

**CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
August 13, 2014
Second Floor Conference Room, City Hall
41 Green Street, Concord, NH**

Attendance

Mr. Owers called the meeting to order at 7:00 p.m.

Members present at the meeting included: James Owers, Kristine Tardiff, Frederick Chormann, Christopher Kane, and Councilor Jan McClure (arrived at 7:45pm). Senior Planner Rebecca Hebert and Administrative Specialist Patricia Murray from the Planning Division also attended the meeting.

1. Minutes, June 11, 2014 and July 23, 2014 meetings

Ms. Tardiff moved to accept the June 11, 2014 minutes with the deletion of the typo “a” on page 1 item 3e. Mr. Chormann seconded the motion; motion passed unanimously.

Ms. Tardiff moved to accept the minutes of the July 23, 2014 as written. Mr. Chormann seconded the motion; motion passed unanimously.

2. New Business

a. Discussion of the proposed trail connecting Marjory Swope Park and Carter Hill Orchard

Mr. Owers gave an update of this item. He said the City’s Traffic Engineer, Rob Mack, conducted research at the area of the potential trail crossing and reported adequate sight distances and that he found no safety issues. The car counts were very low and did not present any type of significant hazard to people using the trail. Mr. Owers also reported that there was discussion with the State of NH in which it was disclosed that the state does not want the trail crossing through their property. The land is also on a watershed which needs to conform to the watershed policy. He stated a discussion needs to take place about these issues. Mr. Owers also stated Rob Knight has done some realignment on the trail and he has not seen the maps and Mr. Knight is out of town.

Mr. Rob Talmadge asked for specifics on the traffic report as there was an accident at the site yesterday morning. He said the car went off the road at the location where the trail is currently flagged to enter on District #5 Road.

Ms. Leslie Talmadge stated she would like to know what time the Traffic Engineer was there and for how long.

Ms. Hebert said she could get specifics from Mr. Mack. She has only had a verbal communication with him at this point. She stated that he reported very low traffic counts and he had no safety concerns for sight distances or for pedestrians walking at the bottom of the hill. She stated she would ask for accident data and a written report. She stated Mr. Mack was at the bottom of the hill. Mr. and Ms. Talmadge both expressed that the trail entrance is flagged in a different location. Ms. Talmadge stated that it is very difficult to see as a driver is coming over the hill. She noted speeding and heavy seasonal traffic also. She stated the bottom of the hill is not as bad as the middle of the hill but it is still tricky. She did take pictures of the skid marks from the recent accident but was unable to print them. Ms. Hebert said she would notify Mr. Mack of the recent accident. Ms. Talmadge also mentioned that Christmastime is a time of heavy traffic. Her main concern is hitting someone who may be walking on the road to access the trail. Mr. Talmadge reiterated the safety issues at that area of road. Ms. Talmadge also spoke about people parking illegally at Russell Pond. Mr. Talmadge spoke about a conversation he had with Dave Brennan about the city water supply and the possibility of devastating impacts to the supply in case of fire.

Mr. Owers and Ms. Hebert reiterated that they need more information before the final decision for the trail entrance is finalized. Ms. Hebert also stated that General Services would be involved as well as the need to go before City Council because of the watershed.

- b. Request by Rob Fried to establish a policy to allow for the collection of deadwood on City open space property

Mr. Rob Fried was present. He stated he walks on the Marjory Swope trail frequently and noticed quite a lot of deadwood falling over and leaning over the trail. He said there have been forest fires there this year and since he is retired and heats with wood, he would be very anxious to remove some of the deadwood and in return offer some help to the trail such as trail breaking or building another bench. When he asked about it he was told there was no policy. He said he would just use hand tools without noise and he would be happy to apply for a permit if necessary. He would limit it to two cords and would be happy to swap labor for park improvement as payment for the wood.

