

CONCORD CONSERVATION COMMISSION

REGULAR MEETING

MINUTES

March 9, 2022, 7:00 PM

Council Chambers, 37 Green Street

Attendees: Chair Kristine Tardiff, Councilor Stacey Brown, Members Chris Kane, Jeff Lewis, Alternate Emily Landry.

Absent: Vice-Chair Jim Owers, Rick Chormann, and Kathy Healy

Staff: Beth Fenstermacher, Assistant City Planner

Public: Rebecca Ross, Allison McGregor

Non-meeting Notes

A quorum was not present until 8:05 pm. Prior to the call to order at 8:05, members present listened to the following items, no decisions were made.

1. Presentation from Eversource regarding the Concord to Bow (P145) Line Rebuild Project

Sarah Hoodlet and Ashley Ruprecht from Eversource presented the proposed project to the Commission. Several other members of the Eversource and Stantec team were in the audience and available for questions. Ms. Hoodlet indicated that the purpose of the project is to replace older, degrading wooden structures with new weathering steel structures; install a new conductor and a new optical ground wire; build to present-day electrical safety standards and code; and provide a safer, more resilient and more reliable electric supply. She provided a PowerPoint presentation with additional details.

The Commission asked at what point in the process restoration will occur. Ms. Hoodlet stated that it usually occurs towards the end, but if it can be done earlier, it will be.

Ms. Ruprecht summarized the permitting process, indicating that the wetlands and vernal pool delineations were completed in 2021. City Conditional Use Permits and State AoT permit will be required. Due to the nature of the project as temporary impacts to wetlands, they will file a Permit by Notification to DES. Other permits relate to water body crossings, ACOE general construction permit, EPA general construction, and they will be working with FAA regarding the structure heights. Stantec will be doing construction oversight.

Ms. Hoodlet explained that there will be an Outreach Coordinator assigned to this project for before and during construction. There is a project website that the public can visit for project information and Outreach Coordinator contact information. There will also be a 24/7 hotline.

Mr. Kane asked about the fiber line. Ms. Hoodlet explained this is for communication between substations, not for public use.

Members asked why the increase in height of the poles. Ms. Hoodlet explained that the average increase in height of the structures will be 12 feet, and the purpose of the increase is for safety clearances, and to accommodate the shield wire (lightning protection) above the electric line, where previously it was below which is not ideal.

Ms. Tardiff stated that the Commission spoke against the Northern Pass project, and height was one of the concerns; she asked how this compares? Ms. Hoodlet stated that the average height of the new poles will be approximately 65', where the Northern Pass poles were greater than 80 ft. The current project is more of a maintenance project – very different than the Northern Pass project. Ms. Tardiff asked if they did a visual impact assessment, Ms. Hoodlet stated that they did not for this project, but the poles are not moving around, they will be in the same locations and not expanding towards the limits of the right of

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way. Councilor Brown asked for examples of existing poles at this height? Ms. Hoodlet stated that the poles near the Shaw's are similar.

Ms. Hoodlet explained that no additional clearing is proposed; it will be within 15' of the existing corridor.

Ms. Tardiff recommended that they look at the visual impact study before returning before the Commission for the CUP.

2. Reports

a. Trails

Mr. Lewis was at the Trails Subcommittee meeting and reported to the Commission.

b. Tree Committee

Ms. Fenstermacher reported that Bob Pollock attended the last meeting to discuss the inventory of trees he compiled over the years. Councilor Brown reported that she is working with him to help finish his book.

Ms. Fenstermacher reported that Ted Diers met with students from the Environmental Club and the Concord High School principal. They are working on a proposal to plant trees and a pollinator garden on the high school grounds. The Conservation Commission is supportive of using part of the tree planting money to plant trees in collaboration with the students.

c. Forestry

The forestry report was linked

d. Local River Advisory Committees

Nothing new to report

Emily Landry arrived 8:05 pm

Call to Order

The meeting was called to order by Chair Tardiff at 8:05 p.m.

3. Minutes

February 9, 2022

A motion was made by Mr. Lewis, seconded by Mr. Kane, to approve the minutes of February 9, 2022, with minor edits that do not alter the content of the meeting. The motion passed unanimously.

4. Morrill Farm Dairy LLC, requests an extension to their lease on the West Locke Road fields

Rob Morrill was present on behalf of the Morrill family, and read from a letter that he also handed out to the Commission. Mr. Morrill summarized their history on the W. Locke Road fields. He described their approach to prevent erosion on the easternmost portion of the fields by seeding in sod, which will prevent erosion during heavy rains and flooding; this area gets very wet. He explained how their interaction with the public out there has been tremendous, and they enjoy seeing the kids, and watching the farmers bale hay. He summarized their relationship with the Concord Skyhawks, and how they help keep an eye on the fields.

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Mr. Morrill formally requested the extension of the lease for another 5 years, as is outlined in the current lease, which expires March 31st. This will be the first of the 4 extensions.

