vegetative buffer along the road and recommended that this buffer be preserved.

In addition, the Commission has concerns about the future maintenance of the rain gardens. Should the gardens not be maintained as designed, or are not sized appropriately for a large rain event, there is the potential for overflow that will flush sediment into the existing wetlands, potentially causing erosion and impacting quality of the natural resource. The Commission recommended a requirement for the maintenance and monitoring of the stormwater treatment system.

The Commission agreed to suggest that restrictions be considered in the conservation easement to protect the natural areas to the greatest extent possible, so that property owners do not build structures of any

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kind, or use the land in any way that would cause additional erosion or impacts to the wetlands and wetland buffers.

4. NHDES items

a. West End Farm Trail Minimum Impact Wetlands Permit for Culvert Installation

Ms. Fenstermacher explained that as a follow up to last month's discussion regarding the improvements to the West End Farm Trail through the wetland area on the Bunten Lot, she is working on the permit for culvert installation and upgrades. Upon receipt of the Natural Heritage Bureau review, she will submit the permit application to DES.

With no further discussion, Mr. Owers made a motion, second by Mr. Chormann, to authorize the chair to sign the Minimum Impact Wetlands Permit Application for West End Farm Trail. The motion passed unanimously.

5. Reports

a. Trails Subcommittee – discuss structure

Ms. Tardiff provided the Commission with a draft of the Trails Subcommittee proposed structure. A discussion was held regarding the use of personal equipment. Members suggested amending "chainsaws" to "mechanized equipment". With no further discussion, Mr. Owers made a motion, second by Mr. Chormann, to adopt the Trails Subcommittee Structure, as amended. The motion passed unanimously. In terms of members, it was agreed that the Trails Subcommittee will consist of seven active members, and alternate members with alternating terms. Ms. Tardiff will present a proposal for term membership rotation at the meeting next month.

Merrimack River Greenway Trail

A discussion was held regarding closing the Merrimack River Trail, off of Loudon Road, due to the homeless camps that cause a safety concern for trail users. The Commission agreed that it was not appropriate to close the trail. Members of the Friends of the Merrimack River Greenway Trails should be approached to steward the trail. A suggestion was made to add no camping signs in this area. Ms. Fenstermacher will discuss this idea with administration.

New England Mountain Bike Trail

Mr. Owers stated that the markers have been added for the proposed mountain bike trail alignment at Broken Ground and he will be presenting this before the Trails Subcommittee next month.

b. Upper Merrimack River Local Advisory Committee

Mr. Chormann stated that the bug night sessions were successful and have ended. Basket season is now approaching.

c. Contoocook and North Branch Rivers Local Advisory Committee – no update

d. Forestry – report and update on intern

Ms. Fenstermacher stated that the intern position has been filled and Mr. Devoid will begin in June. She stated that we will still be working with CNHRPC for easement monitoring.

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

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e. Street Trees

Ms. Fenstermacher stated that the Arbor Day celebration went very well.

f. Current Use Quarterly Update Report and Financial Update

Ms. Fenstermacher provided the Commission with the current use report for the year. She stated that there is no money coming in.

Ms. Fenstermacher provided a summary of the budget to date. General discussion was held regarding the money remaining, how this compares to previous years where money is unused in the budget. Additional discussion was held regarding the bond payments and other upcoming projects for the rest of 2018.

6. City Open Space

a. Chesley and Lassonde properties on the May Council agenda, June public hearing

Ms. Fenstermacher reported that the Chesley and Lassonde properties are on the May Council agenda and the public hearings will be held in June. She stated that a site walk was held for the Chesley property and the process is moving forward to accept this land donation. The Lassonde property survey cost came in at \$9,800. Ms. Fenstermacher explained to the surveyor the funding available for the project and the surveyor offered to donate his time to complete the application. She stated that with the title work, the project should be less than the \$10,000 appropriated.

b. Richards Community Forest – Easement monitoring and encroachments

Ms. Fenstermacher updated the Commission regarding the issues and encroachments that continue to be a problem at the Richard's Community Forest. She stated that she walked the property with the City Surveyor and a representative from the Forest Society. She provided a copy of the report from the Forest Society, and stated that they observed evidence of trees being cleared on City property and construction trailers parked on the City's property as well as an abutting property; a bridge has been built to cross over a brook, a deer stand was observed, and there is evidence of ATV's being used on the property.

A discussion was held regarding the option to contact the City Solicitor to address these encroachments and for enforcement options. Ms. McClure stated that the Commission has a legal responsibility to address these matters. She suggested that building a fence on the City property may resolve some of the issues. Ms. McClure motioned to contact the City's legal department and for the authorization of funds to build a fence. No second was offered. The motion failed.

Mr. Owers made a motion, second by Ms. McClure, to contact the City Solicitor for the appropriate course of action the Commission should take including litigation, as necessary. The motion passed unanimously. Ms. McClure stated that the Commissions should still consider building a fence; future item for discussion.

c. Spears Park - abutting Horse Farm at 56 Sanborn Road

Ms. Fenstermacher reported that during the site walk with the Forest Society and City Surveyor, they observed sawdust from the farm being dumped into the brook on city-owned Spear's Park land. She added that the farm has constructed a fence on the property. The Commission agreed to send the property owner a letter requiring them to remove the sawdust and express concerns about water quality impacts, with a copy sent to NHDES.

7. City Council/Planning Board

a. Renewable Energy Policy - follow up

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Councilor Coen explained that he has had some continued discussions relating to the proposed resolution of adopting a goal of 100% renewable energy for the City by 2030 and the affects that this would have to every phase of City government. He mentioned that the public hearing has been scheduled for May 14 at the City Council meeting.

Ms. Tardiff presented her draft letter to City Council for review, which explained reasons why the Commission has chosen not to support the resolution, at this time; however, supports and recommends that a study be done of how the community can achieve renewable energy goals. A few edits were made to the letter.

Mr. Chormann made a motion, second by Ms. McClure, to approve the amendments to the letter and forward to City Council. Motion passed unanimously.

8. Follow-up/On-going Items:

a. ARM Grant – Country Hill Estates

Ms. Fenstermacher stated that the pre-application for the ARM Grant for Country Hill Estates has been submitted.

b. Easement enforcement policy discussion – continued to future meeting

c. Conservation Easement Standard Templates – continued to future meeting

9. Other Business

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 Mr. Chormann, 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 9:30 p.m.

Ms. McClure left at 9:33 p.m.

Mr. Owers made a motion, second by Ms. Boisvert, to come out of non-public session at 9:49 p.m. With a roll call vote, the motion passed unanimously.

Mr. Chormann made a motion, second by Mr. Owers, to seal the minutes of the non-public session. The motion passed unanimously.

Ms. Boisvert made a motion, second by Mr. Owers, approve up to \$13,400 for the Martin property, with the condition that all of the 2017 taxes are paid immediately and the taxes for 2018 are to be paid at the time of closing, and there is to be no timber harvesting done on the property. The motion passed unanimously.

There being no further business, Mr. Owers made a motion, second by Mr. Chormann, to adjourn. The motion passed unanimously at 9:51 p.m.

Respectfully submitted,
Lisa Fellows-Weaver
Administrative Specialist

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