



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MERRIMACK CONSERVATION COMMISSION

APRIL 17, 2017

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, April 17, 2017 at 6:33 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Cynthia Glenn
Tim Tenhave, Alternate Member
Gina Rosati, Alternate Member

Members of the Commission Absent:

Also in Attendance: Robert G. Kilmer, Sanford Surveying and Engineering, Inc.
Ralph Freeman, Rochette's Oil & Propane
Thomas E. Zajac, Jr., P.E., Senior Engineer, Hayner/Swanson, Inc.
Sara Siskavich, GIS Manager, Nashua Regional Planning Commission
Ryan Friedman, Sr. GIS Planner, Nashua Regional Planning Commission

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. Sanford Surveying and Engineering (applicant) and Barbara Watson (owner) –** Review for recommendation to the Planning Board of a Subdivision plan resulting in a total of 3 residential lots, and a subsequent Lot Line Adjustment between an existing lot and one of the proposed lots. The parcels are located at 124 & 130 Amherst Road in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 4B, Lots 136 & 137.

Robert Kilmer, Sanford Surveying and Engineering, Inc., stated the proposal to be for a three-lot subdivision of the property identified as Tax Map 4B/Lot 136 (9.7 acres). The property has an existing house located on it. Being proposed is three lots; 4B/136 would maintain the existing house at 2.3 acres with 100,287 sq. ft. of contiguous upland, 4B/136-2 would be a 2.7 acre parcel consisting of 119,362 sq. ft. and have 108,351 of contiguous upland. The last lot, 4B/136-1, would be 4.66 acres with 152,455 sq. ft. of contiguous upland.

Also being proposed is a lot line adjustment with the parcel identified as Tax Map 4B/Lot 137. As part of that, 1.1 acres of that parcel would be added to 4B/136-1 to arrive at a final area of 5.8 acres.

Mr. Kilmer pointed out the proposed driveways; 136-2 is towards the right side of the lot, 136-1 is over on the left side of the frontage for that lot, and the existing house will retain the current driveway.

Wetlands were flagged. The lot contains Hinckley loamy sand soils (group 1 soil; severe permeability) anywhere from 0-8% slopes. The wetland area is a Rippowam fine sandy loam, group 5 soil, poorly drained.

Chairman Perry noted the project, at this time, is simply for sub-division and a lot line adjustment. When asked if there are plans for construction, Mr. Kilmer stated the intent is to build on 136-1. When asked about parcel 136-2, Mr. Kilmer stated the owner is discussing constructing a home for sale on that parcel.

Commissioner Tenhave commented the proposed project is pretty straightforward; not dealing with slopes, plenty of upland, away from wetlands, etc.

Commissioner Tenhave extended well wishes to the family noting they have been good neighbors.

The Commission had no comments to provide.

- 2. Rochette's Oil Service, Inc. (petitioner) and Willey Real Estate, LLC. (owner)** - Review for recommendation to the Planning Board of a Waiver of Full Site Plan for an expansion of an existing non-conforming fuel storage and distribution business. The parcel is located at 658 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6E-2, Lot 013.

Ralph Freeman, Rochette's Oil & Propane, informed the Commission the proposal is to replace a 250-gallon propane tank located in the front of the building, which supplies propane to the showroom appliances, with a 1,000-gallon above-ground propane storage tank for propane dispensing to fill grill tanks.

Existing parking is intended to support the sale of propane to fill propane tanks. The unit comes as one with a locking cabinet, the dispenser is in the cabinet, and sits on either lintels or a pad. There will be crash barriers all around with fencing.

Commissioner Tenhave noted there would be a slight change to the impervious material onsite given the increased size of the concrete pad. Mr. Freeman noted concrete lintels are 6 x 6 concrete bars.

Commissioner Tenhave spoke of the slope to the front of the property (front to road surface). He questioned where rainwater would go. Mr. Freeman responded he would imagine it would travel as it does currently. He suggested they could grade the area so that water drains toward the parking lot. Commissioner Tenhave stated the Commission's preference to be that water gets into the ground as quickly as possible. If it hits the parking lot it will sheet across the lot and go to wherever it goes now when on the parking lot.

If there is adequate stormwater retention inside the existing parking lot there would be no question. But if, given the age of the site, there is none of that, it would be ideal to have something around the unit that could capture the rainwater and direct it into the ground whether that is a gravel type trench or something similar. He noted the property is in an aquifer area, there are wetlands across the street, etc.

Mr. Freeman responded the suggestion seems simple enough. He stated he would work with the engineers at Fuss & O'Neill, and have them advise on that.

When asked if landscaping is being considered, Mr. Freeman stated something would be placed around it; perhaps shrubs on the corners. Chairman Perry noted, if fertilizer is to be utilized, the recommendation of the Commission is for low-phosphate, slow release nitrogen fertilizer, and that indigenous plantings be utilized.

