

**CONCORD CONSERVATION COMMISSION**  
**MINUTES**  
**Regular Meeting**  
**June 12, 2013**  
**Second Floor Conference Room, City Hall**  
**41 Green Street, Concord, NH**

**Attendance:**

Members present at the meeting included: Chair Christopher Morgan; Vice Chair Jim Owers; Kris Tardiff; Christopher Kane, and Council Representative Jan McClure. Senior Planner Rebecca Hebert and City Planner Gloria McPherson also attended the meeting.

C. Morgan, Chair called the meeting to order at 7:07 pm. J. McClure arrived at 7:10 pm.

**1. Minutes**

The Commission reviewed the minutes of the May 8, 2013 meeting. K. Tardiff moved to accept the minutes of the May 8, 2013 meeting as presented. J. Owers seconded the motion; motion passed unanimously.

**2. Wetlands Bureau**

a. Correspondence

R. Hebert noted the notice of approval from NHDES concerning the wetland permit application for water uptake from the Merrimack River that Concord Steam Corporation had been resubmitted. She said there were several conditions of approval. She also said there was a notice of approval from NHDES for an Alteration of Terrain Permit for the Concord Municipal Airport concerning construction of a new taxiway at the airport.

R. Hebert said the Planning Department had received notice of a public meeting occurring tonight, regarding NHDES's investigation into fluvial erosion of both the Turkey River and Soucook River. She noted that these were two different assessments of two different watersheds, and were part of a larger effort by NHDES to look at the issue of fluvial erosion.

G. McPherson arrived at the meeting.

R. Hebert also said that regarding permitting matters, Northern Pass had issued a notice stating that they would be collecting environmental data within the right-of-way through Concord for the project's environmental impact statement. The work would include field research along a right of way in Concord.

b. Other business

R. Hebert said a Conditional Use Permit application from Continental Paving concerning possible shoreland impacts will be reviewed by the Planning Board at their next meeting. She said the company wanted to run a gas line to serve the existing and proposed expansion of the asphalt plant in Pembroke. She said the gas main would run along the Town line to a point that was 150 ft from the reference line of the Soucook River, and said directional boring would be used to bring the gas line underground to the other side of the river.

She said there would be very little impact to the Shoreland District, but said the company was asked to file a CUP application in order to be thorough. She said by doing the directional boring, they would be going under the resource area, and she also noted that they were starting outside of the buffer. There was discussion about whether there were other gas lines in Concord that crossed rivers.

There was discussion on what size the gas main was, and R. Hebert said it was an 8 inch gas main, with a 12 inch sleeve. She said some minor trimming of vegetation would be done through the resource area in order to maintain a five foot swath of cleared land so that the drill could be tracked during the boring. She said the project was originally supposed to take place in Loudon, but said test pits had indicated that it was a bad place to cross the river with the directional boring.

Commission members agreed that they didn't object to the application as proposed.

### **5. Easement Stewardship/Monitoring**

Steven Bradley and Don Jewell came before the Commission concerning tree clearing that had occurred within the conservation easement on each of their properties. Mr. Bradley explained that he had hired T. F. Bernier to do a restoration plan to address the situation on his property. He said this plan didn't address the restoration needed for the portion of the conservation easement that had been impacted on Mr. Jewell's property.

Commission members asked why the tree cutting had occurred on the easement land, and Mr. Bradley provided details on this. He stressed that he had had no idea that there was a conservation easement on his property, and said this was not brought to his attention when he bought the property. He said he had been surprised and devastated when he got the recent letter from the Planning Department, and said he was trying to fix the problem.

Jonathan Crowdes from T.F. Bernier provided details on the restoration plan. He said they proposed to let the red maples within the wetland area regrow naturally, noting that the stumps were already re-sprouting. He said some tree planting would be done within the upland portion of the easement area. He also said some debris from the tree cutting would be removed from the easement area, by hand, in order to avoid further damage. He noted that the restoration plan did not address areas that were outside of the easement.

It was noted that the tree cutting was done in early February, by logger John Richardson, and that Mr. Richardson had recently spoken with R. Hebert about the situation.

J. McClure asked if they had any idea what the value was of the timber that had been cut. Mr. Jewell said the stumpage value was approximately \$1,800. There was discussion about the trees that had been cut. R. Hebert showed photos of the trees that were taken in 2010. Mr. Bradley said they were supposed to be sold for kindling. Mr. Jewell explained that the deal didn't work out for Mr. Richardson, but said he (Mr. Jewell) was paid for the timber cut on his property.

Mr. Bradley noted that there had been some dumping of wooden debris, pallets, etc. on his property over time, and said this would be cleaned up. He said he would also be putting up a fence at the street so there would be no further random dumping.

