

CONCORD CONSERVATION COMMISSION

REGULAR MEETING MINUTES

January 7, 2025, 7:00 p.m.

City Hall, 2nd Fl Conference Rm, 41 Green St

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

Absent: Katherine Healy, Emily Landry, Vice-Chair Jeff Lewis

Staff: AnneMarie Skinner, City Planner
Kearsten O'Brien, Senior Planner
Krista Tremblay, Administrative Specialist II

Public: Martha Drukker (41 Green St, City of Concord)
Ian MacKinnon (85 Portsmouth Ave, Stratham, NH)
Aaron Leclerc (29 Hot Hole Pond 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 December 11, 2024

Mr. Owers moved, Mr. Chormann seconded, to adopt the minutes with a correction to the motions for non-public session. All in favor. Motion passed unanimously.

3. New Business

a. Elect chair and vice-chair for 2025

Chair Tardiff stated with the new year there is a need to elect officers for the 2025 term, noting that Jeff Lewis is fine with remaining as vice-chair, and she is fine with remaining as chair.

Mr. Owers made a motion to elect Kris Tardiff as chair and Jeff Lewis as vice-chair. Mr. Coen seconded. All in favor. The motion passed unanimously.

b. CIP #83 Abbottville Sewer Access Road – NHDES requesting a full wetland application with an expedited review

Martha Drukker is present to present the need for the expedited review of the full wetland application. Ms. Drukker noted that part of the CIP #83 project is ensuring that there is access to sewers for maintenance. This project has been in the budget for a few years. There was a similar project at the end of Second St by the golf course. This is the next phase. The combined sewer system was installed in 1892. Ms. Drukker explained this started pre-pandemic, and the regulations have changed since the onset of the project. The property is across the street from Swenson Granite. Over time the access road has washed away. There are portions of the sanitary sewer exposed in a storm channel. In 1980 the combined sanitary\storm from the 1890s was separated per EPA regulations. Between Mother's Day of 2005 and 2007, a lot of the storm drain system washed away and no longer exists. A lot of the drainage that entered that system came from North State Street from the drainage off the top of the quarries. The box culvert that crosses North State Street was replaced when Route 3 was rebuilt in

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2010 or 2012. The challenge now is that the State's wetland board is saying time has passed, the system is no longer enclosed, and they want an open channel system. Over time the banks have eroded and there is a manhole that was once buried, three-quarters of the way exposed to the drainage channel. They could lose that structure during heavy spring rain. If the structure breaks, a portion of the sewage system would be in the Merrimack River. The City approached the State's wetland board and stated they would like to do an emergency repair. The City wants to install 400 feet of pipe beyond the manhole and open at the headwall to reconstruct the rest of the 1,100 feet of the stream. The wetland board was concerned that a temporary emergency repair of 400 feet does not meet the regulations. They suggested applying for a phase one permit for the 400 feet of pipe to tight line the system beyond the manhole. They would need to build an access road down there because the road is washed out. On the south side of the channel, there is a 250-foot retaining wall on private property made of tires and steel. The City would like to enclose the storm drainage in a pipe. It is an intermittent stream channel. It picks up the surface water from the quarry and storm water from North State Street. They are going to apply for the wetland permit and asked for emergency review. The City would like to start mid-February before any heavy rains out of concern for the sanitary sewer.

Mr. Chormann asked what the quarry has for storm water control?

Ms. Drukker stated they calculated the flow coming across North State Street.

Chair Tardiff asked if banks are eroding from storms?

Ms. Drukker said yes.

Chair Tardiff asked if the current sewer is under the road?

Ms. Drukker stated yes. The goal is to bring the channel back to the way it was.

Mr. Owers asked if all of this will be in a pipe?

Ms. Drukker stated no.

Mr. Owers asked what the Conservation Commission needs to do?

Ms. Drukker stated it is in the best interest of the City to protect the sewer and bring the stream back to its natural state. If the Commission feels the City is acting in the best interests by acting quickly to address the drainage in the most environmental practical means possible and protect the sewer, the Commission can affirm the proposed approach.

Chair Tardiff asked if the pipe was going to be all enclosed?