The consensus of the Commission was for the project to include some means of capturing and directing rainwater into the ground onsite, if fertilizer is to be utilized that it be low-phosphate, slow release nitrogen fertilizer, and that any planting be indigenous.

- 3. Hayner/Swanson, Inc. and Student Transportation, Inc. (applicants) and John T. Zyla (owner)** - Review for recommendation to the Planning Board of a Site Plan for a school bus operations facility. The parcel is

located at 534 Daniel Webster Highway and 6 William Street in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6D, Lots 001-01 & 001-02.

Thomas E. Zajac, Jr., P.E., Senior Engineer, Hayner/Swanson, Inc., stated the property is located at 534 Daniel Webster Highway and 6 William Street; actually two parcels (Tax Map 6D/Lots 001-01 and 001-02 respectively). The property is a little over 4 acres, and is located in the C-2 Commercial zoning district and the Aquifer Conservation and Wellhead Protection Overlay districts.

The easterly portion of the site is currently developed; partial two-story multi-tenant commercial building and an approx. 9,000 sq. ft. garage along with associated pavement and parking areas. The westerly portion of the site is currently wooded and undeveloped.

Abutting the site is Williams Street and a single-family residence to the North, F.E. Everett Turnpike to the west, to the south is the Vault Motor Storage facility, and to the east D.W. Highway. Across D.W. Highway is a multi-family apartment complex.

Student Transportation, Inc. (STI) currently services the Merrimack School District, and operates out of their 14 Star Drive facility, which is about a 2-acre site located in the southern part of town. The existing site is not ideal for the company, e.g., not centrally located or large enough. They have been looking for a more suitable facility, and believe they have found it at this site.

Being proposed is the redevelopment of the site into a school bus operation facility. The two existing lots would be merged into one. The garage portion of the building would be demolished and they would be looking to construct a new 3,000 sq. ft., two-bay maintenance addition on the back of the existing building. STI would occupy about half the office space. They plan on keeping the existing commercial tenants in the front of the building, and will occupy the rest.

There are new parking spaces; 78 spaces total, and some future spaces identified on the master plan. The proposal does not meet parking code, but they believe there is a little bit of overlap in the uses, and will ask the Planning Board to allow the project to move forward with slightly less than the required spaces.

Customers/employees will continue to park in the front; parking area would be added along D.W. Highway. A small parking lot is proposed on the rear of the building for customers. The southerly parking lot will be mostly for school bus drivers. In the rear of the site parking would be provided for approx. 55 school buses.

In terms of access, the intent is to maintain the existing driveway on D.W. Highway and look to better define access points along Williams Street. There is a single-family residence abutting the property, and the desire is to better define access along those points, and introduce some green space while also making the site functional for both the commercial customers, employees, and the school buses.

There are four total driveways or curb cuts along Williams Street. The easterly two will serve for the customers and employees of the commercial uses and the rear two will serve for the buses as they make a clockwise motion in and out of the site finally exiting on the new cul-de-sac off of Williams Street.

Other site improvements include a fuel island and above-ground storage tank for use by the bus fleet. A placeholder for that is shown on the plans. Final design of that area is forthcoming subject to NHDES approvals. New landscaping and site lighting will also be added. The site will be serviced by public sewer as it is now, Merrimack Village District (MVD) water, underground gas, and overhead telephone and electric utilities.

Mr. Zajac commented they feel they are making significant stormwater management improvements on a site where no formal practice currently exists.

There is a small wetland located at the rear of the site along the F.E. Everett Turnpike. No impacts are proposed to the wetland or its buffers. The site is located in the Aquifer Conservation and Wellhead Protection District associated with MVD wells 4 and 5. They have pre-emptively added some salt and fertilizer restricted notes based on previous experience with the Commission (Notes 11 and 12 on the master plan). Snow would be stored

in open areas of the site, no snow shall come from outside the districts, winter maintenance by Green SnowPro certified contractor, etc.

With regard to the maintenance addition, all maintenance will be located within the building. There will be internal floor drains, which will be piped to an external oil/water separator and then back into the public sewer system. The fuel island is to be designed by a fuel island engineer. Runoff will be self-contained. Mr. Zajac commented a lot of times with above-ground storage tanks the concrete itself will have the grooves, and theoretically if there is a spill it is supposed to contain a certain volume. Efforts have been made to design the parking lot and pavement areas so there is no run on into those areas; all subject to NHDES permitting.

Stormwater generally drains in a westerly direction towards the highway, which is then piped underneath the highway into Baboosic Brook and eventually the Merrimack River. There is no formal stormwater management practice on site currently. The goal of the design was to take advantage of the sandy soils on site and implement LID practices throughout to capture, store, treat, and infiltrate stormwater runoff. They have 6 rain gardens that are proposed throughout the site, a few different infiltration trenches, and an infiltration basin down by the highway. The project will meet Merrimack and NHDES Alteration of Terrain (AoT) stormwater regulations related to qualitative treatment and attenuation.

