

CONCORD CONSERVATION COMMISSION

MEETING MINUTES

August 13, 2025, 7:00 p.m.

Council Chambers, 37 Green St

Attendees: Rick Chormann, Mark Coen, Katherine Healy, Councilor Michele Horne, Emily Landry, Vice-Chair Jeff Lewis, Alternate Jim Owers, Kevin Porter, and Chair Kristine Tardiff

Absent: Tracey Lesser

Staff: AnneMarie Skinner, City Planner
Kearsten O'Brien, Senior Planner
Krista Tremblay, Administrative Technician III

Public: Mark West
Ryan Taber
Donald Ross (85 District Five Rd, Concord)
Rebecca Ross (85 District Five Rd, Concord)

1. Call to Order

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

2. Minutes – Approve meeting minutes from meeting on July 9, 2025, and August 4, 2025

Vice-Chair Lewis moved, Member Coen seconded, to approve the July 9, 2025, minutes with a change to one sentence based on the recording. All in favor. The motion passed. Alternate Owers abstained.

Member Chormann moved, Vice-Chair Lewis seconded, to approve the August 4, 2025, minutes as written. All in favor. The motion passed. Alternate Owers abstained.

Katherine Healy arrived at 7:04 p.m.

3. **Public Hearing** regarding acceptance of a donation of land identified as Tax Map Lot 67Z 24, located approximately 1,700 feet west of Long Pond Rd and 2,500 feet north of Currier Rd, owned by Joline B. Kimball and Carroll A. Kimball Estate.

Alternate Owers stated the property is directly adjacent to the Swope Park on the west side. It is near the blue trail. It is not in the Penacook reservoir. It is a mixed hard wood and soft wood forest. There is one old road that went through the site that is still used occasionally by the public. There is no official trail there. This is a gift from Joline Kimball, who would like the city to maintain the property. There will be deed restrictions and the Conservation Commission will be responsible. The only burden on the city will be to look at property for the annual review.

Member Healy asked about the deed restrictions.

Alternate Owers read the deed restrictions out loud. The property will be maintained as open space, the property is undeveloped in forested condition which includes forest management, the use of motorized vehicles except for power driven mobility devices used by the American Disabilities Act will not be

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allowed, no structures or other man-made improvements allowed except as might be necessary for the management of the property and the gift given by the family to augment the Margorie Swope Park.

Chair Tardiff asked if it is contiguous with the land.

Alternate Owers stated it is contiguous.

Chair Tardiff opened the public hearing for public testimony, and with no response, closed the public hearing.

Member Landry asked if the city with management of the Conservation Commission will be included in the deed.

Chair Tardiff answered that is a good question and the City Solicitor will determine how that is worded.

Vice-Chair Lewis asked if this is in a conservation focus area.

Ms. O'Brien answered yes.

Chair Tardiff stated it is a part of the Currier Road focus area and a part of Jerry Hill.

Vice-Chair Lewis stated for the record this is a part of the conservation focus area.

Chair Tardiff stated it is in the Jerry Hill conservation focus area.

Councilor Horne asked if the Conservation Commission will use for more trails.

Chair Tardiff stated that is yet to be determined.

Alternate Owers made motion for the city to accept the donation of the land with the proposed deed restrictions as outlined by the City Solicitor. Mr. Coen seconded. All in favor. The motion passed unanimously.

4. New Business

a. Conditional Use Permit Unaddressed Sewalls Fall Rd (2025-091)

Ryan Taber and Mark West are present to represent this application. Mr. West stated he did not delineate the wetlands on this property; rather, Nancy Rendell performed the delineation in April of 2024.

Mr. Taber noted there is a power line easement on one side and the other side has the railroad tracks.

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Mr. West noted there are isolated wetlands and a gentle slope. Mr. West stated these are poorly drained forested wetlands. The site has a mix of hemlock and oak. The wetland on the left is isolated and because of its location with the driveway you have to pass through 1,054 square feet of buffer zone impact for placement of the edge of the driveway and the grading of the driveway.

Mr. Taber stated both a driveway and underground utilities will be installed.