Ms. Hebert reiterated that there is no policy for the collection of deadwood on City open space property. She stated Mr. Fried inquired about a year ago at which time the Commission discussed the possibility but did not come to a decision. Ms. Hebert suggested the Commission talk to Ron Klemarczyk, the City Forester, to see what other communities do. She offered a limited time period for deadwood collection as a suggestion. Mr. Kane asked what happens when the Trails Committee has to remove wood. Ms. Hebert stated Mr. Klemarczyk along with volunteers would generally create piles which are left for wildlife habitat.

Ms. Tardiff asked that, as a starting point, this be referred to staff and that staff research how other communities handle this type of request. Ms. Hebert stated that Mr. Klemarczyk is also the forester in Hopkinton, which has a policy. A discussion regarding precedence and the benefits of downed trees in a forest ensued. Mr. Owers asked that Mr. Klemarczyk be invited to the next meeting to discuss.

- a. Request to restrict the time public access is permitted at the Jim Hill River Walk/Lehtinen Park property from dusk to dawn

Ms. Hebert informed the Commission that at the July 23, 2014 Trails Meeting there was a request from the River Trail Members for the review of the issues at Daisy Beach. Several people from the Contoocook River Improvement Society were also in attendance at the Trails Meeting. She stated the biggest complaints were drinking and littering at the Daisy Beach area and parking at the trailhead at Runnells Road causing problems and leaving trash at the parking area as well as at the beach area. The Trails committee talked with the group about what the Conservation Commission and Trails Committee could do to help with the issues. She stated they talked about installing some temporary signage. She stated that the signage was installed but she heard some had been removed. She said they also discussed meeting with the Conservation Commission to review restricting access to the trailhead from dusk to dawn so that the police could have an easier time enforcing some of the illegal activities down at the beach, mainly underage drinking. The Trails Committee also wanted some permanent signs posted. She stated it made sense to talk to the Conservation Commission about restricting use and access and posting any permanent signs. Ms. Hebert stated the City has money for purchasing signs through the Forestry program. She stated that the Conservation Commission also has the authority to restrict access under the City's Code of Ordinances for conservation land.

Ms. Tardiff asked if the desirability to impose the restrictions extend just to the trail recognizing that the trail is the access to the beach. Ms. Hebert stated the main concern is restricting access to the trailhead. Mr. Chormann asked what action the police could take if signs were posted. Ms. Hebert replied she talked to Chief Osgood about how the police department can improve surveillance and patrolling of the area. The signs would allow them to ticket cars. Ms. Hebert stated the biggest problem is off of Runnells Road but there is also access from Horse Hill Road. The Horse Hill Road access is not easily accessible and is less traveled. Discussion ensued about

access to the beach and sign placement.

Mr. Owers invited any members of the public who wished to speak.

Rob Talmadge addressed the Commission. He stated he is a mountain biker and uses that area on a regular basis. He is familiar with the access to and from Daisy Beach via the Jim Hill River Walk. He stated there is an easy trail access out there from Horse Hill Road. He stated it was not a formal marked trail but there is an easily accessible trail.

Ray Miner, 35 River Road, Vice President, Contoocook River Improvement Society, spoke. He stated the Society sent an email to Ms. Hebert this morning, after reading the agenda, to clarify the fact that it's the no parking at the trailhead that will eliminate the number of kids walking in and partying at the beach site. He mentioned two parking spaces on Horse Hill Road but stated the primary issue seems to be Runnells Road. He stated on one occasion upon arriving at the beach by boat, there were 25- 30 kids at the beach and beer cans were floating in the river. When he went to get license plates most of the kids had left but he spoke to the remaining 5 or 6 and they agreed on the carry in carry out policy. He stated the kids had left the fire blazing and it was full of beer cans and bottles. He stated most of the people living on the river use the area responsibly and he feels that by restricting the parking it would eliminate the partying and the noise, the drinking and driving on Runnells Road, and the speeding. He stated that there are times when there are so many cars at the lot area, EMS trucks would not be able to get through. He stated they would like to see restrictions to parking and not to the land. He stated the problems mostly happen at night but there are times during the day when there is drinking and foul language being used and it is not a family friendly environment any more. He stated the permanent signage would let people know what the rules and regulations are.