Mr. Kane asked if there was any erosion along the river. Mr. Morrill explained that most of the water actually runs to the east, away from the river. They have not noted any erosion along the river banks.

Councilor Brown asked about the use of herbicides. Mr. Morrill explained that yes, it is needed. They work closely with NRCS on a Comprehensive Nutrient Management Plan, and use manure on the fields. They are doing some no-till seedings, and rotating plantings of corn, wheat, oats, barley, rye or an annual cover crop.

Councilor Brown asked if they cut any trees along the river. Mr. Morrill stated that they only pick up what is dead and has fallen over. They have also done a lot of invasive species removal and control; oriental bittersweet is the worst.

The Commission thanked the Morrills and expressed appreciation for the generations of their family working the lands in Concord.

On a motion made by Mr. Lewis, and seconded by Mr. Kane, the Commission unanimously approved the extension of the lease for 5 years, as allowed within the terms of the existing lease.

5. RJB Engineering, LLC, requests a Conditional Use Permit for disturbance to the wetland buffer for the construction of a 10 ft wide trail, as part of a Major Subdivision application for a 16-lot residential subdivision at 145 Abbott Road.

Jeff Burd from RJB Engineering represented the application. He described the project as a 16 lot single family subdivision. He stated that the City recommended the addition of a trail to provide a connection between Abbott Road and the proposed sidewalk on Sewalls Falls Road. He explained that the gravel trail will be over an existing sewer line, and within that easement area. He described the area to be impacted, and stated that there will be no other wetlands or buffer impacts on the site. He provided a report from Peter Spear, the Certified Wetlands Scientist, for the application, regarding the value of the wetlands and proposed impacts from the trail. The letter concludes that none of the on-site wetlands will be directly impacted by the residential subdivision or gravel path.

Mr. Kane asked when the sewer main was installed; Mr. Burd indicated he wasn't sure, but it was before the buffer ordinance. He indicated that the trail will be gravel, and 6" above grade. Ms. Tardiff asked if there were any drainage concerns. Mr. Burd stated no, they are not changing the topography that much.

Mr. Kane stated he thought this was a reasonable idea since the sewer main easement is already maintained. Mr. Lewis agreed, stating that this is a good reason for a CUP, there is minimal disturbance, and is a reasonable solution.

Mr. Lewis made a motion that the Commission indicate no objection to the Conditional Use Permit. Mr. Kane seconded. The motion passed unanimously.

6. Northpoint Engineering, on behalf of Paul O. Bofinger Family Trust of 2019, requests a Conditional Use Permit for impacts to 24,300 sf of wetland buffer association with a Major Subdivision application for a 20-unit cluster subdivision for property off Shaker Road; and a NHDES Dredge and Fill Permit for 9,220 sf of wetland impacts for improvements associated with the development.

Due to lack of quorum, this item was not heard.

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7. NHDES Items

No DES items

8. City Open Space and Easements

Tax Deeded Land off Shaker Road

Mr. Fenstermacher reported that the City owns a property off Shaker Road (Map 22Z Lot 18) by tax deed, taken in November 2021. The Deputy Treasurer has requested whether the Commission is interested in detaining the property. Commission members agreed that it makes sense to detain the property for conservation purposes due to location adjacent to other conservation properties.

On a motion made by Ms. Tardiff and seconded by Jeff Lewis, the Commission unanimously recommended that the City detain Map 22Z Lot 18 off Shaker Road for conservation purposes.

9. City Council/Planning Board

a. Gully Hill Ad Hoc Committee – Follow- up

Councilor Brown gave a summary of the March 1st meeting. She stated that farmers were there to testify that it should remain as agriculture; a master gardener presented that she wants to see educational gardens; and, someone wanted to point out that farming so close to the MRGT could be an issue. She stated that some City Councilors would like to see the land used for festival space, and she could see keeping a corner of the property as grassed land for that type of use. She said the public is very much in favor of community gardens. She also indicated that Fresh Start Farms submitted a letter indicating that they want to manage the land, and would manage community gardens. They will be presenting at the next Ad hoc committee meeting, March 15th.

Ms. Tardiff provided a brief summary about the intent when the land was purchased. She stated that the Conservation Commission recommended that the City purchase the property to protect agricultural land and prime agricultural soils. She stated that in 2016, the Commission recommended keeping the land in agricultural use because of the prime ag soils and loss of large tracts of agricultural land to development for large crop productions, which impacts the ability to maintain family farms; and the Commission advocated for a longer-term lease at that time, because farmers commented that the lease term was too short for them to build up the soils and rotate crops.

Councilor Brown asked how the Commission would feel reducing the lease to 50 acres, and keeping 10 acres as grassed open land. Ms. Tardiff responded that we would need interpretation from the City Solicitor regarding that use since it was purchased for agricultural use. She further stated that people view this land as “underutilized and unused”; however, Ms. Tardiff expressed that the Commission feels it is being utilized according to that for which it was acquired. The Commission’s mission includes insuring that there is minimal loss of land for the agricultural community.