Mr. West stated it will be a small duplex and will be outside of the buffer. It slopes below to the parking lot where the rail trail people go. Mr. West stated it is not a vernal pool. It is isolated.

Vice-Chair Lewis asked if this a conditional use permit that will go to the Planning Board.

Ms. Skinner answered yes.

Vice-Chair Lewis stated he has no concerns with the driveway. Vice-Chair Lewis commented that he would prefer for them to show a buffer impact for the house that is being built within two feet of a wetland buffer and five feet on the other side. Vice-Chair Lewis would support a buffer impact for a yard that is reasonable.

Mr. Taber stated he can revise the plan accordingly.

Vice-Chair Lewis stated he is not recommending anything. Rather, he is simply noting what he has observed is that they will clear in the buffer to build the house and they are not asking for permission to do that right now. They will either do that after the fact or they need another conditional use permit. They could amend the application right now to include the impact for the house.

Ms. Skinner stated the staff report is done. If they want an amendment they will need to continue the application.

Mr. Taber does not want to continue the application for something that is so minimal. Mr. Taber stated they know there is a driveway buffer and they know there is a house buffer. Mr. Taber stated it can be marked on the plans.

Chair Tardiff stated the role of the Conservation Commission is to look at the wetlands impacts. There are wetlands impact for the driveway indicated. When you look at this it suggests that there will not be any impacts for the construction of the home on the rest of the wetlands buffer. Chair Tardiff stated they are speaking from experience that the wetland buffer will be marked. Chair Tardiff noted when the units are sold or leased out as a practical matter they do see property owners encroaching on the wetland buffer by creating a larger yard. That becomes an

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issue down the road. It behooves the Conservation Commission to flag this that this conditional use permit as requested does not include permission to impact that buffer around the house.

Mr. Taber stated he cannot control what anyone does when the lot is sold.

Vice-Chair Lewis stated he is in favor of recommending that the Conservation Commission has no comments or concerns about what was presented today.

Vice-Chair Lewis made a motion that the Conservation Commission has no concerns with the application that was presented for the impacts to the wetland buffer by installing the driveway and underground utilities. Member Landry seconded. All in favor. The motion passed unanimously.

5. Reports

a. Trails Subcommittee – Jeff Lewis

- Vice-Chair Lewis stated Mr. Klemarczyk provided an update that he is beginning work on the Jim Hill River Walk next week. Mr. Klemarczyk will repair a bridge at Oak Hill next week. Mr. Klemarczyk stated the wetlands permit application for the West End Farm Trail has been submitted and has received some comments back. Vice-Chair Lewis stated Mr. Klemarczyk is getting ready to start the Richards Trail next week.
- Vice-Chair Lewis stated Mr. Matson gave his update. Vice-Chair Lewis stated Mr. Matson asked a question to the Conservation Commission about the sign for the heritage trail from East Concord towards Locke Rd. Mr. Matson questioned if they should come down or what is the process. Vice-Chair Lewis suggested the Conservation Commission have a conversation about the heritage trail signs.

Chair Tardiff noted it is a state trail designation and to contact the state.

- Vice-Chair Lewis stated they went through the criteria for the West End Farm Trail and presented to the Trails Subcommittee. Vice-Chair Lewis stated the Trails Subcommittee voted and would like the Conservation Commission to go proceed to a public hearing.

Alternate Owers made a motion to proceed to a public hearing on September 10, 2025.

Discussion

Vice-Chair Lewis stated a public hearing would be warranted to discuss deer habitat and hunting stands to get feedback from hunters. Vice-Chair Lewis stated there is a wetlands permit application that has been submitted, and the permit should be issued by the time of the public hearing.

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Chair Tardiff stated there is a motion to hold a public hearing on September 10, 2025.

Member Landry seconded. All in favor. The motion passed unanimously.