Ms. Hebert stated the Commission has precedence in restricting hours with Winant Park. Mr. Owers asked if this was mostly a summertime problem. Mr. Miner stated that it is.

Mr. Dick Merrill, 33 Island Road, spoke. He reiterated the trash being left behind at the beach, the underage drinking, the use of foul language and the fires. He said he has been to the beach during the day with his grandchildren and the people present are just very disrespectful. He also stated the kids helped pick up trash on one occasion but they claimed they were not the ones who left it there. He stated he thinks the message has gotten out in being a little more aggressive in monitoring the area, talking with people when they are there; reminding them of the no fire rule, carry in carry out and to leave the beach as it was when they got there. He said they posted the temporary signs last Saturday that Ms. Hebert supplied. He said he screwed the signs down under plexiglass so they are weather resistant. He stated that in the past picnic tables and the outhouse have been destroyed.

Mr. Lloyd Noble, 52 Runnells Road, spoke. He stated he thinks the reason the problems are getting worse this year is due to every kid having a cell phone and texting and snapchatting to reach a larger audience.

Ms. Hebert stated she visited the beach on a weekend day rather early and the beach was quiet with other families but on her walk out in the early afternoon, she noticed several younger folks walking the path with beer cans.

Mr. Owers asked how many cars are being parked on Runnells Road. Ms. Karen Murray, 8 River Hill Ave., responded that she has counted more than 40 cars and they are parked on both sides of the road. She stated there was no way any emergency vehicle could have gotten through. She stated the picnic tables were littered with beer bottles and cans and there are times when they line up coolers to block the dock. She said it's become very uncomfortable especially with children and family and friends.

Mr. Owers asked if the Commission can post signs on the road. He is concerned if signs are in the parking lot then people will just park on the road. Ms. Hebert said she thinks if they restrict the hours it would help. She also stated permanent signs could be posted at the parking lots and trailheads and they could keep an eye on it. She stated that according to Chief Osgood, the area has been added to a special task force for patrol. She stated the

police department is aware of the problem and Ms. Hebert will be checking in with them.

Ms. Katie Domenici spoke. She stated that people do use the area in the winter and when the snow melts, there is a large amount of trash, including beer cans, in the snowbanks. She stated she thinks they are using the area to either park or drink or to deposit their trash on a deadend street.

Unidentified resident stated that some people went to clean up the beach area recently and the kids that were present noted the increase of police surveillance in the area. He thinks that message will do a lot to quiet behavior.

Ms. Tardiff made a motion to restrict the hours of the parking area at the Jim Hill River Walk/Lehtinen Park property from sunset to sunrise.

Mr. Minor had concerns that the restrictions would prohibit people from accessing the beach area by boat. Ms. Tardiff stated this would not restrict access to the beach by boat.

The motion was modified by Ms. Tardiff. Ms. Tardiff made a motion to add permanent signage closing the parking areas on Runnells Road and Horse Hill Road and restricting the hours of the parking areas from sunset to sunrise. Mr. Chormann seconded the motion. Motion passed unanimously.

Ms. Tardiff requested that it be noted that this item should be revisited in a year to determine if the signage is working.

Ms. Hebert stated it will take about 2 weeks to order and receive the permanent signs and she will put up a temporary sign in the interim. She will also inform the Police Department of the Commission's decision and the restrictions.

3. Wetlands Bureau

- a. Correspondence - none
- b. Standard Dredge and Fill Permit of PSNH for improvements to the G146 Line through Concord

Ms. Hebert informed the Commission of this proposed project. The G146 line crosses Garvins Falls Road but there are no impacts. PSNH will be installing new equipment.

4. Reports

- a. Trails Committee – no update
- b. Upper Merrimack River Local Advisory Committee – no update
- c. Contoocook and North Branch Rivers Local Advisory Committee – no update
- d. Forestry - no update
- e. Street Trees – no update

5. City Council/Planning Board

- a. Conditional Use Permit applications for PSNH for temporary and permanent wetland buffer and Shoreland buffer impacts associated with the re-establishment of the 317 Line in Concord

Mr. Owers recused himself from this item.