Councilor Brown asked what other uses of ag soils would encourage the City to come together, such as a community orchard. Ms. Tardiff stated that this could be put in the RFP to encourage people to be creative. We also need to consider management issues in breaking the land up into different uses, this impacts staff and the Commission.

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Mr. Lewis stated that the City has already compromised by accepting the shorter term lease. Should the City go in another direction, what other compromises will there be. He has concerns with bringing people down there; we have already seen recreation uses near agriculture areas having unintended problems. He expressed concern about issues with more people, the logistics, and compatibility with agricultural use.

Ms. Tardiff stated that the MRGT will already bring people to the site, it meets that goal of bringing in the community and connects people to agricultural history.

Councilor Brown asked about adding fruit trees along the trail, and about adding other unpaved trails. There was discussion about the wetness of the site impacting other trails.

Mr. Kane spoke to restoration of the river buffer, and stated that FMRGT worked on invasives control, and the Commission already reduced the lease area to 100 ft from the river. He stated that he worked with the farmer to seed that area in with permanent perennials.

Upon further discussion, the general consensus was that with all of the restraints, the best land for agriculture is in the NW portion.

Councilor Brown stated that she wants to see the land opened up to the New Americans population, and wants community gardens.

Mr. Lewis stated that he would be ok with a few acres dedicated for community gardens and the rest leased to a farmer, and no additional recreation.

Councilor Brown asked what would make community gardens amenable.

Ms. Tardiff stated that we would need to ask farmers if there is a conflict between the uses. Gardens are management intensive, and the Commission will not manage and does not have the capability to manage. We would need an interpretation from the City Solicitor about how this gets carved out. And, finally, need to look at logistics such as road access and parking. There is currently no parking, would we be building a parking lot on prime ag soils; this is a more intensive use. The impacts would need to be looked at. Also, we would need to figure out how many parking spaces are needed, in addition to the MRGT spaces already required.

Commission members (not including Councilor Brown) agreed that the preference for the use of this land is what it has been in previous years: long term lease to improve soils and protect the land. The Ad hoc committee may consider an opportunity in the bid structure to allow for an alternative use, subject to the concerns noted above.

Jeff Lewis and Jim Owers will attend the March 13th ad hoc committee meeting.

Rebecca Ross provided a comment stating that the more complicated it gets, the more equipment will be required. The City may need to consider adding a covered storage area as an option for equipment.

b. Proposed changes to the Code of Ethics regarding members appearing before Boards/Commissions

This item is on the March 14th City Council agenda. Councilor Brown indicated that there is supplemental information that is not yet available to the public.

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The Commission discussed the value having professionals on Boards and Commissions; it would be a huge loss to all if they were not able to be members. Ms. Tardiff stated that ethics are very important; however, she is concerned that this goes too far and there will be unintended consequences. She stated that the Commission has always noted the importance of diversity, including experiences and background. There is the potential to lose knowledge and expertise with this revision.

Ms. Tardiff will write a letter to Council summarizing the concerns.

10. Follow-up/On-going Items:

a. *Conservation Preserves*

The next meeting needs to be scheduled, April 1st was recommended. Ms. Fenstermacher will send an email to confirm that this date works for all.

b. *MRGT*

Mr. Kane gave an update. He stated that they applied to CDFA for tax credit commitments, and are waiting on approval.

c. *Education/Outreach – nothing discussed*

d. *Conservation Easement Standard Templates – postponed to future meeting*

11. Other Business

a. *Project SEE BioBlitz*

Ms. Fenstermacher reported that Stephanie Bowser from Project SEE reached out about a potential BioBlitz at the White Farm. She will reach back out to Ms. Bowser for more information.

b. *Rezoning*

Mr. Kane stated that he heard from Heidi Holman from Fish & Game regarding rezoning of the Garvins Falls property. She is concerned because this area is one of the most biologically diverse sites in the City, and would prefer to see it not developed. Ms. Fenstermacher stated that the draft Code should be coming out soon. The Commission agreed to review this as an agenda item when the new code comes out.

12. Non-Public Session

Mr. Lewis made a motion, second by Mr. Kane, to enter into a non-public session at 9:56 p.m. per RSA 91-A:3, II(d).

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor

Mr. Lewis – in favor

Mr. Kane – in favor

Ms. Landry - in favor

Mr. Lewis made a motion, second by Mr. Kane, to come out of non-public session at 10:12 p.m. per RSA 91-A:3, II(d).

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The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Lewis – in favor
Mr. Kane – in favor
Ms. Landry - in favor

Mr. Lewis made a motion, second by Mr. Kane, to seal the minutes of the non-public session, per RSA 91-A:5, IV.

The motion passed unanimously with a roll call vote as follows:

Ms. Tardiff – in favor
Mr. Lewis – in favor
Mr. Kane – in favor
Ms. Landry - in favor

Adjournment

There being no further business, Ms. Tardiff made a motion, second by Mr. Lewis, to adjourn the meeting at 10:14 p.m. The motion passed unanimously.

Respectfully submitted,
Beth Fenstermacher
Assistant City Planner