C. Kane asked how much of Mr. Jewell's lot was cleared, and was told that the whole lot had been cleared. There was detailed discussion on the location of the easement as it ran through both properties. R. Hebert noted that the wetland boundary used in the restoration plan had been digitized from an older map. She said when she was at the site, it looked like the upland area extended a bit farther through the property than what was indicated in the plan, and said this was worth looking into.

There was discussion about the number of trees that would be planted in the upland area, and the best way to lay them out. It was suggested by Commission members that the trees could be spread out more than was indicated on the restoration plan in order to give them more room to grow. There was also discussion about the importance of creating visual separation of the easement area on the property from the non-easement area. R. Hebert said the easement boundaries should be marked with medallions that were provided by the City. Mr. Crowdes reviewed the table of proposed trees. R. Hebert suggested requiring a performance guarantee to make sure that the plants survive.

J. McClure said she appreciated it that Mr. Bradley was trying to repair the damage that was done. C. Kane said planting the trees should provide some major mitigation for the easement area. He said it sounded like the trees there were not necessarily high quality to begin with, and had grown in after the area was cut years ago. He also said this wasn't necessarily a forever wild, hands-off easement because there was a reserved right to construct drainage improvements, and said the tree planting was a good step to take.

Mr. Bradley said seedlings would be planted, but it was then explained that saplings would have a higher survival rate than seedlings. There was discussion on this, and on the best trees to use for specific locations, in wet areas and to create a definite boundary. R. Hebert noted that the planting shouldn't happen until it was cooler in the fall.

Commissioners agreed that 50 trees was a sufficient number of trees to plant, and they should be spread out enough to create more screening, and in such a way to make it clear where the easement boundary was. They said the restoration plan should be run by the Five Rivers Conservation Trust, which was the executory interest holder of the easement. R. Hebert said she had discussed it with them, and said they probably would be comfortable with what Mr. Bradley had provided.

Mr. Bradley said he would provide a revised plan to R. Hebert before the next Commission meeting.

Mr. Jewell explained that he had discussed with R. Hebert the tree cutting on the easement portion of his property, but wasn't prepared to provide a restoration plan for this meeting. He explained that he had walked the site today, and said he didn't think the impact to the easement area on his property was as great as it was to the easement area on Mr. Bradley's property. He said he would measure off the conservation easement line and mark it appropriately and hopefully permanently. He said he hoped to do much of the restoration plan himself to keep the cost down, but said he could use some direction on it.

There was discussion on the easement boundary on Mr. Jewell's property. R. Hebert said she had met with Tim Bernier on the site once the easement boundary was marked out, and said it was very helpful to see it in comparison with what had been logged. She said the tree line was very thin along the back edge of the property, and said she wanted to go back and look at it again.

There was discussion. She said if the property line extended into wetlands, there wouldn't be as many trees to plant.

Mr. Jewell said he should have an idea what he would be doing in time to plant the trees in September.

## **6. Reports**

### a. Trails Committee

R. Hebert said at the most recent Trails Committee meeting, David Brennan, Concord Water Treatment Plant Superintendent gave a presentation on the management of city-owned land in the Penacook Lake watershed. She noted that R. Chorman was there.

She said a meeting had been set up to discuss the possibility of opening up public access to the trails in the Russell Pond area, near Marjory Swope Park. J. McClure said the Commission should follow up on this and invite Mr. Brennan to present at a Commission meeting.

### b. Upper Merrimack River Local Advisory Committee

There was nothing to report.

### c. Contoocook and North Branch Rivers Local Advisory Committee

There was nothing to report.

### d. Forestry

R. Hebert distributed Ron Klemarczyk's forestry report. She said that Ron had recently done a site walk with Kyle Lombard of DRED, who was charged with handling the Emerald Ash Borer (EAB) outbreak. She said an infestation had been discovered on State land near the Blossom Hill cemetery. She said it was a pretty isolated area, and explained that it would be used as a sink to attract the EAB. She said that DRED was surprised to find the infestation because it was pretty far from the river, noting that most of the affected trees were closer to the river. She said that the DRED has suggested that the City identify any trees at the cemetery with historical/sentimental value and treat them with pesticides, or they were likely to be lost because of the infestation.

### e. Street Trees – City Council referral

R. Hebert noted the City Council's referral to the Commission concerning street trees. She said the email from resident Robert Baker stemmed from his concern about a bucket truck parked next to the Sycamore tree on North Main Street, but also said he was concerned about the city's lack of tree planting in general. She said she and G. McPherson met with General Services, and suggested a joint response about the need to develop a street tree master plan, and a committee to help steward city trees. She said the idea was to start this in house, so staff could coordinate the various issues and departments involved. She said it made sense for everyone to focus on the same plan, especially as it was being developed.