Chairman Perry questioned the number of parking spaces the project is short, and was told it is 11. Mr. Zajac stated the building itself is a little more than 8,000 sq. ft. Per code, it is 1 per 300 (results in about 30 spaces). The maintenance garage itself is 1 per 800 (another 4 spaces), and the Town would like 1 space per bus space provided (55 spaces). Total spaces required is 89, and 78 are being proposed.

Chairman Perry commented the location of future spaces identified towards Williams Street is also one of the snow dumps. He questioned where the snow would be stored if the additional parking spaces were required. Mr. Zajac commented there is a rain garden in there too. It would require some re-engineering of the site in that area.

When asked, Mr. Zajac stated for the existing site there is not much runoff coming off the site. A lot drains to the westerly portion of the site where it goes right into the ground. The area is wooded and flat. The result of the post-development with all of the stormwater features is zero runoff. Williams Street is flat. The Town installed a leeching catch basin at some point. The site was contributing a fair amount of runoff towards that leeching catch basin, but they are able to direct it into the rain gardens with the proposed plan.

Commissioner Tenhave noted the detention pond near the existing wetland, and questioned if it has an outlet that leads into the wetland. Mr. Zajac stated it has a natural spillway out into the wetland. Commissioner Tenhave questioned if it has anything to slow down velocities of water. Mr. Zajac responded there was no riprap proposed, but some could be added. The analysis is showing that no runoff is coming off in the 50-year storm. Commissioner Tenhave responded that is fine.

Commissioner Tenhave expressed pleasure with the included language relative to fertilizers, etc., but noted some of the pages in the back of the plan still have some of the old language (Sheets 12a and 13). Mr. Zajac stated those would be corrected.

Commissioner Tenhave questioned if the buses would be washed inside of the garage or outside. Mr. Zajac was uncertain. Commissioner Tenhave stated that to be a concern, and commented during the winter months buses are great collectors of salt, etc. Chairman Perry noted it to have been a comment when the facility was located at Star Drive; all washing would be done indoors where the drains are located. Commissioner Tenhave clarified the Commission was not saying the applicant has to do something like that. He noted the Commission serves in an advisory capacity to the Planning Board, and that he has seen other facilities that have set up something in their parking lot that collects water from washing and then they dispose of the water in an appropriate manner. Mr. Zajac stated he would look into that.

Chairman Perry spoke of the plantings planned, and stated it to be a concern of the Commission that all plantings be native.

OLD BUSINESS

1. NRPC Mapping – Presentation from NRPC regarding the finalization of the trail maps

Sara Siskavich, GIS Manager, Nashua Regional Planning Commission (NRPC), and Ryan Friedman, Sr. GIS Planner, NRPC, presented the Commission with examples of maps for review. Ms. Siskavich noted the contract had a target end date of April. The intent was to gather some final feedback on the maps, and discuss in more detail some of the online components being proposed.

Ms. Siskavich commented the product was all about taking a fresh look at some of the mapping resources offered to the public with respect to some of the more popular properties in Town. Over the winter, Mr. Friedman worked closely with the Chairman and Vice Chairman on the details of the maps. She believes he has done a nice job unifying the look and feel of the maps, making them user-friendly, etc. They have some ideas with regard to making them more accessible to the more technologically inclined user as well.

Mr. Friedman stated there to be a few questions on each of the four maps, and some that pertain to all maps. He believes the map for the Horse Hill Nature Preserve (HHNP) to be complete. The only piece added was the no campfires symbol to the middle portion of the brochure (now on all 4 property brochures).

The hour sections of the brochures have all been updated in accordance with the information contained on the website. The notices section was taken from the language on the HHNP site, and copied onto each of the maps.

Commissioner Tenhave stated he had believed Plumber Trail was the lower part coming out of the water area moving up. That was the original trail that was done with the family, and the upper trail was much newer. Vice Chairman Caron agreed the upper trail is the newer trail, and noted the family was involved in both. Commissioner Tenhave questioned where the feature (rock) is located. Vice Chairman Caron confirmed the rock is on the upper part.

Speaking of the brochure/map for the Wasserman Conservation Area, Mr. Friedman noted trail descriptions have been added as well as permitted/prohibited uses, hours, and notices. The newest items on the map are the details of Wasserman Park; the southern-most parking lot was added (labeled resident parking, which the Commission was in agreement with).

