

# CONCORD CONSERVATION COMMISSION

## REGULAR MEETING

### MINUTES

March 13, 2019, 7:00 PM

Second Floor Conference Room, City Hall, 41 Green Street

Members present at the meeting included: Councilor Brent Todd, Jeff Lewis (Acting Chair), Rick Chormann, Tracey Boisvert, and Kathy Healey. Assistant City Planner Beth Fenstermacher and Administrative Specialist Lisa Fellows-Weaver were also present.

#### 1. Minutes

*February 13, 2019*

A motion was made by Councilor Todd, seconded by Mr. Chormann, to approve the February 13, 2019 minutes, as amended, with edits that do not alter the content of the meeting. The motion passed 4/0/1. Ms. Boisvert abstained as she was not at the meeting.

#### 2. **TFMoran, on behalf of Harold J. Lassonde III, requesting a Conditional Use Permit to impact approximately 104,592 sf (2.4 ac) of wetland buffer associated with the development of a wedding venue and associated site improvements at 63 Bog Road.**

Ms. Fenstermacher gave an overview of the project as presented at last month's meeting by Nick Golon of TF Moran. She stated that the ZBA did grant the variance requested for the driveway to be narrower than required. She explained that the Commission requested additional information relative to the Conditional Use Permit (CUP), regarding the extent of the clearing, and the extent of the buffer disturbance. The calculations for the existing buffer impacts from the existing driveway have been determined to be 76,599 sf, and only 27,993 sf of impacts will be new.

A motion was made by Mr. Chormann, seconded by Councilor Todd, to support the Conditional Use Permit to allow impacts to (2.4 ac) of wetland buffer associated with the development of a wedding venue and associated site improvements at 63 Bog Road. The motion passed unanimously.

#### 3. NHDES Items

##### **Interchange Development Dredge & Fill Permit**

Ms. Fenstermacher explained that an application was received for the development of a supermarket and other future development off of Whitney Road. She stated that based on the assessment, the wetlands proposed to be filled were created when the area was a gravel pit. There is 31,000 sf of total permanent impacts proposed, and mostly all previously impacted. Fish and Game did a site walk and it was determined that the area is a low habitat function due to the prior impacts.

Mr. Chormann asked about storm water. Ms. Fenstermacher stated that the storm water would be addressed at the Planning Board level and with an AOT permit.

Members discussed the need for a site walk of the area, which will be scheduled by Ms. Fenstermacher prior to the April meeting.

A motion was made by Ms. Boisvert, seconded by Mr. Chormann, to send a letter to NHDES requesting additional time for review and comment. The motion passed unanimously.

#### 4. Reports

##### ***a. Trails Subcommittee***

Mr. Lewis attended the Trails Subcommittee meeting and provided a synopsis for the Commission. He stated that recent hikes have had great attendance. He reminded folks of the upcoming hikes.

Ms. Fenstermacher explained that two months ago she contacted the State of NH regarding three existing informal trails in Walker State Forest to see if they would allow the City to make official trails. The State

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provided a response letter indicating that they were not in favor of formalizing the two trails that connected directly to Little Pond Road. The State was amenable to the trail that connects to Walkers Reserve with the condition that the other two trails were abandoned. Mr. Lewis stated that residents in the Walkers Reserve neighborhood attended the meeting and provided a letter expressing concern with activity on the existing trails in that area and with the proposed connection to the Walker State Forest. Residents expressed concern with the potential of hunting and access. The residents and home owner's association representative agreed to have a separate meeting with Ms. Fenstermacher and Mr. Knight (Trails Committee Chair).

With regard to Country Hill Estates, the Trails Committee voted to support the Conservation Commission's efforts to protect and preserve the continuity of the West End Trail.

Ms. Fenstermacher reported that the NEMBA project is moving forward and the Broken Ground Mountain Bike Trails will be completed after snow melt.

Don Ross has requested additional signage be added to avoid issues with the trespass of cross country skiing on unauthorized areas of his property.

#### ***b. Forestry***

The Forester's report was circulated. No discussion was held.

#### ***c. Concord Tree Committee***

Ms. Fenstermacher stated that Concord Tree Committee's next meeting is scheduled for Thursday, March 21. This meeting will focus on the outreach plan for the Committee. She provided an overview of the activities planned for Arbor Day, April 19 at Abbot Downing. She mentioned that April is tree month and there are a few upcoming activities also planned for April at the Heights Community Center and Heights Library.