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Ms. Drukker stated they never proposed to have it all enclosed.

Mr. Coen asked if the City does nothing, does Ms. Drukker know how long before there could be an issue?

Ms. Drukker stated they cannot say. However, she has pictures of the manhole uncovered and in five years the pipe will be exposed. Ms. Drukker stated if the pipe fails, there will be raw sewage flowing into the Merrimack River. Also, the houses and properties using the sewer will be shut off.

Mr. Owers stated this should go forward.

Ms. Drukker stated when the City applies for the permit application, they will need a letter from the Conservation Commission prior to when the permit is applied.

Ms. Skinner stated they need a motion to say the Conservation Commission is in support of the permit and grant the Chair permission to sign the letter.

Mr. Owers made motion to take whatever steps are necessary to move this project forward for sanitation and public health. Mr. Chormann seconded. All in favor. The motion passed unanimously.

- c. Jones & Beach Engineers, Inc., on behalf of Aaron LeClerc and Cara Scala, request conditional use permit approval for disturbance to wetland buffer to install a driveway at unaddressed Shaker Rd (Tax Map Lot 411Z 49) in the Open Space Residential (RO) District. (2024-074)

Ian MacKinnon and Aaron LeClerc presented the application. Mr. MacKinnon stated he previously attended the December 2024 meeting. Mr. MacKinnon noted that, subsequent to that December 2024 meeting, he received the staff report in which a storm water analysis was requested. Mr. MacKinnon stated it was brought to their attention that the pipe across the top portion of Shaker Rd is a known problem especially in the spring. Mr. MacKinnon stated the flow is at the northwest of the property. Back in May there was a concept plan almost identical to this. They took the concept to the Zoning Board for a variance for to allow two principal uses on the same lot with one of them being an industrial manufacturing use. There are changes on the plan due to commercial use, including a 24-foot wide driveway. They have looked at the drainage analysis for the project and infiltration ponds. They have one on the south side of the house. All of the space around the house can flow under the culvert beneath the driveway. Mr. MacKinnon stated looking at the numbers, the project does not meet predevelopment. Mr. MacKinnon stated the access to Shaker Rd is flat and for 200 feet they have to travel across the wetland. Mr. MacKinnon stated no matter the width of the driveway they cannot get the water up the hill to the ponds they created. Mr. MacKinnon stated there is no way to hit the predevelopment number. They are working with staff as there is a known issue of water flow from this area. Mr. MacKinnon stated the increase in driveway width from 20 to 24 ended up with an increase of 250 square feet of direct impact. They have increased the buffer impact from 1,100 to

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1,700 square feet.

Mr. Coen asked if the driveway was at 20 feet or 18 feet would a variance be needed?

Mr. MacKinnon stated yes.

Mr. Coen asked if they were able to have an 18-foot or 20-foot driveway how would that impact the calculation?

Mr. MacKinnon with a 24-foot driveway it is .58. Mr. MacKinnon noted if he removes the pavement, with no driveway, and just cut the trees he is at .4.

Mr. Coen suggested the driveway width could change if they received a variance.

Mr. MacKinnon noted they still will not be able to meet the predevelopment requirements.

Mr. Chormann asked if the footprint of the infiltration ponds are wooded now or is it cleared?

Mr. MacKinnon stated the tree line cuts halfway through the pond.

Mr. Owers asked if Shaker Rd is the issue?

Mr. MacKinnon stated the denser residential neighborhoods are part of the cause.

Mr. Owers suggested they get an easement from the northern neighbor.

Mr. LeClerc noted there is an additional cost to get an easement and the neighbor does not have to say yes. Mr. LeClerc stated it is common to see the culvert on the other side of the street flood.

Mr. MacKinnon stated that General Services noted it is a problem culvert. Mr. MacKinnon stated they have a conditional use permit for impact to the buffers.

Mr. Owers asked when are they getting the wetland permit from DES?

Mr. MacKinnon stated they have not submitted a permit application with DES.