- Vice-Chair Lewis provided an update on the Richards Trail and once it is built the Trails Subcommittee will need to start working on the map and signage.
- Vice-Chair Lewis noted they have been working on reviewing the Concord trail maps.

b. Forestry

Chair Tardiff noted there was a separate report for forestry that was sent out.

c. Tree Subcommittee update – Rick Chormann

Member Chormann was not present at the meeting, but the minutes are attached to the agenda.

d. Local River Advisory Committees

There was nothing to discuss on this agenda item.

e. New Hampshire Department of Environmental Services

There was nothing to discuss on this agenda item.

f. City Open Space and Easements

There was nothing to discuss on this agenda item.

g. City Council/Planning Board

Councilor Horne stated City Council authorized the City Manager to enter in a purchase and sales with CSX for the rail trail in Concord to Boscawen. Councilor Horne noted the state has right of refusal. Hopefully they will be starting the next phase.

Chair Tardiff noted when this started Pan Am owned it and they sold to CSX. Chair Tardiff stated part of the purchase price is coming from the conservation fund.

Ms. Skinner has nothing to report for Planning Board.

6. Old Business

a. Spears Loop Trail follow-up discussion

Vice-Chair Lewis stated Mr. Klemarczyk is starting next week on the trail.

Ms. O'Brien will add to the agenda for next month's Trails Subcommittee for an update.

b. 16-foot easement trail follow-up discussion

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Ms. Obrien stated the wetlands permit application has been submitted.

Alternate Owners asked if there is any other action that needs to be taken.

Chair Tardiff stated Mr. and Mrs. Ross are here and want to provide comments. Chair Tardiff asked for Mr. and Mrs. Ross to speak.

Mrs. Ross stated they have a proposal for resolution to put an end to the issue of the non-easement land. Mrs. Ross noted this is an opportunity for them to work together to come to a reasonable resolution and open the door for further collaboration on other trails on the easement land in the future. Mrs. Ross stated they have provided prior proposals. The response to the last one was that the Conservation Commission was not interested in the proposal. Mrs. Ross hopes what they are offering today is a starting point with further dialogue and if it not palatable rather than just ending the conversation to have further discussion. Mrs. Ross is looking for a resolution or settlement that includes a waiver that any and all claims regarding the authorized location of the trail and the public invitation to use a trail or the advertising of the trail on the Ross' land without permission including but not limited to any claims related to that going back to when they took ownership. Mrs. Ross stated they would be willing to convey a recreational easement for the 16 feet, their half of the traveled way, knowing it would be nearly impossible to stop the use of it without re-routing the entire trail. Mrs. Ross noted that would be looking at the area where it starts on the southern boundary of the Ross' land on that discontinued portion of Dimond Rd and extending to where the trail takes that abrupt turn onto the city's land. Mrs. Ross stated maintaining the trail as it is without having to consider additional wetlands construction bringing in fill. The easement would cover the part that is currently being used as a trail already.

Mr. Ross pointed out their property and location of the easement.

Mrs. Ross noted unlike the current easement on some of their other land they would include in the recreational easement: hiking, cross country skiing, snowshoeing, mountain biking, and horseback riding. Mrs. Ross stated they would be looking for a land swap with the four-acre triangle parcel. Mrs. Ross would like for that parcel to be added their continuous acreage next door. Mrs. Ross stated if that were to happen that easement they would convey for their other property would carry through that part as well. Mrs. Ross noted if that were a possibility they would work with the city to place in current use immediately with their continuous land assuming it meets retaining the same ownership and everything else but not conveying and then having to wait a year. Mrs. Ross stated they want to add it to rest of the Rossview Farm land that is next to it. Mrs. Ross noted in addition a suggestion that was offered to them was some cordwood from another logging operation. Mrs. Ross stated they would be looking for 60 cords of log length fire wood. Mrs. Ross noted they do sell fire wood and process it. Ms. Ross stated what is valuable about that to them as it has been discussed about the different diseases and invasives in the forests in Concord are escalating. Ms. Ross noted there are areas if they were not harvesting firewood would give the opportunity and capacity to do some forest

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management in some other areas to make sure the land could potentially be used for other trails continues to be healthy and they are good stewards of that land during the limited logging season based on weather over the last few years. Mrs. Ross noted one of the areas would be on that western border which potentially could be connected back into further West End Farm Trail development. Mrs. Ross stated if we resolve this we could be looking at the establishment of the trail on part of the western boundary. Ms. Ross noted that could save money and labor and not needing to install fencing in areas.