#### ***i. Appointment***

A motion was made by Mr. Chormann, seconded by Ms. Boisvert, to appoint Zib Correll to the Concord Tree Committee for a term in accordance with the policy. The motion passed unanimously

#### ***ii. Urban Tree Trust Fund Appropriation***

Ms. Fenstermacher explained that the Tree Committee has requested funding of \$7,500 toward the planting of trees utilizing structural soils needed to increase the sustainability, and educational materials. A motion was made by Ms. Boisvert, seconded by Councilor Todd, to support the request of the Tree Committee to use \$7,500 for the purpose of planting trees utilizing structural soils needed to increase sustainability, and educational materials, and recommend City Council appropriate said funds. The motion passed unanimously

#### ***d. Local River Advisory Committees***

Mr. Chormann noted that the March meeting of UMLRAC was held at City Hall. The annual report was available for review.

## **5. City Open Space**

#### ***a. Agricultural Lease – Request from Alan Bartlett***

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Ms. Fenstermacher stated that the lease agreement with Alan Bartlett expires later this month. There is an option to renew the lease. The original lease was for 60 acres at \$30 per acre for the first 5 years, to increase to \$50 per acre for 20 years renewal option. Mr. Bartlett would like to renew the lease; however, has requested that the Commission consider reducing the fee per acre to \$20 per acre.

Mr. Ross from Rossview Farm commented that the dairy farmers are in jeopardy, and he recommended that the Commission seriously consider the request.

A discussion was held comparing the values of the leased properties and the current lease agreements as well as the best interest of the City. Mr. Chormann commented that he would like to see that the amounts per acre be consistent for all leases. It was suggested that a meeting be scheduled with all farmers leasing land.

Councilor Todd requested additional information be obtained from the City Solicitors office regarding the leases agreements, but support doing something so that the land will stay as an agriculture use. There was general consensus across the Commission to support the reduction in the price per acre, relief is justified, and recommended that the City Manager and staff to negotiate.

#### ***b. Backwoods Five Rivers Easement***

Ms. Fenstermacher stated that she spoke to Ken Stern from Five Rivers Conservation Trust relative to the Five Rivers' request to add a number to limit commercial recreation events in the easement. Discussion ensued regarding how many events should or should not take place on the property. The consensus of the Commission was to support 12 events per year, not to exceed one event per month.

Ms. Fenstermacher stated that Council has approved the easement and once the easement language is negotiated with Five Rivers, it will move forward to the Attorney General's Office for approval.

### **6. City Council/Planning Board**

#### ***a. Solar Follow Up***

Ms. Fenstermacher provided an overview of the public hearing for the proposed amendment to the site plan regulations regarding Solar Collection Systems. She stated that the public comments were all similar in the fact that they see the proposal as being overly restrictive. One additional comment was that there be leniency with agriculture parcels. The Planning Board closed the public hearing but did not take any action at the meeting and postponed for further discussion until March 20.

#### ***b. Energy Committee***

Ms. Fenstermacher stated that the Energy Committee is continuing to work towards 100% renewable energy. There will be a stakeholder meeting on March 27, 2019, and the Committee requested a member of the Conservation Commission attend. Ms. Fenstermacher will send an email to the Commission with additional information.

### **7. Follow-up/On-going Items:**

#### ***a. Stickney Hill Avenue Property – Five Rivers***

Ms. Fenstermacher stated that the owner is donating the property to Five Rivers. Five Rivers is requesting the Commission donate \$5,000 for legal and operational costs, last month the Commission asked for a list

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of what the money would be used for and if the City would hold interest in the property. The stewardship fees are being donated by the land owner. Ms. Fenstermacher stated that she has requested a list of items of what the funds would cover but has not received it yet. She noted that Five Rivers indicated the property owner would like for the City to hold an interest in the property and suggested a reverter clause in the deed, meaning if anything happened to Five Rivers or did not meet the obligations of the conservation deed, the property ownership would revert to the City. Ms. Fenstermacher indicated that this would be similar to that of the Morono Park, which reverts back to NH Audubon if the City does not meet the conservation obligations. Ms. Fenstermacher will contact legal to find out if they are agreeable to this structure.

***b. Country Hill Estates***

Ms. Fenstermacher reported that the City Surveyor is hoping to have a meeting within the next week or so with Peter Holden relative to the property lines. The public hearing will be held off until additional information is received from Peter Holden.

***c. Update Bylaws - continued to future meeting***

***d. Easement enforcement policy discussion - continued to future meeting***

***e. Conservation Easement Standard Templates - continued to future meeting***

**8. Other Business**

***a. Saving Special Places – April 6, 2019***

Members were encouraged to review the sessions available and contact staff who will register them for the conference.

**Adjournment**

There being no further business, Councilor Todd made a motion, second by Mr. Chormann, to adjourn the meeting at 8:26 p.m. The motion passed unanimously.

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist