

**CONCORD CONSERVATION COMMISSION  
REGULAR MEETING**

June 8, 2016, 7:00 p.m.  
Second Floor Conference Room, City Hall, 41 Green Street

**Attendance**

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

Members present at the meeting included: Kit Morgan (Chair), Jim Owers (Vice Chair), Council Representative Mark Coen, Kris Tardiff, Rick Chormann, Kathy Healey, and Jeff Lewis (Alternate). Senior Planner Beth Fenstermacher and Administrative Specialist Lisa Fellows-Weaver were also present. Tracey Boisvert, arrived at 7:06; Christopher Kane arrived at 7:12 p.m.

**1. Minutes: May 11, 2016**

A motion was made by Mr. Chormann and seconded by Ms. Tardiff, to approve the May 11, 2016 minutes with edits that do not affect the context or outcome of the meeting. The Commission voted unanimously to approve.

**2. Craig Tufts from CNHRPC, presentation on impervious surface mapping in Concord**

Mr. Tufts stated that he has been working with UMRAC (Upper Merrimack River Local Advisory Committee) on a project to map impervious surfaces within Concord. He provided a brief overview of what the project entailed and provided handouts. He provided one map depicting stormwater runoff and impervious surfaces in and around Concord and a second map identifying impervious surfaces within the Urban Growth Boundary.

Mr. Tufts mentioned that the City should be aware of the Impervious Area (IA) and Directly Connected Impervious Areas (DCIA) for stormwater management regulatory purposes. He stated that pending the next census results, the City may fall within a “connected urbanized area” requiring MS4 permitting and requirements to report the changes to impervious cover yearly to NHDES. Mr. Tufts offered to provide the GIS data layers to the City.

The Commission recommended that the report be forwarded to Engineering, General Services, and to the City Council.

**3. Granite State Baptist Church requesting a Conditional Use Permit to allow disturbance of the buffer to bluff.**

Tim Aguilar was present along with Pastor Peter Chamberlin. Mr. Aguilar explained that currently the property is an empty warehouse with a gravel driveway and no landscaping. The proposal is to turn the property into a place of assembly with a paved driveway and parking lot, re-side the building, and add new doors and windows.

General discussions ensued as the Committee reviewed the plans provided specifically relative to the bluff disturbance. Mr. Chamberlin noted that there was some confusion with the location of the bluff and the location was determined in the field by Planning staff and the City surveyor. Discussion ensued as to the erosion that has occurred to the bluff and what options can be taken to protect it in the future. It was suggested to relocate the parking area. Mr. Chamberlin explained that the proposed parking layout has been designed so they are able to use what exists now as pervious surface rather than relocating the parking to the south side where it would create more impervious areas. He added that the NHDES has granted their shoreland permit based on what was submitted.

The Commission expressed concern with the significant encroachment into the bluff, as well as the erodible soils along the river meander. A site walk was scheduled for Friday, June 10, 2016, at 8:30 a.m. The Commission authorized members in attendance at the site walk to recommend changes to the plan so that the application can move forward accordingly.

#### **4. NHDES Items**

##### **a. Follow up discussion on the wetlands permit application for Northern Pass Linear Transmission Line. Comments to DES by May 15<sup>th</sup>.**

Ms. Fenstermacher previously provided the Commission with a progress report from NHDES relative to the review of the Northern Pass permit application. Commission members provided comments and suggestions specific to the extent of the overall impacts to Conservation land, ponds, rivers, streams, and endangered species within the project area. Members felt that there should be more information provided regarding the proposed mitigation for wetlands impacts, noting that the proposed land in Pembroke is not of equal habitat value. Additionally, Northern Pass has not yet provided proposed mitigation for impacts to Karner Blue habitat; the Commission would like the opportunity to comment on the proposed habitat mitigation. Other discussion held mentioned the fact that not all of the alternatives available are being considered as well as the fact that the studies use out of date information, some of which dates back to 2010.

Ms. Fenstermacher stated that the permit has been recommended by other towns to be denied. The Commission recommended denying the permit application as submitted and recommend that the project should not be built unless and until a full review of alternatives such as burial along the proposed or other corridors is completed and adequately analyzed. It was suggested that the City Council report be appended to the letter, and the letter mention that no response to the City Council report has been received. Mr. Morgan will draft a letter, which will be finalized and approved at the July meeting.

