

**CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
June 11, 2014 - draft
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, Jim Owers, Courtney Lockwood, Fred Chormann, Tracey Boisvert and Councilor Jan McClure. Senior Planner Rebecca Hebert and Administrative Specialist Patricia Murray from the Planning Division also attended the meeting.

1. Minutes, April 9, 2014 meeting, May 14, 2014 meeting and May 19, 2014 site walk

Mr. Owers moved to accept the minutes of the April 9, 2014 meeting, the May 14, 2014 meeting and the May 19, 2014 site walk. Ms. Boisvert seconded the motion; motion passed unanimously.

2. Wetlands Bureau

- a. Standard Dredge and Fill Wetlands Application for PSNH for temporary and permanent wetland impacts associated with the re-establishment of the 317 Line in Concord –

Ms. Hebert gave an overview of the project. She explained that PSNH is proposing to reestablish a utility electric transmission use in an old easement that has been abandoned. The poles were removed in 2008 and the right-of-way has not been maintained. PSNH has applied for a Conditional Use Permit for wetland buffer and shoreland buffer impacts associated with the installation of the new utility line. Planning staff has requested more information from PSNH and the application has been postponed until the July Planning Board meeting. The project will also need a Conditional Use Permit to re-establish the utility use within the right-of-way. PSNH will be coming to the July meeting to discuss the wetlands permit and Conditional Use Permit applications. The permanent wetlands impact is 175 sq. ft. but the temporary impact associated with the construction is 178,759 sq. ft.

- b. Correspondence - none
- c. Other business - none

3. Reports

- a. Trails Committee – Chair Morgan asked about the Broken Ground public workshop and the possibility of holding it at the next scheduled Trails Committee meeting which is June 25, 2014. Ms. Hebert will schedule an information gathering session on the 25th.
- 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 - Councilor McClure reported that General Services replied with a report to Robert Baker's request for information. The report was approved by Council and she suggested that the City Council form a committee to look into the city's tree policies.

4. 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 – See discussion under item #2 above.
- b. Budget – no update

5. Easement Stewardship/Monitoring – no update

6. City Open Space

- a. Agricultural leases, update regarding the land swap at between the agricultural fields at Gully Hill Road and West Portsmouth Street -

Ms. Hebert gave an update regarding the land swap between the agricultural fields at Gully Hill Road and West Portsmouth Street. She stated that the City is currently responsible for paying the taxes on the properties and the leases are currently for \$30.00 per acre. Ms. Hebert wants to increase the per acre fee to \$50.00. The Bartlett lease would be a five year term with four five year renewal options. Mr. Bartlett requested a \$30 rate per acre plus taxes, renewal based on the needs of the farm, he questioned if the rate could be increased at the time of renewal, he would like to keep the rate the same for all terms, he asked if the island in the middle of the field could be removed from the tillable acre calculations, and he asked for drainage improvements along West Portsmouth Street

After some discussion, the Commission agreed to adjust the rate to \$30 per acre for the first five years plus property taxes, and then the rate will increase to \$50 per acre plus taxes and the lease would be amended to add the option to renew the lease for an additional 5 years. Ms. Hebert will draft the changes.

ASIDE: Chair Morgan asked that items such as the discussion topics listed below be put under a heading of “New Business” at the beginning of the agenda.

7. Other Business

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

Rob Knight, Trails Sub-Committee Member, gave a history of the trail. He explained that part of the original agreement between the City, John Swope and Five Rivers mentioned a connector trail from Rossvie Farm to Swope Park. The connection has since morphed into a connection directly to Carter Hill Orchards and Rossvie Farm. Mr. Knight feels people will find it attractive to be able to go from Carter Hill to Swope Park and eventually continue on to Winant Park or to be able to go out the West Farm trail and take a completely different route back. The Committee has verbal permission from the landowner on District #5 Road to locate a trail on their property for part of the connection route. The issue is to go from that landowner north of District #5 Road across District #5 Road, southerly to the City property closer to Swope Park. He stated that one issue is the road crossing and another issue is where the trail would potentially cross State forest land. The State’s preference is to skirt around their land and use City watershed land.