Mr. Ross asked if the Conservation Commission members have any questions to ask them in reference to the proposal.

Member Coen clarified the location and if the issues are along the trail itself.

Mr. Ross answered correct.

Member Coen asked if there should not be a conflict if that piece of property is deeded to Ross Farm.

Mr. Ross answered correct, what may have gotten left is that triangular piece of land. Mr. Ross stated what they might have left out is that if that triangle parcel is deeded to the Rosses in compensation, the city would maintain the recreational right-of-way on the 32 feet.

Member Coen stated his concern is over the years there has been conflict of trails that either abut your property or are on your property. The issue is the people using them are abusing the right-of-way and encroaching onto their property. Member Coen asked what changes because this will still be abutting the trail.

Mr. Ross stated the problem for them is not along this section of this triangle piece because they do not own it. Mr. Ross noted from the north of the triangle piece to the intersection where the trail leads to the discontinued Dimond Rd and heads east into the woods. Mr. Ross stated they own half of that road privately and it is not in an easement and there is no public access. Mr. Ross noted there is no way to monitor if the public stays only to the 16 feet of the east side of that road when they are recreating. Mr. Ross noted there is a good portion of the east part of that road where you cannot comfortably pass.

Member Coen stated he understands that and asked what is the difference if they have issues with people doing the same thing.

Mr. Ross stated they are offering recreational right-of-way. Mr. Ross noted the issue right now is whoever made the trail made it on private property without their permission and they are putting on public trail maps that say go ahead and use it. Mr. Ross stated they have raised this issue since they became the land owners.

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Member Coen stated he understands that. Member Coen noted he is looking at this and the practicality.

Mrs. Ross stated they are not opposed to trails on their land. Mrs. Ross noted they have some that function very well. Mrs. Ross stated they had some that invited conflict, challenges, and problems. Mrs. Ross stated they have resolved a lot of those with the city and the state. Mrs. Ross stated this is a type of trail that will thrive going forward and good use of land on the edge that does not conflict with or invite nuisances in other operations. Mrs. Ross noted they are okay with bikes and horses because it is well situated.

Mr. Ross stated the problem is where the West End Farm Trail was and it was contradictory to the terms of the easement. Mr. Ross noted the trail went through a cellar hole. Mr. Ross stated all of the historical value has been pillaged and taken from their farm. Mr. Ross stated the West End Farm Trail went through his active agricultural field with annual crops. That section of the trail was within 300 feet of a river. Mr. Ross stated the area they are discussing is the only area where they have had problems with people on the trail.

Member Coen asked what this resolves so there are not any issues with Rossview Farm.

Mr. Ross stated what it resolves is you will now have permission to go on their private property.

Member Landry asked where the trail used to be where people leaving that stretch to get to the hay field.

Mr. Ross answered no.

Mrs. Ross stated it is unrelated.

Mr. Ross stated the problem of this area is it is on private land without an easement

Member Coen asked to focus on the proposal of the land swap for an easement right.

Mrs. Ross stated this is fixing the city's problem of having a popular trail in an unauthorized manner.

Mr. Ross stated it eliminates any potential for future litigation. Mr. Ross asked if they dredge out one half of the road how are they going to keep people off their half of the road.

Member Coen asked how are they going to keep people off with the new acquisition of the property.

Mr. Ross stated they will give permission for the whole width of the road.

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Member Coen stated he understands that. Member Coen asked if he was out there with his buddies here is the width they have permission he looks back and his friends are 20 feet off. Member Coen noted they are still on their property and asked how do they keep them off.

Mr. Ross noted roads that old are called a two-rod road or a three-rod road. Mr. Ross stated a rod is 16.5 feet. Mr. Ross noted more than likely that was a two-rod road so it was 33 feet of right-of-way. Mr. Ross stated unless you are looking for mushrooms, deer, or leaves on trees most recreationalist whether on a horse, mountain bike, hike, snow shoes, or skis are going to stay within the 33 feet.