#### **5. Reports**

##### **a. Trails Committee**

A discussion was held regarding the existing wildlife and potential impacts that may occur with the newly proposed Broken Ground Trails along the wetland. The Trails Committee expressed concern with regards to potential impacts if dogs were allowed on the trail. It was suggested that this area be designated as a wildlife sensitive area and that no dogs would be allowed on this trail. Enforcement was discussed along with other trail placement options. The Commission agreed that since this trail change was addressed and approved by the

Commission it would now be under the direction of the Trails Committee per their discretion; however, recommended signage in that area and education should be provided.

Ms. Fenstermacher provided an update on the proposed parking area. She explained that the parking area will be relocated across Curtisville Road due to sedimentation from the current parking area into the beaver pond. She stated that the forester is looking into doing a timber sale to assist with the costs for this project.

**b. Upper Merrimack River Local Advisory Committee** - Nothing new to update.

**c. Contoocook and North Branch Rivers Local Advisory Committee** - Nothing new to update.

**d. Forestry** – a copy of the monthly forestry report was distributed for review.

**e. Street Trees**

Ms. Fenstermacher stated that the commission has \$1,500 in the budget for the planting of street trees. The Commission discussed areas for these trees throughout the City and recommended adding three trees to the Conant School area or adding them onto Tanner Street.

**6. City Council/Planning Board** - No comments.

**7. Non-public session under RSA 91-A:3, II(e) for the discussion of pending claims or litigation.** Not Applicable

**8. City Open Space –**

**a. Open Space Plan - Selection of Consultant**

Mr. Lewis, Mr. Chorman, Ms. Healy, and Ms. McClure volunteered to be on the committee to review the proposals. Ms. Fenstermacher will provide evaluation forms to be filled out and returned as soon as possible.

**b. Agricultural Land – River Bank Erosion at W. Portsmouth St.**

Ms. Fenstermacher stated that the Forest Society contacted her regarding some river bank erosion on the agricultural land located off West Portsmouth St. She stated that this area is leased by Green Gold Farms. Pictures were provided of the area indicating that farming activity has occurred up to the edge of the bank. Additionally, the farming activity has encroached onto the East Concord Heritage Trail. General discussion was held relative to the fact that the City must address this matter as the City is obligated for water quality and for the public's safety because this is a public trail.

The Commission agreed that Ms. Fenstermacher should send a letter to the leasee, on behalf of Commission, that a buffer must be placed along the river bank for protection from further erosion. In addition, it was noted that the lease should be adjusted when it expires and is re-written.

**9. Easement Stewardship/Monitoring**

Ms. Fenstermacher stated that the Forest Society and Rob Morrill submitted a letter to the City manager regarding the approximately 40 acres of City-owned land adjacent to the Penacook water treatment facility which Mr. Morrill currently leases. The proposal is to swap out for fee ownership of the land while provide easements to protect the Morrill Farm Dairy land in Penacook. Ms. Fenstermacher indicated that the City Manager will be approaching City Council in a non-public session to discuss the proposal.

A discussion was held regarding the value of the easement and the use for the City. It was suggested that an appraisal be completed and the parcel be sold for fair market value. In addition, the Commission suggested that a buffer of 100' is necessary and there should be no agricultural use of the river. If there is to be a potential change there should be some way to secure the ongoing use of the property.

This item was continued to the July 13<sup>th</sup> meeting.

**10. Other Business:**

**a. Haller Properties**

There was no update given.

**b. Pierce Property**

Ms. Fenstermacher stated that City Council will address this in July and the closing is scheduled for August. Ms. Tardiff indicated that she may be able to attend.

**c. Property off Josiah Bartlett Road**

Ms. Fenstermacher explained that there is a small land lock parcel off Josiah Bartlett Road that the owner has been paying taxes on and called regarding his options to release ownership of the property. Ms. Fenstermacher stated that City-owned conservation land abuts the parcel. Members expressed an interest with this area. Ms. Fenstermacher will continue with the process to discuss options with the owner's representative and potentially set up a site walk and will report back to the Commission.

**d. Wetland buffers – Public information/education**

No discussion occurred; continue to July 13, 2016 meeting.

**e. Any other items**

1. A financial update was provided for review.
2. Councilor Coen stated that City Council passed the budget.

**The meeting was adjourned at 9:44 p.m. at which time the Commission met with legal counsel RSA 91-A:2, I(b).**

Respectfully submitted,  
Lisa Fellows-Weaver  
Administrative Specialist