Chair Morgan asked if we received any information from Engineering about the road or sight distance. Ms. Hebert replied that there is nothing yet but expects a report from the Traffic Engineer sometime next month. She also stated that from the site walk they could see where the sight distance concerns were coming from at the initial proposed crossing. Chair Morgan stated that the next step if this goes forward would be to resolve any issues brought forth from the Traffic Engineer, to have some agreement with the State if the trail goes on State land, and to formalize an agreement with the private landowner and the State.

Ms. Hebert indicated on the map where the options for the road crossing could be. She explained that initially the proposed crossing at District #5 would be located at a point where the trail would go uphill from the crossing, follow the westerly edge of the Raymond property up to Carter Hill. Mr. Owers mentioned that it is pretty wet in the easterly area. Ms. Hebert stated she received feedback from Bill Carpenter, Department of Resources and Economic Development, indicating that wildlife biologists are concerned about the trail cutting too far into the State forest property because the lands are used by hunters and they have done some wildlife management improvements on the property. She recommends staying on the easterly side lot line. Mr. Owers questioned if the landowner was concerned where the trail crossed District #5 Road. Chair Morgan replied that the issue is a hill that is located at the proposed crossing which could be a danger of being hit by an on-coming car for people attempting to cross the road. Ideally the crossing would be brought further east.

Ms. Cynthia Phillips, 49 District #5 Road, stated that the neighbors are very concerned. She presented a letter from another neighbor to Ms. Hebert. She stated she and the other neighbors believe it is a very bad place for the crossing and fear for someone getting hurt trying to cross the road. She stated she would like the City to find another crossing and encourage the Raymonds to do something else. Mr. Owers asked if the crossing was located too far up the hill. Chair Morgan answered that crossing would be located just below the crest of the hill on District #5 Road. He stated that a driver travelling from the west would not have much reaction time to stop. Ms. Boisvert stated there was a 20 – 25 foot wide section of roadside woods which may be a place for hikers to follow the property to a crossing.

Mr. Don Ross, District #5 Road, expressed his safety concerns for hikers and drivers. He stated it is scary coming down that hill whether or not anyone is there. He agrees the access trail should not be located on the hill however, where the proposed crossing is in relation to the Raymond property there is only maybe 100 yards of available off-road walking, then the water is up to the shoulder of the road. He stated that the visibility is low in the summer, better in winter but then the road becomes a sheet of ice which creates more concerns. He stated that the Commission should take all things into consideration such as safety and the happiness of the neighborhood before making a decision. Mr. Owers asked Mr. Ross where he would put the crossing. Mr. Ross replied that it is up to the Raymonds but he feels the best access would be near where the logging took place near a gravel walkway on the Raymond property.

Mr. Ron Talmadge, District #5 Road, stated he took measurements from the top of the hill sight line distance to the proposed entryway which is less than 150 feet to the crest of the hill and less than 200 feet down to the beaver pond. He stated that the road is dangerous enough as it is; it's narrow, in poor condition, and a literal sheet of ice in the wintertime from the top of the hill to the base of the hill. He stated that the Raymonds are pigeon-holing the Committee as to where the access point can be and he feels that there may not be a good location for a crossing. He stated

that he isn't sure if the trail needs to exist. Mr. Ross expressed he felt it was all being pushed a little too hard without taking all things into consideration. He suggested tabling the crossing until road improvements have been made.

Tim Pifer, Trails Committee, explained that a loop trail is a much more attractive trail. He noted that Swope is an extremely popular trail and the West End Farm trail already crossed a few dangerous roads. He stated that the Trails Committee took all the factors into consideration when proposing the crossing which was moved 300 feet to get the sight distance. He stated that any crossing of a road has inherent dangers. He stated the Committee worked closely with the Raymonds and were limited in the choice of crossing areas. He stated this would be a beautiful 11 mile loop trail. Mr. Knight stated there is a berm on the side of the road which allows people to get out of the road. He made two points; one, he feels it is not great having people walk down the road which creates a safety issue, and two, from a trail point of view if you can go straight across the road you are much better off and won't have a tendency to get lost. He stated the answer is to have the Traffic Engineer take a look. Mr. Talmadge reiterated that at this time of year you will not see how wet the property is in the springtime on the south and north sides of the road. He suggested moving the crossing up to the east closer to the log landing and stated the trail could be closed during logging operations. Mr. Ross stated that the berm Mr. Knight refers to is actually a two foot shoulder and in the winter there is no shoulder because of snowbanks.