Mrs. Ross stated they have not had any issues in that area. Mrs. Ross noted they have 50 acres of privately-owned land right there that there has not been an issue traveling that way. Mrs. Ross does not anticipate any new issues.

Member Coen stated he is confused because of the other stuff that was brought up about cellar holes and that has nothing to do with this.

Mrs. Ross answered right.

Mr. Ross stated this does not go through his agricultural field and is an excellent place for positive recreation.

Member Landry stated the issue we are discussing is that this trail from the point of the triangle to the other point they had showed the property boundary is the center line of the road. Member Landry noted currently our trail has half of the trail way owned by the Rosses and half is owned by the city. Member Landry noted right now there is no legal trail easement along that path.

Chair Tardiff stated along half of the path.

Alternate Owers stated the city owns half of path.

Mr. Ross stated the city has a deeded right-of-way on the path.

Alternate Member Owers stated the city has a deeded right-of-way that is 16 feet wide.

Mr. Ross stated that is right.

Member Landry noted they cannot keep people on half of the trail.

Chair Tardiff stated the other proposal that has been discussed over a period of months which is improving the path on our side which is an alternative to alleviate the concerns about people wandering.

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Mrs. Ross does not have confidence that will stop people because there is a vehicle right-of-way through that to access their land.

Alternate Owers asked why they would go on their property. Alternate Owers stated they have 16 feet and why would they go on the Ross land. Alternate Owers stated the trail meanders around the center of the road and if you move the tread of the trail so it was entirely within the right-of-way why would there be a problem.

Member Healy stated she thought they said that this is a great place for a trail and there has not been nuisance encroachment and asked if they said that.

Mr. Ross stated it is a great place for a trail and it is not currently a trail without their permission because it goes on and off their property. Mr. Ross noted what they are trying to resolve is to let the city use their property with no hold up to the public and no future litigation. Mr. Ross stated to think about the money spent on surveying and research for dredging, and their proposal costs nothing.

Chair Tardiff stated she does not think they can say it is zero cost because they are proposing a land swap where the city conveys land to the Rosses that has value. Chair Tardiff asked if she understood their proposal plus 60 cords of log length firewood that will come from somewhere. Chair Tardiff noted that is a cost.

Chair Tardiff stated in terms of them having a proposal and a plan that has been discussed over the past months that does have a cost. Chair Tardiff noted this is an alternate proposal. Chair Tardiff stated they need to weigh the cost benefit value of each proposal.

Mr. Ross stated the triangle parcel the city received for free and there is no value to the city. Mr. Ross stated it is value to them to have a continuous piece. Mr. Ross noted the city would have from whatever the trail starts off Reserve Place would have a 32- or 33-foot recreational easement right-of-way all the way up until it goes on city land. Mr. Ross stated it would forever eliminate any potential judicial or legal conflict. Mr. Ross stated if you do not to do that and they spend the money dredging on half of the road believing everyone is going to stay on half of the road and ten years from now you are finding people on two-seater electric bicycles that are side by side. Mr. Ross stated two-seater electric bicycles do not fit there especially when two people are going in opposite directions. Mr. Ross stated then they are all of a sudden, they are back on Ross private property. Mr. Ross stated they are offering a forever long-term resolution. Mr. Ross noted in ten years they could be back here doing this again or somewhere else more expensive talking about how they will keep the public off the private land.

Alternate Owers asked about the 60 cords of wood they want is that something the city would harvest and give to the Rosses.

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Mr. Ross stated Mr. Klemarczyk's proposal offered 100 cord or something. Mr. Ross stated his parents told him not to give up land or rights of land without receiving some other land back. Mr. Ross stated if they are permanently forever giving up their private ownership of a section of their land for recreation for the rest of time, then they want a little bit of receipt in turn. Mr. Ross stated it is a really fair swap in his eyes. Mr. Ross stated what they are giving is forever and it will eliminate anything down the road.

Alternate Owners asked so no cash, give the four-acre parcel, and 60 cords of wood is that what they want.

Mr. Ross answered yes.

Alternate Owners asked what is the value of 60 cords of wood.