J. McClure said she had referred this to the Commission because she thought they might be able to jump start this effort. She said the burden for all of this shouldn't be put on staff, and said a lot

of citizens were interested in seeing a better planting and maintenance policies for street trees. She said they could do a lot of the work involved, including helping to get grant funds. She said the tree volunteers had been a terrific group, and said if they'd had support from staff, perhaps they would have continued. R. Hebert said that the tree volunteers had been taken over by Groundwork Concord.

G. McPherson said this clearly seemed to be a Planning project, but said they also needed to coordinate with other staff, including the city's arborist and the Engineering Division to see how this would work. She said the goal was to have a citizen committee after staff laid the groundwork for the program the first year. There was discussion. J. McClure said it would be great if Commission members could be involved in some way as staff worked things out. G. McPherson said she thought there should be a dedicated street tree committee that was fundamentally different from the Conservation Commission. She said there could be Commission members on it.

C. Morgan said the Commission should comment on whether some valid questions and concerns were expressed by Mr. Baker, such as whether it was right that the city took trees down but expected residents to replace them; and whether funding should be sought to help with putting new trees in.

J. McClure said collecting data as suggested by Mr. Baker was a good start. It was noted that the most recent street tree inventory was done several years ago, by tree volunteers. J. McClure said this would be a great project for an intern. R. Hebert said she had asked General Services if GPS was used to make note of the location of trees that were removed, and was told no, even though General Services' staff used GPS for locating drainage manholes and other infrastructure. She said getting this kind of data on trees was a good idea.

There was discussion about developing recommendations for a street tree policy, which might include one-to-one tree replacement, no net loss, etc., and recommendations concerning funding for an urban reforestation plan as well as tree planting. J. McClure said if there was going to be a joint response, she would like to review it before it went to the City Council, which would take the lead and send it back to the Commission. G. McPherson said she could indicate that the response would be ready for the August Council agenda.

R. Hebert said sentiment about tree removal at General Services had changed and they were now very interested in preserving and planting trees, but didn't have the funding for replacing trees that needed to be cut. She noted that there wasn't a cyclical pruning program, and the arborist generally responded to complaints. She said he had vetoed some recommendations to take down trees, and generally went in and pruned first. C. Morgan said the city was clearly putting time and effort into selectively removing trees that needed to come down. There was discussion about whether the total number of trees that were removed by General Services included the trees in the rural areas as well as the urban trees.

J. McClure said the Commission should take the time to fully develop these recommendations.

G. McPherson suggested that the letter to the Council could say that the Commission recommended developing a street tree policy, and would spend some time thinking this through.

R. Hebert said further discussion was needed about whether there should be a dedicated street tree committee, or if the Conservation Commission should do this. G. McPherson said it would

be better for a dedicated committee to tackle this, and said this showed that the city was serious about addressing this issue.

There was discussion that the Commission should have a special meeting to discuss street trees in late July, where they would review their proposed response/recommendations and flesh them out more.

#### **4. City Open Space**

J. Owers moved to enter into a nonpublic session for the discussion of possible land acquisitions in accordance with RSA 91-A:3, II(d). C. Kane seconded the motion; the motion passed unanimously.

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

K. Tardiff moved to recommend that the City Council amend the Budget to take \$50,000 out of the forestry trust fund to apply to the negotiated standing timber value price on the Whispering Heights property; and in the event that the city is unable to amend the Budget or use the forestry trust fund for this purpose, the Conservation Commission will set a public hearing to appropriate \$50,000 from the conservation trust fund. J. Owers seconded the motion; motion passed unanimously.

C. Kane left the meeting at 9:16 pm.

#### **7. Correspondence/Announcements**

There was discussion on the letter from the City Solicitor's Office regarding Unitil's request for approval to grant an easement to PSNH for the construction and maintenance of a substation.

J. McClure said there was a growing awareness of how the Northern Pass project was impacting Concord conservation land and other areas from a visual perspective. She said the lines went through a lot of conservation land in the city, so it was appropriate for the Commission to discuss this issue. She said whatever the options were to address it, they should come to the Council from the public. She suggested that there should be some kind of public meeting where information would be presented, including showing the visual impact of the utility lines. She noted the possible idea of a petition that said the City Council wanted the lines to be buried.

C. Morgan suggested that neighboring towns like Canterbury and Chichester could participate in the public meeting. J. McClure said she would get in touch with them as well as some people up north who had been dealing with this same issue. She said it would be great if more people in Concord knew what was going on. There was discussion that PSNH could be invited as well.

#### **8. Other Business**

K. Tardiff moved to adjourn the meeting. J. Owers seconded the motion; motion passed unanimously. Meeting adjourned at 9:30 PM.

A TRUE RECORD ATTEST: Rebecca Hebert, Secretary *Pro-tem*