Ms. Phillips suggested tabling the item until the Commission can visit the area during strawberry season and winter.

Mr. Talmadge inquired what the next steps would be and how the neighborhood can stay involved and be informed of any actions. He stated he is not anti-access and wants to find an amenable solution. He stated that any reasonable person could already walk the thru trail using a compass. He also expressed concern for a formal trail taking away from hunting. Chair Morgan stated there are a number of steps which involve a formal agreement with the landowner, a written agreement with the State forest, and a report from the Traffic Engineer. He stated the Commission only meets once a month but notification would go out if a special meeting was held. He stated all Commission minutes are posted for public view.

Mr. Lloyd Noble, Reynolds Road, Penacook, spoke. He referred to the Jim Hill River Walk trail and suggested that the Commission take a long thought about the traffic that comes with trails, the garbage, the pot smoking, the drinking and other things the neighbors have to put up with in having a trail in their backyard. He agrees that District #5 Road is a bad road for a trail crossing. Mr. Chormann questioned whether the beach was the draw for people at the Jim Hill River Walk. Mr. Noble agreed. Mr. Noble also stated his concerns for a trail near a water supply area because people go to the bathroom in the woods while hiking. Ms. Phillips questioned why the water preserve area was not posted anymore.

Mr. Owers stated he would like to know how much traffic is on District #5 Road and how locked in the Raymonds are to the proposed crossing. Mr. Knight indicated he is still negotiating with the Raymonds and that as far as moving the crossing down, the Raymonds wanted the trail on the edge of their property and compromised with this proposed crossing. Ms. Phillips stated the beaver dam would make an excellent crossing with a bridge. Mr. Knight stated that would be up to Ron Klemarczyk and the Conservation Commission.

Ms. Hebert confirmed that the Commission would like a sense of the traffic volume on District #5 Road a typical day and a day during strawberry season, an optimal sight distance, and direction on the best location for the crossing (i.e., where the best driveway location would be if the site were residential) from the Traffic Engineer.

Ms. Boisvert suggested to wait on any official decision until this information from the Traffic Engineer is available. She also noted having a map with the different alternatives highlighted would be useful. Chair Morgan suggested Commission Members review the Master Plan and the Open Space chapter. All members agreed with Ms. Boisvert's suggestion to wait until more information is gathered.

b. Discussion of the restriction on horseback riding on the West End Farm Trail

Ms. Bethany Tarbell and Ms. Hilary Deangelis were present to speak to the Commission about horseback riding on the West End Farm Trail. Ms. Tarbell handed out maps showing the landowners property and the areas of concern of horse damage on the trail and the West End Trail map. Ms. Tarbell stated that in the fall there was concern about horse damage on the trail from Hopkinton Road to the section north of I-89. She stated the area of mud where damage was noted is on City of Concord property. She stated they have an agreement with Rob Knight that the horses will stay to the mud and the hikers will stay to the narrow part on the side of the trail. They also worked out an agreement at Diamond Hill at the State and City property lines where the horses will go on one side and the hikers on the other. Ms. Tarbell stated that the posted signs prohibiting horseback riding on the trail are not correct as they have landowner agreements that go back decades allowing horses on the trails and were refreshed in the last month. She spoke to St. Paul's School, and Sandra Weston, and will be speaking to Jane Presby at Diamond Hill Farm. She stated they had permission from Ms. Presby for the part of trail between Hopkinton Road and Currier Road. She also has a call into Mr. Chesley who owns a small portion of land north of I-89. She also stated that she and Mr. Knight agreed to horseback riding on the snowshoe trail for one section of the trail. This is a wet area and Mr. Knight has concerns about damage caused by horseback riding. He stated he is in agreement about horses being on the snowshoe part of the trail. In response to Ms. Tarbell's question about the kind of damage he is seeing, Mr. Knight responded that there are areas that are chewed up by hoofs and when comparing a hiker and a 1200 pound horse with steel hoofs the damage is visible. Ms. Tarbell stated that she is very happy with the solution. Chair Morgan asked how other horseback riders would know of the trail. Ms. Tarbell stated there is only one other farm that uses these trails and they have met with them.

