

**CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
January 13, 2016
Second Floor Conference Room, City Hall
41 Green Street, Concord, NH**

Attendance

Christopher Morgan, Chair, called the meeting to order at 7:00 p.m.

Members present at the meeting included: Chair Christopher Morgan; Tracey Boisvert; Frederick Chormann; Jim Owers; and Kris Tardiff. Senior Planner Beth Fenstermacher and Administrative Specialist Kate Kindel also attended the meeting.

1. Minutes: December 9, 2015 meeting.

Ms. Boisvert and Mr. Morgan provided recommended revisions. Ms. Tardiff moved to accept the December 9, 2015 minutes as written with the corrections. Mr. Owers seconded the motion; motion passed unanimously.

2. Michael Lambert on behalf of Roy Philbrick requesting a Conditional Use Permit to allow for temporary impacts to the 50 ft. wetland buffer

Mr. Lambert noted that there are actually two Conditional Use Permits requested for this project; one for impacts to the 50-foot wetland buffer, and one for the impacts to the Shoreland Protection Zone. The property is currently used primarily for recreation. The property is located in the Flood Hazard Zone; he received approval from the Zoning Board for three variances last week, which will allow for the building of a two bedroom home on the site and for the installation of potable water well. There has been a reduction in the size of the buildable area, thus limiting the impact, and he will explicate this change at the Planning Board meeting next week. Mr. Lambert presented his Buffer Restoration Plan. The driveway will be comprised of permeable pavement materials. He will get recommendations for the woody plant material from the DES, and it will likely be bare root material sourced from the State Nursery. He stated that it is pragmatic to request the CUP now, rather run into access problems later. Trucks will need access in order to dig the well, as well as the grading for the septic system. Ms. Fenstermacher asked for clarification regarding the size of the septic system per: the City Engineer. Mr. Lambert clarified that there is sufficient area. Mr. Owers asked about the size of the well, and Mr. Lambert responded that there are no constraints on well radius. There will be temporary impact on the buffer as the well is dug, but it will be restored. Mr. Lambert hopes to limit the number of trees that will be cut down. Ms. Boisvert asked if there is sufficient space for the septic system, as 4000 sf is required; Mr. Lambert responded that there is 5000 sf, and Ms. Fenstermacher asked that this be clearly illustrated for the Planning Board. Ms. Boisvert asked about the requirements for building in a flood zone, and Ms. Fenstermacher clarified that a variance for this has been granted; everyone expressed surprise.

If this is not approved, Mr. Lambert speculated that the property would return to recreational use, or the trees could be clear cut in order to pay the taxes. The area is fairly wooded, and the trees have been documented.

Mr. Lambert has to apply for a shoreland protection permit through DES. Mr. Lambert anticipates minimal storm water erosion, and emphasized that he will use "best practices" during construction to minimize impacts. Ms. Tardiff inquired about the placement of markers. Mr. Lambert indicated that 8 cf stone markers would be placed every 20 feet. Mr. Morgan stated that the wetland discs should also be used to mark the buffer to be consistent with other properties in the City. Ms. Fenstermacher said wetland buffer disks should be placed every 50 feet, and directed Mr. Lambert to find further information about this in the Planning office.

There was discussion about the proposed vegetation, and Mr. Lambert stated that, aesthetically speaking, they will work to keep the wooded effect, and that also this would help keep construction costs down.

The Conservation Commission agreed to recommend this Conditional Use Permit. Conversation ensued about the Conservation Easement on Broad Cove Road, and whether 5 Rivers will appeal the Zoning Board's decision as an abutter, citing lack of abutter notification. Mr. Morgan is on a 5 Rivers committee, and will inquire about this at their next meeting. Mr. Lambert questioned the establishment of a jurisdictional line and property corners. Ms. Boisvert wondered whether people who live on the other side of a river are technically abutters. Ms. Fenstermacher reminded Mr. Lambert to submit his revised plans to Ms. Shank.

3. Agricultural land lease discussion with Alan Bartlett

Mr. Bartlett was not in attendance. Both he and Mr. Keith Richards will be contacted by Ms. Fenstermacher regarding their future leases.

4. Snow Pond Update on financial guarantee

Mr. Thomas Perry was in attendance to request relief from the financial surety requirement for the buffer restoration at his property at 36 Snow Pond Road. With regard to the September 9, 2015 agreement, Ms. Tardiff made a motion to eliminate items 5 and 6. Mr. Owers seconded the motion, and it was passed unanimously.

5. FY2016 Budget review and discussion

Ms. Fenstermacher distributed a summary of the past year's budget, and asked for input for FY2017 budget. Discussion ensued regarding elimination of an outside contractor for tree maintenance in downtown Concord and Penacook, agreement to keep the majority of budget items as is, and to increase the budget for an intern. A possibility that the Commission share cost with the Fire Department for an all-terrain vehicle that might be used to access trails was discussed; possibly with Forestry Funds. Ms. Fenstermacher will continue the conversation with Ron K. and the fire dept. Mr. Morgan commented that he believes that the Commission's contribution to this should be less than fifty percent.