Mr. Ross stated he does not know and maybe Mr. Klemarczyk can answer. Mr. Ross noted he does not buy fire wood. Mr. Ross harvests the fire wood off his own property. Mr. Ross stated Mr. Klemarczyk probably sells it by the truck load with six or seven cords a truck load for \$600 or \$700.

Member Porter stated it would be \$50 dollars on the stump for a cord of firewood delivered maybe \$300 to \$400 depending on if it was seasoned.

Mr. Ross stated every winter he is on his skidder from January to March harvesting about 60 cord of fire wood. Mr. Ross noted if he does not have to do that one winter then he can harvest the area with the hemlock wooly adelgid that people want in Canada. Mr. Ross stated he does not have time to harvest them and it is high value right now. Mr. Ross noted coincidentally the area where there is prime hemlock stand is one of the areas people want to relocate the West End Farm Trail. Mr. Ross stated if he has the land and the logging aspect done he will have time. Mr. Ross stated he is in talks with Natural Resource Conservation Service. Mr. Ross noted NCRS work with land owners about doing a real hard hemlock harvest and coming back and replanting different native species. Mr. Ross noted it has to be five different things. Two has to be a berry and three other native hard or soft woods. Mr. Ross stated there is a great opportunity to do a project like that and have done for the establishment of the West End Farm Trail across their property.

Member Healy is confused on where this hemlock area is located.

Ms. Ross stated it is a different talk but if they can resolve this issue, then they can move forward with resolving other things. Mr. Ross noted to say we will not deal with you and we will dredge on the other side of the road. Then, ten years down the road they have public on their private property it is a problem. Mr. Ross stated they are looking for long-term resolutions.

Member Healy stated whether 16 feet or 33 feet, she is concerned about people on their property

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period.

Mrs. Ross stated they are not concerned.

Member Healy stated she thought they were.

Mrs. Ross thinks that is what has been mis-messed over the years. Mrs. Ross noted they are concerned about people doing what they are not supposed to be doing or damaging the property. Mrs. Ross stated what they want is a respectful relationship with the city and the public where they are all working from the same playbook and work together.

Member Landy asked if they are a fan of authorized trails.

Mrs. Ross answered yes, proper trails not people cutting their own loop. Not people using vehicles that are not supposed to use. Mrs. Ross noted they want to be good stewards of their land and have the right permissible access to maintain agriculture, forest and open space.

Member Coen appreciates their offer. Member Coen asked what is the cost of the land giving up and the other miscellaneous things. Member Coen thinks there needs to be a meeting to get the information so they understand what they are giving up.

Mr. Ross stated the triangle parcel was given for free.

Member Coen stated that does not matter.

Chair Tardiff stated it is a forested parcel so it has value.

Member Coen stated his proposal is they meet as a committee and have that information so they can balance out what it will be.

Member Landry stated the process of giving away a parcel of land for zero dollars what kind of time does that take and does their need to be multiple public hearings.

Chair Tardiff stated the Conservation Commission cannot decide and it would be a recommendation to City Council.

Mrs. Ross stated it is a negotiation in light of a threat of litigation which does open up different doors for negotiations.

Member Landry stated the next piece is the precedent that it sets for future trail easements. Member Landry asked if the Conservation Commission has done this before or not.

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Mrs. Ross stated they wanted to have a real conversation and they are not saying this is it take it or leave it and walking out of here. Mrs. Ross noted they were asked to put something together and would like to have a real conversation about a fair resolution.

Councilor Horne asked who owns the right of that triangle parcel.

Member Porter stated there is a flip side to the coin currently as the Conservation Commission takes on additional properties there is a loss of revenue from the property. Member Porter noted having the property under private ownership under a conservation easement generates property tax revenue and timber tax revenue. Member Porter stated that part of the equation that needs to be taken into consideration. Member Porter asked about the request for the city to maintain the recreational access.

Mr. Ross stated the full 32 or 33 feet and asked if understanding the question that the city will have recreation access.

Member Porter wants to make sure he is understanding the request that the Rosses would hold ownership and the city would be responsible for repairs and maintenance.

Mr. Ross stated if he goes out with his logging skidder then it is his job to fix it. Mr. Ross noted if 1000 mountain bikers goes through during mud season then that is the cities job to fix it.

Member Chormann wanted to make a point about the discussion of hemlock salvage in the West End Farm. Member Chormann stated that property was proposed to be a nature reserve. Member Chormann noted the Conservation Commission has not had a discussion if that is appropriate or not.

Mr. Ross stated he was talking about his own property.

Member Healy stated what she heard from the Rosses today is that people are letting their dogs on your land maybe because the trail is too close to their property.

Ms. Ross stated they have resolved those.

Mr. Ross stated that has been fixed.

Mrs. Ross noted they have worked on different issues along the way. Mrs. Ross stated this is the one thorn that they have not been able to work through.

Member Healy asked are there trails currently that have an easement that people using the trails are being objectional to the Rosses.

Ms. Ross stated it is a bike here and there.

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Mr. Ross stated where these problems were at this one section of the West End Farm Trail was like 4500 feet of a very long section that went by his septic tank, through his sugar orchard, through a foundation of an old historical house, near water fowl growth, through his field and on his access road to a field. Mr. Ross stated when he is actively farming, people are on bikes in his field and a dog off leash Mr. Ross noted he will not greet them with hugs and kisses.

Member Healy asked if that has been resolved.

Mr. and Mrs. Ross both answered yes. Mr. Ross stated there was a group that mapped out a new route and built together.

Member Healy stated hopefully we can all let all that go. Member Healy noted she did not realize that was all in the past and they do not need to worry about it anymore.

Mr. Ross stated that's what we were hoping.

Mrs. Ross stated let's all work together.

Chair Tardiff stated it is context for everyone. Chair Tardiff noted there will be future discussions on trails in this area. It is a popular area and they have a business.

Mrs. Ross asked to clarify the reason for the disconnection to the District Five Rd being terminated was not the Rosses. It was a separate land owner who also had a trail on his land without permission. Mrs. Ross noted those two get mixed up regularly.

Mr. Ross stated there was a private land owner that owns 120 to 130 feet between Ross land and District Five Rd. Mr. Ross noted the city had the West End Farm Trail over that property. When that property owner died the permission died. It was not a long-term deed.

Chair Tardiff stated the Conservation Commission had a license that can be revoked and it was revoked. Chair Tardiff noted the Conservation Commission has the proposal for the 16-foot segment.

Vice-Chair Lewis asked for clarification about the tax rolls and it mentions conservation restrictions. Vice-Chair Lewis asked if they are proposing any conservation restrictions if they give the four-acre parcel.

Mr. Ross answered hopefully not. Mr. Ross noted he is not looking to build houses. Mr. Ross stated the conservation restriction would be on part of that property that is on the discontinued road. Mr. Ross stated the city would not turn over any of their right of way recreationally or self culturally or whatever they need to get up that road. If the property was turned over they would retain all recreational rights to it.

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Vice-Chair Lewis asked if there would be any conservation restrictions on the property itself.

Member Healy stated they did talk about putting it into current use.

Ms. O'Brien asked if you would leave it as a separate parcel or merge it to be all one parcel.

Mr. Ross stated there is a 49.5 acre parcel they own that is not a part of the conservation easement. Mr. Ross stated he does not think they would pay the money to have it combined. However, they would have to remain continuous to qualify for current use.

Ms. O'Brien stated they would need at least eleven acres of continuous ownership and continuous qualifying current use. Ms. O'Brien noted that would be the city accessor to decide current use.

Mrs. Ross stated they have other similar parcels that make up their larger one.

Ms. O'Brien asked if they would keep that in its form as it exists today.

Mrs. Ross stated they would not be looking to pay to do any extra steps.

Member Porter stated if someone donated the land to the city it might be required to stay in conservation. Member Porter noted if the city paid for it at market value that might be a different story. Member Porter stated they need to do some research.

Mrs. Ross stated this is their proposal and the Conservation Commission know more about their acquisitions and willing to have any of those conservations.

Ms. Skinner stated the four acres parcel has a perpetual easement where it cannot be used for anything.

The Rosses stated that is not a deal breaker.