Ms. Skinner stated the process for Planning Board is to determine completeness. If deemed complete, then the application moves into the public hearing for the site plan, waivers, and conditional use permit applications. The Planning Board will make a motion to approve, deny, or approve with conditions. Ms. Skinner noted that the determination of completeness is not a public hearing. If they determine the application complete, then that motion opens the public hearing. If they determine the

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application incomplete, the application is dead. The Conservation Commission is providing a recommendation only on the conditional use permit. Ms. Skinner stated if they were not asking for the extra use for the business and it was only a new house, they would not need to have a site plan application.

Chair Tardiff stated the Conservation Commission is commenting on the conditional use permit application for wetland buffer impacts.

Mr. Owers made a motion that, if all other permits are allowed, the Conservation Commission will support the conditional use permit with the planting of wetland-compatible vegetation. Mr. Chormann seconded. All in favor. The motion passed unanimously.

- d. Consider appointing Jason Massa as a regular member of the Trails Subcommittee for a three-year term beginning January 1, 2025, ending December 31, 2028

Chair Tardiff stated there was a letter and resume submitted. Chair Tardiff stated he attended last month's Conservation Commission meeting. Chair Tardiff asked if Mr. Massa attended Trails Subcommittee meeting?

Ms. O'Brien stated yes. Ms. O'Brien stated Mr. Massa is a trail steward.

Mr. Owers made a motion to appoint Mr. Massa as a regular member to the Trails Subcommittee. Ms. Lesser seconded. All in favor. The motion passed unanimously.

- e. Annual report for 2024 calendar year – discussion

Chair Tardiff stated they do the annual report and submit it to City Council.

Ms. O'Brien stated the last annual report was completed in 2012. Ms. O'Brien noted the Conservation Commission needs to complete one every year, per the RSA.

Chair Tardiff stated there was a 50th year anniversary report and suggested to use information in the report.

Ms. O'Brien said she will prepare a draft annual report for the calendar year 2024 and place it on the February agenda for review by the Conservation Commission.

4. Reports

- a. Trails Ranger Report

The report was attached to the agenda. No discussion took place.

- b. Forestry – update 2009 Forestry Management Plan?

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Ms. O'Brien asked if the Conservation Commission would like to have the Forestry Management Plan updated as the date of the last report was in 2009. Ms. O'Brien noted with updating the preservation matrix the Forestry Management Plan goes hand in hand.

Mr. Owers stated it would make sense to have the Forestry Management Plan updated.

Mr. Chormann asked if the Forest Management Plan is on the website or where can he get a copy?

Ms. Skinner stated the file is huge and it is not on the City website. Ms. Skinner noted the plan is broken up into each forest.

Chair Tardiff stated if it needs to be updated, this could be discussed with Mr. Klemarczyk as part of the special meeting at the end of the month.

Ms. O'Brien asked if the Conservation Commission would want to move forward as there could be a cost related to having the plan updated?

Ms. Skinner stated the monies for payment of the new plan would come out of the Forestry fund.

Chair Tardiff stated they need to discuss with Mr. Klemarczyk preparing an estimate on the cost and timing.

Mr. Chormann asked for the current plan.

Ms. Skinner noted that she and Ms. O'Brien will work to get the current plan emailed to the Conservation Commissioners.

c. Tree Subcommittee update – Rick Chormann

Mr. Chormann passed around last month's meeting minutes to the Conservation Commission for them to review.

d. Local River Advisory Committees

There was nothing to report on this agenda item.

e. New Hampshire Department of Environmental Services

There was nothing to report on this agenda item.

f. City Open Space and Easements

There was nothing to report on this agenda item.

g. City Council/Planning Board

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There was nothing to report on this agenda item.

5. Old Business:

- a. Preservation Matrix (special meeting on January 21, 2025, at 8:30 a.m. 2nd Floor Small Conference Room)
- b. Standard easement template (any corrections to document adopted December 11, 2024)
Ms. Skinner stated this was approved at last month's meeting and with no additional comments from the Conservation Commission, it will be posted on the City's website.
- c. Current Land Use Change Tax
 - a. 3rd Quarter 2024 and Parcels with Current Use
Mr. Owers stated there is a link in the agenda with a list of all the parcels. Mr. Owers noted it would be helpful to have a map.