Brian Pratt, CLD, Luke Hurley, GES and Dave Still, PSNH were present. Mr. Pratt gave an overview of the proposed project. Public Service Company of New Hampshire is planning to re-establish the PSNH 317 Line in Penacook from the Manor Road substation to the pole mounted equipment on Route 103/127 in Webster. The entire length of the project is 7.5 miles, of which 4.2 are located in Concord. The line would be installed within an existing 100-foot wide right-of-way. The right-of-way was established in the early 1900's and was previously used for the distribution of electricity, but the line has been out of service for several years and the

utility poles were removed in 2010. The project involves the installation of new poles and wires and the clearing of vegetation within the full width of the right-of-way. The utility poles will range in length from 45 feet to 55 feet and will primarily be a tangent pole structure. This is a wooden utility pole with a single cross arm. (See the attached construction detail and photograph.) A longer three pole structure (85 feet in length) will be used to cross the Contoocook River. The 317 Line will operate at a capacity of 34.5 kV, which is the same capacity as the former 317 Line that was discontinued. PSNH has stated that the project is necessary to improve service and reliability of their overall electrical distribution system. The vegetative maintenance along the right-of-way includes the clearing of trees for the entire 100-foot width of the right-of-way through Concord, but does not include any earthwork or grading. Staff has asked PSNH if the clearing of the full width of the right-of-way is a policy or a regulatory requirement and if the clearing could be reduced to a narrower width where the line crosses within close proximity to residential properties. PSNH has also filed a Standard Dredge and Fill Permit with the New Hampshire Department of Environmental Services. In Concord, there are 11 permanent wetland impacts for utility poles and anchor supports located within jurisdictional wetlands and the total area of permanent wetland impact is 119 sq. ft. The project also includes 178,759 sq. ft. of temporary wetland impact along the entire length of the corridor (7.5 miles). These impacts are associated with the construction access and clearing along the right-of-way. Eighteen utility poles are proposed to be installed within a wetland buffer area. In some cases, the poles are required to be within the buffer to avoid locating a pole within the wetland. The wetland buffer impact is mainly associated with the vegetative maintenance and the total area of buffer impact is 293,135 sq. ft. Wetland buffers will also need to be crossed in order to install the utility poles. PSNH will use prefabricated matting to cross the wetland areas and the plans include specifications for erosion control and the restoration of disturbed areas. The Conditional Use Permit for the impacts to the vegetation buffer within the Shoreland Protection Overlay District is needed for vegetative maintenance and tree clearing within the buffers associated with the Rolfe Canal, Contoocook River and Dagody Brook. The total area of impact is 162,000 sq. ft. Mitigation is required for the wetland impacts along the corridor and will be provided by a payment to the NHDES Aquatic Resource Mitigation Fund. The corridor through Concord contains a few areas of sensitive wildlife habitat and archeologically significant areas. These areas have been marked on the plan and PSNH is coordinating work at these locations with New Hampshire Fish and Game, Natural Heritage Bureau and New Hampshire Division of Historical Resources. Discussion regarding mitigation ensued.

Discussion about National Heritage Data hits ensued. No plant species were found but two turtle and one snake species were found. Mr. Hurley will be present during construction to oversee and move any species if found.

The Planning Board continued the hearing until they receive feedback from the Conservation Commission. A discussion ensued about vernal pools. Mr. Pratt stated that unfortunately the vegetation would need to be cleared in the right-of-way.

Mr. Owers asked if any members of the audience had comments.

Mr. Ray Minor spoke. He expressed concerns over how PSNH is keeping landowners informed of progress. He stated he is a property owner at 14 River Road and the easement was never recorded. He is concerned about habitats and scenic aesthetics.

Mr. Tony Bourque, 7 River Road, Penacook, spoke. The easement passes through 1000 feet through his property which is a tree farm. He stated his trees are not ready for harvest and is concerned. He also stated he is responsible for any intent to cut fees and permits. He asked why the entire 100 feet has to be cleared and that the 85 foot corridor is news to him. He asked why not 70 feet and wants to know why the line needs to be reinstalled. He made an appeal to the Commission to require that the line be underground.