For Wildcat Falls, descriptions are needed. Uses, hours, etc. are included. Attempts were made to make the map resemble the current map. There was confusion on the lettered junction markers (circles with lower case letters) some could not be found on the trees, etc. Mr. Friedman stated he followed the Google map as a guide. He believes the trails are identified in the correct locations. There had been concern that they graphically portray the New Hampshire property versus Town property. The consensus of the Commission was that it was depicted as desired.

Commissioner Boisvert suggested the road connecting to the parking lot from Currier Road be shown as was done on the map for the Wasserman Conservation Area.

Mr. Friedman commented on the static map on the website, the connectors and junction markers are not labeled, but if clicking on the interactive version (Google) they are. He questioned the will of the Commission in that regard. Commissioner Tenhave noted the amount of available space, and questioned if it was sufficient to allow for descriptions of connectors. Mr. Friedman responded if there is enough language to do it that would make it consistent with the others where they tried to get every trail.

Commissioner Tenhave questioned if the desire is to include the trail letters and a table, etc. Mr. Friedman stated that to be an option. He remarked he did it on the map for the HHNP as it was an existing trail he carried over.

Commissioner Rosati commented she knows residents on the other side of Wildcat Falls, and questioned if it is worthwhile to mention there is no parking on that side; Wildcat Falls cannot be accessed. Commissioner Tenhave noted the Town does have an existing trail Right-of-Way along portions of that greyed out area.

Mr. Friedman stated his belief on the existing map there is some sort of language at the end of the trail that goes to the highway, e.g., to underpass. He questioned the will of the Commission. Commissioner Tenhave commented that gets into the whole Town Center trail system, which is a great thing to have. That could be added too, down the road. Commissioner Tenhave stated he would run that past the sub-committee.

Mr. Friedman spoke to the Grater Woods brochure/map. There is the opportunity for a recent photograph with the upcoming Vernal Pool Party. Several Commissioners spoke of photographs they could forward along. Commissioner Rosati questioned the permitted uses language; hunting not on school property. She stated she was under the impression you could not discharge a firearm within a certain distance from a school. Chairman Perry noted there is reliance upon those hunting to know the law. Commissioner Tenhave stated there to be a Federal Law called a Gun Free School Zone, which dictates 1,000'. Typically that is posted on school property. He stated his belief the school has made no attempt to post their gun free zone. There is ongoing debate as to whether that is 1,000 from school property, common student gatherings, etc.

Mr. Friedman noted there to be 17 different trails, and some choices will need to be made in regard to trail descriptions. The description for the Education Loop Trail he has been informed is forthcoming. With the number of trails, the descriptions can be with very small text, be trimmed even more, etc. There is also the need to be mindful of the amount of space utilized for permitted/prohibited uses. An original thought was to create a third category of permitted property wide, prohibited property wide and a separate one for what cannot take place on a school property, but that introduces another section to the back of the brochure when space is not available. Vice Chairman Caron suggested some have the same type of feel, and perhaps could be combined, e.g., Salamander, Millipede and Centipede could be put together.

Mr. Friedman stated the map is a little unique in that instead of him picking random colors for each individual trail to ensure they stand out from each other there is a color-coded use system, and you run into a small problem where you have connector trails that are black and someone might say how come I know what I can do on every trail except these connector trails. Because they are unnamed they were left as a nebulous black color.

Ms. Siskavich commented Vice Chairman Caron has provided some names to some of the connector trails, which may make some of the black lines blue, etc.

Commissioner Boisvert questioned if the Commission wished to indicate where the gates are on Grater Road. The Commission was in agreement with identifying gated access. A separate symbol will be put on the map key indicating it is not an access point; it is a closed/locked gate.

Vice Chairman Caron questioned if the connection that goes from the end of Skyline and then heads out towards the powerlines should be listed on the map. The response was if it is a trail that is utilized, it should be on the map. It could be simply referred to as a connector trail (up until it leaves the property). It was noted the powerlines should be included on this map to be consistent with the others. Mr. Friedman noted the map, in its current state, does not identify the uses for the black trails. Vice Chairman Caron noted the ones internal of the school area were spoken for with other wording. There is the one that goes to the water from wildlife opening, but is very restricted by large rocks. Chairman Perry stated the connector trails to be passive use. The Commission agreed that a fourth color should be added to the bottom left trail text box; passive use only/minimally maintained trails. Commissioner Perry suggested the school building location be made darker to stand out more.

Vice Chairman Caron requested the Waupac panorama wording be placed on the Amherst side.

Ms. Siskavich spoke of efforts to accommodate being able to provide more information about the GIS features in a way that can't really be done on a paper map. The NRPC is an ESRI shop and has an ArcGIS server site, which means it can publish its GIS information and put it into various apps. There are all sorts of templates ESRI provides. That publishing workflow is fairly lightweight and efficient for the NRPC. Ms. Siskavich provided some examples of what can be achieved using the ESRI framework for interactive mapping, e.g., barcodes could be placed on the maps, and a user could use a barcode reader on his/her phone, which would lead the user to the interactive map without having to type in the URL. The browser based websites give an approximate location, is dependent upon cell phone signal, etc. The ESRI app. gives an alternative view of the maps and is much more

geared towards someone who is trying to do infield navigation; location refreshes very fast, interfaces are optimized for someone who is fat thumbing it in the field, etc. It is very lightweight in terms of the footprint of the pop-ups. It represents the most detailed information the NRPC has collected on any of the trails in the region.

Ms. Siskavich commented it accommodates two different audiences. It can accommodate someone who may want to look at the map from the website or are behind their computer, have a big screen and may be planning a trip for the weekend. If there is an audience where you want them to be able to take the data out into the field the recommendation would be to look at the ESRI app and promote it as the tool of choice. There is a hurdle there because you have to encourage people to download the app. The way the NRPC would structure the agreement would be take these examples, use them, give us your opinion, and see how functional you think they will be for your audience.

Ms. Siskavich commented the NRPC is of the belief starting with the ESRI product is the most logical as it is very integrated with their servers, desktop tools, etc.

When asked, she stated it is very minimal in terms of the footprint you are storing on a public facing server. The NRPC would have to see going forward if it would even be something that would be justified as far as a charge goes. They would set up an ArcGIS server site on the Amazon Cloud, and you pay pennies per gigabyte and data transfer fees. This project sort of pushed them into that realm, and they are getting their heads around what the fee structure means. Right now it is minimal (about \$40/month) for the NRPC to host this plus pretty much any other data they would want to publish for any other town. The other thing they could do is turn over the hosting to the Town. The Town also pays for hosting through their GIS agreement with CDM.

Chairman Perry stated his preference would be to leave it with the NRPC at this time. Ms. Siskavich remarked, regardless, for the first year they would not quibble over those kinds of things.

Chairman Perry questioned, and was informed the QR codes are active. Each, after published, gets its own unique app ID and that is associated with each of the barcodes.

Commissioner Tenhave questioned if the desire would be for the QR codes to be placed on the maps. Ms. Siskavich commented they had not added them as they were uncertain of the direction the Commission wished to go. The alternative is to add barcodes for other pages on the website too. Mr. Friedman had expressed his belief they might be able to make space within the map itself with a little text, e.g., interactive version.

Ms. Siskavich remarked most people will have 1 or 2 browsers on their phone. When they click on that barcode it will bring them to that browser experience. It is another step to then say infield navigation; we suggest the ESRI app, and that is a separate download. It is a bit of bringing the audience along if you really want to serve that group of people.

Ms. Siskavich commented another thing that has been discussed is the GPX data. She requested the ability to provide Vice Chairman Caron some sample GPX data to test to verify that the data from ESRI to GPX is functional. What they have found is that with the tools they have they can generate GPX files that are visible in base camp; look good to them in the office, but they need that field check.

That is another way to put information in the hands of your audience; might be someone who is disconnected from a cell connection. Commissioner Tenhave stated his opinion it is important to have those. He noted he has a few apps such as Gaia that if he had the GPX he could utilize it in the field (use maps offline). Another is BackCountry Navigator. Ms. Siskavich noted the GPX file has to be loaded up to your phone before you go out. Commissioner Tenhave stated the intent was to have those available off the Commission's website so that people could click on it and download it to whatever device they are using.

Ms. Siskavich stated it to be the decision of the Commission if the desire were for the NRPC to hand the Commission the GPX files and have Ms. Wetherbee load them up to the content management system being used or they could be placed on the NRPC's site as they are using the same platform. The Commission could be

provided the URL. Commissioner Tenhave responded either way would work. Ms. Siskavich stated sample data would be sent out during the week.

When asked, Ms. Siskavich stated the ESRI to GPX conversion tool has certain assumptions about what the structure of the data is; 6 or 7 attributes that would make their way into the GPX. If there are other requirements that could be looked at.

Chairman Perry questioned the kind of attributes that could be assigned on the GPX side, e.g., trail names and distinguishing characteristics such as motorized or non-motorized. Ms. Siskavich stated they would see how much could be put in and how much makes its way through.

Vice Chairman Caron questioned how to proceed when wanting to obtain different size maps for the kiosks, etc., once the project is complete. Ms. Siskavich stated a few copies could be run off at the office. When approaching 10-20 copies, costs begin to add up. Vice Chairman Caron spoke of the different sizes of the kiosks, and his belief the Commission should identify what would be a base size. It may take some experimenting. Ms. Siskavich noted the print files could be provided the Commission/Town if the desire were to print them in-house.

2. Horse Hill Nature Preserve (HHNP) Skidder Damage – Update

Chairman Perry spoke of difficulty gaining traction on this issue. Don Laliberte, HHNP Sub-Committee, completed a complaint form, which was sent to NHDES. Chairman Perry stated when he spoke with a representative of NHDES, he was simply instructed to get the information sent out, and told it would get to the right person. He remarked it does not seem as though the matter will receive much traction from anyone beyond the Commission.

The Town and Police Department are waiting for the Commission to come up with an assessment of the damage. Commissioner Tenhave stated his opinion it is Town property, and the Town should take ownership. He noted the Town Charter states the Town Manager is responsible for all real property of the Town. He expressed his frustration that the townspeople put hundreds of thousands of dollars away for the Commission to do exactly what it has done. The efforts of the Commission were started in earnest in the '90s and went through into the early 2000s; we've had huge budgets to do what we want to do, it is in our Town Master Plan, which was put together by people of the Town. The people of the Town bought the HHNP. That bond will be retired this year after spending nearly \$4 million on it, and you can't get them to write up a report that says they knocked down ten trees and this is their value?

Chairman Perry noted he has been in touch with Jeff Littleton from Moosewood Ecological. He was the last professional that was at the HHNP doing work; assessed the trail up by Rocky Trail, which is the one that took the brunt of this damage. Mr. Littleton is not comfortable making assessments of wetlands as he is not a Wetland Scientist. He indicated if there is damage there, it is something that a Wetland Scientist has to assess. There would be a cost associated with that. What could be gained by asking Moosewood Ecological is an ecological assessment; this is the damage that has been done, this is how long it will take to recover, etc. Assigning a value will be difficult.

Commissioner Rosati questioned if anyone has contacted Alex Jordan Logging. Chairman Perry stated the police have contacted him, and he has admitted he caused the damage. It is his understanding Mr. Jordan is waiting to be informed of the cost of damages. Commissioner Rosati stated her belief the cost of damages should include the cost associated with obtaining an assessment. She stated her opinion the Town Council needs to support the Commission by tasking the Town Manager with moving forward in addressing this issue.

When asked, Chairman Perry stated his uncertainty with what the Town Council is aware of. The previous Town Council Liaison to the Commission is no longer serving in that capacity. To date, he has been in communication with the Community Development Department and the Chief of Police.

When asked if the Commission is able to move forward in obtaining an assessment, Chairman Perry responded, if left up to the Commission, yes. However, were the Commission to vote to proceed in that manner, it would be responsible for the upfront cost, which is currently unknown.

Commissioner Rosati questioned if the Commission should go before the Town Council. Commissioner Tenhave stated his opinion it is totally within the realm/ability of the Town Manager to make these decisions. Chairman Perry stated he could obtain a quote for the assessment, and provide it to the Town Manager. Commissioner Rosati questioned the hierarchy involved. Commissioner Tenhave noted the Town Manager works for the Town Council, as a body, and everyone else in Town works for the Town Manager. This is a piece of Town property, owned by the Town, of which the Town Manager has full ability to manage and take care of just as she would any Town buildings, etc. He noted this is not something they have done in the past, but he believes it is time for the Town to take the lead on such issues.

Chairman Perry remarked the Commission can push to have that happen or facilitate it.

Commissioner Tenhave commented the argument has been that the Town asked the Commission to manage the property. Commissioner Rosati suggested if the Town Manager did not wish to take this route the next logical step would be for the Commission to go before the Town Council with a request for the Town Manager to manage the issue. Commissioner Tenhave agreed that would be the next logical step. He stated his belief the Town Manager will likely respond that she would like to work with the Commission, but she does not know exactly what she needs to be doing. Commissioner Rosati suggested the Commission provide the Town Manager with the name of a Wetland Scientist. Chairman Perry stated Moosewood Ecological can be hired and asked to bring in its own Wetland Scientist.

Commissioner Rosati suggested the Town Manager be provided with contact information for Moosewood Ecological. When asked, Chairman Perry stated he included Tim Thompson, Director, Community Development Department, on the complaint with NHDES. He is listed on the complaint as the Town's contact.

Commissioner Tenhave questioned if the Commission wished to authorize the Chairman to move forward with the assessment on behalf of the Commission should that be necessary.

MOTION BY COMMISSIONER TENHAVE TO AUTHORIZE CHAIRMAN PERRY TO EXPEND AN AMOUNT UP TO TWO THOUSAND DOLLARS (\$2,000) ENGAGING WITH MOOSEWOOD ECOLOGICAL TO CONDUCT A PROPER ASSESSMENT AND HIRE THE NECESSARY CONSULTANTS TO PERFORM THAT ASSESSMENT, AND FURTHER, THAT ONCE THE ACTUAL COST IS KNOWN THAT THE COMMISSION REQUEST THE TOWN COVER THE COST. FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0

Vice Chairman Caron informed the Commission there was a similar incident that was reported to Director Thompson and the Police through the Grater Woods Sub-Committee, which was related to the donut-hole logging operation. They continue to pull logs. A few members of the Sub-Committee observed them pulling logs on one of the 80 degree days, and water was running down the logging road with the chip that they have been putting on the road to make it drivable, right into the wetlands. The wetlands below the road are just black and full of chip. No straw bales or other material was put in place to prevent this from happening. The police went in and shut them down. When asked how long they would be shut down, Vice Chairman Caron was uncertain.

Commissioner Tenhave stated that needs to be reported to NHDES as well. Vice Chairman Caron responded he mentioned that to Director Thompson and the Police Officer. He noted the Police Officer reached out to him indicating he had visited the site. There is a landing in place that is 30' high. Commissioner Boisvert commented it is amazing the amount of hardwood trees they have piled up there. Commissioner Boisvert questioned, and was informed Grater Road is a public way. He questioned what gives these individuals the right to alter the road. Chairman Perry stated if they have altered it and have not filed for an AoT or have altered it because of bad management practices then that is an issue.

Commissioner Rosati commented the applicants that were before the Commission earlier in the evening were placed on the agenda because their projects were located near wetlands. She questioned why this logging operation had not been required to come before the Commission. Chairman Perry stated they are going into wetlands without permission. Commissioner Tenhave stated the project could have been done without impact to wetlands, and there are Best Management Practices for timber cuts around wetlands that they could follow. If they don't follow those then they are in violation of the timber laws. There is no process that requires someone to review their work. All they have to do legally is file an Intent to Cut. The whole idea of the Intent to Cut is to put the Town Assessor and Tax Collector on notice because we can actually tax them for the timber they take out.

Vice Chairman Caron remarked for this project to get out at night they were using a dozer. They were back-dragging the chip to cover over it. All of that chip is running into the wetland that is on Commission property.

When asked, Vice Chairman Caron stated he had not provided a copy of the complaint form and had not received a copy of the police report, although he is confident there is one. Commissioner Tenhave commented the company has already been put on notice as they went in and altered the road without permission (happened a few months ago).

NEW BUSINESS - None

OTHER BUSINESS

- Classroom Bridge – Set another date for continuing the install

Chairman Perry stated the item was placed on the agenda in error. The matter will be addressed by the sub-committee.

- Sub-committee updates

Horse Hill Nature Preserve

Commissioner Glenn stated the HHNP Sub-Committee met the prior Monday. Upcoming events include a boundary marking day (April 22nd tentatively). The pond probe Lynne Wenz has discussed with the Commission may be scheduled for June if the representative(s) from the Audubon Society are available to set that up. There has been talk of the potential for a mushroom walk as well.

The proposed trail the Sub-Committee has discussed will be revisited. It was noted that is the path that the skidder took. Vice Chairman Caron suggested the direction of the trail could be considered at the same time the damage is reviewed. Commissioner Tenhave commented that has to be done in a formal manner. Both trails should be marked so that people can go out and take a good look at them. Chairman Perry noted the desire for representation from both the Sub-Committee and the Commission to participate in a Site Walk. It was noted both trail options would have to be marked in a distinctive manner. Vice Chairman Caron stated one is marked and the other could be marked at any time. The general consensus was that the walk should occur at this time of year so that wet conditions could be viewed.

The Commission scheduled a Site Walk, to conduct a formal summit trail review, for Thursday, April 27th at 5:00 p.m., and will meet in the Amherst Road parking lot. The Sub-Committee will be made aware of the Site Walk. The Commission will take the matter up again at its May 1st meeting.

Commissioner Glenn informed the Commission the Spalding Foundation project is moving along. Consideration should be given to upkeep, e.g., mowing. She also noted Mr. Laliberte made the Sub-Committee aware the area where water had created the need to divert the trail near Bradish Bridge is under control. Water is flowing. The trail had been diverted, and people have started using it. Commissioner Tenhave stated his hesitancy towards re-routing of trails is that you end up with 5 different directions because of beavers when all you have to do is wait a season and the beavers will move on, and the old trail will be just as good as before. That has been seen multiple times on the properties. His preference would have been to shut the trail down for a season.

Commissioner Glenn informed the Commission Debra Huffman has notified her of her intent to resign from the Sub-Committee. Ms. Huffman has been on the Sub-Committee since its inception, and is looking to make room for others to serve. Chairman Perry remarked she has done a great deal of work for the Town in her role on the HHNP Sub-Committee, with Grater Woods, etc. The Commission expressed appreciation for her service to the community, and commented were it not for her, there would be no HHNP.

MOTION BY COMMISSIONER CARON TO AUTHORIZE COMMISSIONER TENHAVE TO EXPEND AN AMOUNT UP TO TWO HUNDRED AND FIFTY DOLLARS (\$250) TO APPROPRIATE A PLAQUE TO RECOGNIZE THE MANY YEARS OF SERVICE MS. HUFFMAN HAS PROVIDED THE COMMUNITY
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0

Commissioner Rosati suggested the Commission prepare a write-up explaining the history of the HHNP, and that the write-up be placed on the website.

The public should be made aware of the opening on the Sub-Committee.

Grater Woods

Vice Chairman Caron commented it appears there was another promposal in Wildlife Opening #1 at Grater Woods. The one that occurred a few years prior was in the form of roman candles spelling out the request. At that time, the Police were notified. The Police found the responsible party through Facebook, and addressed the situation. In this instance, it was stumbled upon, that history lesson was given to the individual, and everything was quickly cleaned.

A quad was outside of the gates, and did not know how to get back into Merrimack. They disassembled the gate to get through, and the gate was left open. Information on the responsible party was obtained, and will be reported to the Police. Vice Chairman Caron suggested there to be the need for an easier reporting mechanism for such instances. As volunteers for the Town, members of the Commission should have a more time efficient manner of reporting.

Commissioner Rosati remarked a comment on the Facebook page was that a timeframe or update on the plan to re-route or reflag the Skyline Trail is being sought. Commissioner Boisvert questioned the reasoning, and was told the logging took out a big piece of the trail. Commissioner Tenhave commented until everything is worked out and done, nothing is occurring in that regard. There are other things occurring that impact that. When the time comes, the Commission will welcome volunteers to support that effort.

Wildcat Falls

Vice Chairman Caron stated he met with Andrew Duane, Wildcat Falls Sub-Committee. The outflow from the retention pond is being dammed in several spots by beavers. Chairman Perry responded that has been looked at on a few occasions, and questioned if it is chewed down debris or stuff that is collecting in there. Vice Chairman Caron stated it is chewed down, and all of the trees along the access road are laying over the access road. The beaver is going across the access road, cutting the trees, and pulling them across.

The Wildcat Falls Sub-Committee will meet on Thursday, April 20th at 6:30 p.m. in the Merrimack Memorial Conference Room.

Commissioner Tenhave commented the individuals who have expressed an interest in addressing invasives on Gilmore Hill are looking to do that. He continues to have a few questions, e.g., ensure following our own property, whether herbicides would be allowed, etc. They would like members of the Commission to participate. It looks as though that will occur at the end of June.

Chairman Perry stated the desire to understand the area, and be able to reach out to abutters to inform them of the activity.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. April 3, 2017

The following amendments were offered:

Page 2, Line 23; replace "Deborah" with "Debra"
Page 2, Line 28; replace "scrapped" with "scraped"
Page 2, Line 38; replace "in" with "it"
Page 3, Line 10; "Husband" should not be capitalized
Page 6, Line 40; replace "road" with "rode"

**MOTION BY COMMISSIONER ROSATI TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0**

COMMISSIONER COMMENTS

Commissioner Rosati noted she brought to the Chairman's attention information she received relative to beaver activity at Whittier Place.

Commissioner Rosati questioned how to go about forwarding photographs to be included on the Commission's website. It was noted the desire is for photographs of wildlife on Commission owned/managed properties. Commissioner Tenhave has forwarded drop box links.

NON-PUBLIC

**MOTION BY COMMISSIONER TENHAVE THAT THE COMMISSION, BY ROLL CALL, ENTER NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II(d) CONSIDERATION OF THE ACQUISITION, SALE OR LEASE OF REAL OR PERSONAL PROPERTY WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY BENEFIT A PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY
MOTION SECONDED BY VICE CHAIRMAN CARON**

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Commissioner Glenn, Vice Chairman Caron, Commissioner Tenhave, Commissioner Rosati,
Commissioner Boisvert, Chairman Perry

6

Nay: 0

MOTION CARRIED

The Commission entered non-public session at 9:25 p.m.

The Commission reconvened at 10:24 p.m.

**MOTION BY COMMISSIONER TENHAVE THAT THE COMMISSION, BY ROLL CALL, SEAL THE MINUTES OF THE NON-PUBLIC SESSION UNTIL SUCH TIME AS THE MAJORITY OF THE COMMISSION VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED
MOTION SECONDED BY VICE CHAIRMAN CARON**

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Commissioner Glenn, Vice Chairman Caron, Commissioner Tenhave, Commissioner Rosati,
Commissioner Boisvert, Chairman Perry

6
0

Nay:

MOTION CARRIED

ADJOURNMENT

MOTION BY VICE CHAIRMAN CARON TO ADJOURN

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

6-0-0

The April 17, 2017 meeting of the Merrimack Conservation Commission was adjourned at 10:26 p.m.

Submitted by Dawn MacMillan