Chair Morgan asked for a clarification about the Diamond Hill section. Ms. Tarbell stated that she intended to talk to them about using the trail. She stated that they go through St. Paul's land, through portions of Weston land, hook onto what is now the West End Trail, through the mud section, onto Rob Knights trail, down around James Fields, and to the snowmobile trail.

Councilor McClure stated that they seemed to be working this out with the Trails Committee and the Commission is happy about that.

Ms. Tarbell asked if the signs could be removed or the text changed to no horses on this section at appropriate sections of the trail. Ms. Hebert stated the signs could be reprinted. Discussion regarding the need for any signs ensued. Ms. Hebert suggested more directional signs rather than listing restrictions. She mentioned that the Trails Committee could talk about the signs at their next

meeting.

Chair Morgan stated he agreed with Councilor McClure and encouraged Ms. Tarbell to continue working with Mr. Knight and the Trails Committee to solve any issues. He also noted the solutions reached so far were great solutions.

- c. Request by the Society of Soil Scientists of Northern New England to use the Broken Ground property for training workshops for soil scientists

Jim Gove, VP of the Society of Soil Scientists of Northern New England, and Tom Peragallo, Chairman of the Board of Natural Scientists were present. Mr. Peragallo stated the site would be used for training and field testing of soil and wetlands scientists as stated in his letter to the Commission. Mr. Gove explained that the site is almost too good to be true in that it is a large site where the wetlands have been flagged out, topography, soil mounts, and test pits. He stated the Society has been looking a long time for a site.

Mr. Owers asked how many times a year they would be out there. Mr. Gove replied that typically they have one or two events per year; spring and summer, or summer and fall. Mr. Peragallo said it is hard to predict but probably no more than four times per year. Mr. Gove stated that they are a volunteer organization and would not be advertising their events.

Mr. Gove and Mr. Peragallo explained that they would use hand tools and would refill any disturbed areas. They would not be using any vehicles on the land but would require a parking area. Ms. Boisvert explained that the only available parking was on-street.

Mr. Gove indicated they would hang a sign describing the training on the days of workshops. Ms. Hebert suggested that a letter in response to the request for the training use be sent with any conditions the Commission might have listed in the letter.

Mr. Owers motioned to approve the use of Broken Ground property for training workshops for soil scientists as outlined in the letter received by the Commission for a two year trial period. A letter will be sent by the Society of Soil Scientists of Northern New England prior to any event outlining the time, date and use. A letter in response stating any conditions will be sent from the Conservation Commission. Ms. Lockwood seconded the motion. Motion passed unanimously.

8. Election of Officers

Chair Morgan stepped down as Chair, and handed the meeting to Vice Chair Owers to accept nominations for Chair. Vice Chair Owers opened the floor to accept nominations. Vice Chair Owers nominated Mr. Morgan as Chair and Mr. Chormann seconded the nomination. There were no other nominations and Vice Chair Owers closed the floor and requested a vote. The group voted unanimously for Mr. Morgan to be Chair of the Conservation Commission. Vice Chair Owers turned the meeting back over to Chair Morgan.

Chair Morgan opened the floor to accept nominations for Vice Chair of the Conservation Commission. Mr. Chormann nominated Mr. Owers to be Vice Chair. Ms. Boisvert seconded the nomination. There were no other nominations and Chair Morgan closed the floor and requested a vote. The group voted unanimously for Mr. Owers to be Vice Chair of the Conservation Commission.

Chair Morgan opened the floor to accept nominations for secretary. Mr. Owers nominated Mr. Kane to be secretary. Mr. Chormann seconded the nomination. There were no other nominations and Chair Morgan closed the floor and requested a vote. The group voted unanimously for Mr. Kane to be Secretary of the Conservation Commission.

There being no further business, Chair Morgan adjourned the meeting at 9:47pm.

A TRUE RECORD ATTEST:

Patricia Murray, *Secretary Pro-tem*