Mr. Tom Berkeley, 140 Peaceful Lane, Penacook, spoke. He is concerned with the white pines in a grove. His property is within 100 feet of the line.

Ms. Jody Berkeley, 140 Peaceful Lane, Penacook, spoke. She showed pictures of trees that had been flagged by PSNH. She stated the pines provide shelter for neighboring trees and the vegetation holds back the bank.

A summary of concerns is as follows: keep abutters informed, communicate any changes to the plans, mark trees that are slated for removal, a clear plan of the location of poles is needed, can the line be buried, why does the entire 100 foot corridor need to be cleared, what kind of notice will the landowners receive from PSNH, are any herbicides going to be used, and what happens to the vernal pools.

Mr. Still, PSNH, explained the necessity for additional power to the area. He also stated that it is company policy to clear the entire easement which lessens the chance of power outages from trees on the lines, etc. He stated they have arborists that are being consulted during the project.

After much discussion the Commission decided to set up a site visit before commenting on the proposed project. PSNH will also coordinate a site walk with the Contoocook River Improvement Society and other interested parties.

b. Discussion of a proposed conservation easement and Conditional Use Permit for wetland buffer impacts associated with a 4-lot subdivision at 22 Long Pond Road

All of the proposed lots satisfy the City's buildable and usable land area requirements for conventional subdivisions in the RO District. There is an existing pond and wetland area on the property. The pond will be completely located within the proposed conservation easement. A 25 ft. wide pedestrian access easement is proposed along the southerly side of Lot #1 to allow public access to the open space. There are no municipal utilities along this section of Long Pond Road. All of the lots will be served by onsite wells and subsurface disposal systems. The proposed residential lots will require New Hampshire Department of Environmental Services (NHDES) Subdivision Approval for the existing and proposed subsurface disposal systems. The proposed driveway and underground utilities serving Lot #4 will require a NHDES Wetland Dredge and Fill Permit and Conditional Use Permit for wetland impacts (1,100 sq. ft.) and wetland buffer impacts (5,530 sq. ft.). The existing driveway and overhead utilities serving Lot #1 crosses over a portion of Lot #2. The subdivision plan includes a driveway and utility easement across Lot #2 for the benefit of Lot #1. The homes along Long Pond Road are currently set back from the street such that the houses are not clearly visible from the road. It appears that the trees along the frontage of proposed lots #2 & 3 will be removed. The applicant is required to plant or preserve one tree for every 50 feet of road frontage (excluding the driveways) for subdivisions outside of the Urban Growth Boundary. Existing trees (with a minimum caliper of 4 inches) can count toward this requirement, provided the trees are within 10 feet of the right-of-way. The plan needs to be revised to either identify trees that are to be preserved along the frontage or include required tree plantings on the plan.

The Commission recommended approval subject to the Commission's final review and approval of the configuration of the conservation easement as well as the terms of the conservation easement. The Commission also recommended that the wetland delineation be completed within the vicinity of the proposed pedestrian access easement to demonstrate that the open space could be easily accessed without crossing a large wetland complex. If the wetlands are too extensive, the pedestrian access should be relocated.

6. Easement Stewardship/Monitoring

a. Warren Richards Community Forest conservation easement violation

Ms. Hebert gave the Commission an update. She stated there is no violation at this time but it has been advised to reach out to Mr. Richards and get plans. She stated she will set up a meeting.

7. City Open Space

a. Non-public session for the discussion of conservation property in accordance with RSA 91-A:3, II(d)

Ms. Tardiff moved to enter into a second nonpublic session for the discussion of conservation property in accordance with RSA 91-A:3, II(d). Mr. Chormann seconded the motion, and the motion passed unanimously. The Commission entered into non-public session.

Following the discussion, the Commission moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

8. Other Business

There being no further business, the meeting adjourned at 10:43pm.

A TRUE RECORD ATTEST:

Patricia Murray, *Secretary Pro-tem*