Ms. Skinner stated she was told a map was not possible.

Mr. Owers suggested hiring a contractor to get a tax map integrated with the list to better understand the general locations of properties in current use.

Mr. Owers noted there are 752 properties in current use and he would like to know how many acres of current use are associated with each of the 752 properties.

Mr. Chormann stated some might not meet the criteria for current use as the parcel needs to have at least ten acres.

Ms. Skinner will ask GIS about a map.

6. Staff updates on items

- Ms. Skinner noted that the last conversation with the Conservation Commission regarding the Spears loop trail was that the Commission wanted to walk it again. At the time, access was closed due to the Unitil utility work, which is now completed. The Commission needs to determine a time to walk the proposed trail.

Mr. Owers suggested waiting until spring.

Chair Tardiff concurred that the Conservation Commission should walk the trail in the spring when the proposed location is wet.

Ms. Skinner stated this will be added on the March agenda to set a date for the walk in March or April.

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- Ms. Skinner provided an update on the 16-foot easement survey, noting that she is waiting on the formal proposal from the surveyor.
- Ms. Skinner mentioned the former Emmons property with the fence encroachment. Ms. Skinner stated Mr. Klemarczyk has confirmed the fence is located on City property and that the fence was on the property when the City acquired the property. Ms. Skinner noted the question is does the Conservation Commission want the fence to remain or be removed? Ms. Skinner has asked the easement holder many times if the easement holder is okay with the fence remaining and has heard no reply. There is nothing in easement that prohibits the fence.

Mr. Chormann asked what type of fence?

Ms. Skinner stated wire.

Mr. Coen asked where this information came from to make the Conservation Commission aware of the fence?

Ms. Skinner stated it was in the monitoring report from the open space and trails ranger. The monitoring report was sent to the easement holder as required. The easement holder was concerned about the fence and asked for its removal. After reading the easement, however, there is nothing in the easement that prohibits a fence. It is up to the Conservation Commission to keep the fence or have the fence stay.

Mr. Coen asked what is the issue with the fence?

Ms. Skinner stated the easement holder does not want it there.

Mr. Owers stated there is no obligation of the Conservation Commission to remove the fence.

Chair Tardiff stated the Conservation Commission should be consistent with how they handle these situations.

Ms. Skinner stated the fence is in good shape and will need to hire someone to remove the fence.

Mr. Owers does not see a reason to remove.

Mr. Chormann stated it is a barrier to wildlife and that is reason enough to remove the fence.

Mr. Owers suggested to find out the cost to have the fence removed.

Chair Tardiff suggested to make it a special project with Trails Subcommittee to have a workday

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in the spring.

- Ms. Skinner stated last year the Conservation Commission about this time received a letter from the Merrimack River Greenway Trail asking for a support letter. The same request has been made for the year 2025.

Mr. Coen made a motion for Chair Tardiff to sign a letter in support of the Merrimack River Greenway Trail. Ms. Lesser seconded. All in favor. The motion passed unanimously

- Ms. Skinner asked the Conservation Commission what is needed to get the bypass moving towards completion?

Chair Tardiff stated the Conservation Commission needs to map out the location. There had been discussion of moving it out of sight of the gate. Chair Tardiff stated they need to discuss with Mr. Klemarczyk where it will cross and the connection.

- Ms. O'Brien stated at the Trails Subcommittee there was a request to add a switchback on St. Paul's property for the Swope and Winant connector trails.

Chair Tardiff asked who made the request.

Ms. Skinner stated Andrew Gould.

Chair Tardiff asked if it is a bike switchback?

Ms. Skinner stated yes.

Mr. Chormann asked if the request was made due to erosion?

Ms. O'Brien stated no not erosion, but steepness of the trail for a bike rider riding up.

The Conservation Commission indicated they do not want to approach St. Paul's for a switchback on their property.

Adjournment

Mr. Chormann moved, seconded by Ms. Lesser, to adjourn the meeting at 9:09 p.m. All in favor. Motion passed unanimously.

Respectfully Submitted,

Krista Tremblay

Krista Tremblay, Administrative Specialist II