Alternate Owners asked why do they want it.

Mr. Ross replied why not.

Alternate Member Owners asked what value does it have to you.

Mr. Ross replied timber and access to his land.

Mrs. Ross stated they are looking for resolutions and this is one that is palatable to them.

CONCORD CONSERVATION COMMISSION

MEETING MINUTES

August 13, 2025, 7:00 p.m.

Council Chambers, 37 Green St

Alternate Owers stated this would be the widest trail the Conservation Commission has ever had in the city at 32 feet wide. Alternate Owers stated the Conservation Commission has 16 feet now and the Rosses are telling the Conservation Commission that they need 32 feet.

Mr. Ross stated he is telling the Conservation Commission that you will not be able to keep people just on the 16-foot side.

Alternate Owers stated let's say they go onto this additional 16 feet on their side what is to stop them from going onto this other parcel.

Mrs. Ross stated he is looking at the hypothetical and let's bring the hypothetical back to the reality of what is happening today is that the trail is located on their land and people are using it daily. Mrs. Ross noted they are not seeing them use the land on either side. Mrs. Ross stated she thinks the traveled way will remain the traveled way.

Member Coen stated he appreciates everything they have said and we can go on forever. Member Coen understands what the Conservation Commission needs to do.

Chair Tardiff stated the Conservation Commission needs to step back, look at terms of the acquisition, and the value of the property. Chair Tardiff noted even when the Conservation Commission acquires property there is a market value. Chair Tardiff stated if the city is giving something up in an exchange situation the Conservation Commission needs to look at value received versus value given in an exchange.

Mr. Ross stated the potential value.

Chair Tardiff replied yes, that is information the Conservation Commission has to gather. Chair Tardiff noted there is also a separate plan in motion which is improving the trail bypass to make sure it is in the city's 16 feet. Chair Tardiff noted that is still going on and they are waiting on a permit for the wetlands. Chair Tardiff noted they will work with staff to get the value and have the Conservation Commission have another discussion about the alternative proposal.

Vice-Chair Lewis stated the West End Farm Trail has a scheduled public hearing for next month and it is separate from this process right now. Vice-Chair Lewis noted these are two separate things. Vice-Chair Lewis stated what they are offering is to relook at the West End Farm Trail.

Mr. Ross stated as part of our discussion on this perhaps it might be a valuable idea to put the public hearing of the West End Farm Trail off another month because if there is potential of us resolving this then it opens up a potential of quickly forming the West End Farm Trail on the Ross land near some existing paths. Mr. Ross stated that would be the path of least resistance for everybody.

CONCORD CONSERVATION COMMISSION

MEETING MINUTES

August 13, 2025, 7:00 p.m.

Council Chambers, 37 Green St

Vice-Chair Lewis stated the public hearing can happen because there might not be a decision made next month.

Chair Tardiff stated there has been a lot of work that went into this already in getting permission to go across private property. Chair Tardiff stated they should go forward with the public hearing because that has been going on for some time. Chair Tardiff noted the Conservation Commission does not have to make a decision.

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 Conservation Commission voted to enter the non-public session at 8:45 p.m.

The Conservation Commission voted to exit the non-public session at 9:30 p.m.

Vice-Chair Lewis made a motion to seal the non-public meeting minutes. Alternate Owers seconded. Roll call vote 8 in favor (Chormann, Coen, Healy, Landry, Lewis, Owers, Porter, and Tardiff) to 0 opposed. The motion passed unanimously.

8. Staff updates on items

Ms. O'Brien stated Londonderry High School wants to do a 2026 rocket challenge at the West Locke Road by the cell phone tower.

Chair Tardiff stated the Conservation Commission needs a little more information and asked for someone to attend next month's meeting.

Ms. O'Brien will contact the person making the request and ask to attend the meeting next month to discuss before the Conservation Commission decides.

Adjournment

Member Chormann moved, seconded by Vice-Chair Lewis, to adjourn the meeting at 9:31 p.m. All in favor. Motion passed unanimously.

Respectfully Submitted,

Krista Tremblay

Krista Tremblay

Administrative Technician III