6. NHDES items - none

7. Reports

a. Trails Committee – no recent meeting

A letter written by Mr. Morgan to the Trails volunteers was circulated for review. Changes to some of the wording were suggested. Specifics will be discussed in a couple of months.

b. Upper Merrimack River Local Advisory Committee

Mr. Chormann reported that flyers for the spring presentation at St. Paul's are in production, and that no speaker has yet been chosen. He discussed the RFP for the corridor communities, and questioned the expectations for this. He plans to present to the Planning Board, and will arrange to be on the agenda. The Northern Pass and its impact on the Merrimack River were discussed. Mr. Owers proposed that the Commission make a written submission to the City Council regarding the visual and environmental impact. The hiring of a consultant for this was discussed.

c. Contoocook and North Branch Rivers Local Advisory Committee – no recent Minutes

d. Forestry

The FORECO monthly report was distributed. In the report, Ron reported that the timber sale in the fire area off Long Pond Road was complete, and the old chimney (fire hazard) was demolished. A memorial plaque that was on the chimney was saved by Ron, and Ms. Fenstermacher currently has the plaque awaiting someone to come forward and claim it. Leslie Talmedge (District 5 Rd resident) mentioned that she knows the family of the deceased and volunteered to reach out to them.

e. Street Trees

Ms. Fenstermacher is to provide a written report on the trees that are suffering from Red Pine Scale at Rollins Park, and which must be clear cut. Can the Stevens Recreational Fund be used for the purpose of planting replacement trees? She may go to the City Council and ask for their input. Ms. Boisvert suggested checking other options: The Forest Health Bureau, Kyle Lombard, The Department of Agriculture, and/or the U.S. Forest Service.

8. City Council/Planning Board

9. City Open Space

a. Trailhead parking lots discussion re: Mast Yard Parking lot on Broad Cove Road, Batchelder Mill Road trail, and Swope Park

Parking lot issues at Mast Yard Parking lot were discussed following up on a complaint received at the Planning office. Ms. Fenstermacher explained that she visited the site with Ron Klemarczyk in December. All were aware about the dumping issue; it has been an ongoing issue for years that they tried to address a few years back with the placement of boulders. But, the boulders are still too close to the slope to deter people from dumping. The current solution is to move the boulders closer to the road, and to place logs (as was successfully done at the Riley lot) to reduce the size of the parking lot, and eliminate the opportunity for vehicles to pull right up to the slope. A couple of the Commission members recalled that the reason they didn't do this initially was because the lot was a school bus turnaround and they needed the clearance for that. Ms. Fenstermacher will follow up on that (and any other City vehicles since this is the last spot to turn around before the city boundary) before we make any final decision. Regarding a muddy spot in the middle of the lot, it's too late in the season to fix it correctly right now, but we will make sure that it gets filled in again if/when we move the boulders.

Ms. Fenstermacher reported that Ron K. would like to see the trailhead parking lot at Batchelder Mill moved to a more visible location. There are often large quantities of trash, and he has witnessed illicit activities. Ms. Fenstermacher will follow up with options and discuss closing access to the lot with the City Surveyor.

Ms. Fenstermacher reported that with the success of the Swope Connector trails, the parking lot at Swope Park is often over capacity, and several cars often park along Long Pond Road and District 5 Road. There was discussion regarding approaching the State to use a clearing in the District 5 Forest for parking; however, it was agreed by all that parking should not be encouraged in that area. Information should go out to discourage trail users from parking on District 5 Road. Ms. Fenstermacher will place signs at the trail heads and add information to the website.

- b. **Discussion re: the Richards Community Forest**– *postponed to the February 10, 2016 meeting*
- c. **Open Space Plan** – *no update*

10. Easement Stewardship/Monitoring

- a. **Follow-up on Sam’s reports** – *postponed to the February 10, 2016 meeting*

11. Other Business

- a. **Haller parcel**
- b. **Letter re: bobcat trapping (Stoddard Conservation Commission email)**

The members were in agreement with the email regarding opposition to the proposed bobcat hunting season. Mr. Morgan will write a letter and request input from Pam Hunt.

- c. **Any other items**

The appointment of 3 members to the Commission expired on January 1, 2016, Mr. Chormann and Mr. Morgan expressed interest in continuing to serve. Mr. Morgan will follow up with Chris Kane. Ms. Fenstermacher reported that the City Manager will recommend appointment of Katherine Healy to the Commission at the February City Council meeting. There was general discussion regarding the remaining open alternate seats and the need for representation from East Concord.

12. 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 nonpublic session for the discussion of conservation property in accordance with RSA 91-A:3, II(d). Mr. Owers seconded the motion, and the motion passed unanimously. The Commission entered into non-public session.

Following the discussion, Ms. Tardiff moved and Mr. Owers seconded a motion to exit nonpublic session and seal the minutes. The motion passed unanimously.

There being no further business, the meeting adjourned at 10:13 pm.

A TRUE RECORD ATTEST:

Katrina Kindel, *Administrative Specialist pro-tem*