



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

DECEMBER 19, 2016

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, December 19, 2016 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
Councilor Thomas Mahon

Members of the Commission Absent: Gina Rosati, Alternate Member

Also in Attendance: Grant Normandin, Treasurer, Profile Estates Homeowner's Assoc.

Steven Deramo, Profile Estates Homeowner's Assoc.
Sara Siskavich, GIS Manager, Nashua Regional Planning

Commission

Ryan Friedman, Sr. GIS Planner, Nashua Regional Planning

Comm.

PUBLIC COMMENT - None

APPOINTMENTS - None

PUBLIC HEARING

1. In accordance with RSA 36-A, The Commission will hold a public hearing to discuss a potential land donation of a parcel of land known as Tax Map 6B-186.

This parcel is located near 15 Woodbine Lane. All interested parties are encouraged to attend. Following the public hearing, the Commission will take action on whether or not to continue the donation process.

Chairman Perry declared the Public Hearing open at 6:33 p.m.

Commissioner Tenhave provided a PowerPoint presentation (copy attached). He noted the Commission was provided with copies of the presentation, the proposed Deed, Covenants that were put in place when the development was first planned, and a copy of the Amendments, which have been voted upon and approved by the Homeowners' Association and simply require recording.

Commissioner Tenhave noted the Commission was established per RSA 36-A, which outlines the authority of the Commission to hold and have an interest in land. In order to do that approval is required

of the governing body. The Statute also requires, prior to use of funds, that a Public Hearing be conducted.

The parcel is identified as Tax Map 6B/186, which is approximately 7 acres in size. The donation is being made by the Profile Estate Homeowners' Association. The property is accessed between 11 and 15 Woodbine Lane, abuts Watkins Forest, and is part of the same Baboosic Brook aquifer as Mitchell Woods. The property contains a well easement, which was granted to one of the abutters. The easement was put in place to ensure the abutter had viable water. Commissioner Tenhave commented he does not believe the well is currently being utilized as the abutter was able to identify viable water on his/her own property.

Grant Normandin, Treasurer, Profile Estates Homeowners' Association, indicated the well is actually on 15 Woodbine Lane. The Right-of-Way provides that landowner access to that well in the event of service. At the top of the Right-of-Way, right on the corner of the abutter's property is an artesian well, which has failed and collapsed. The abutter has since drilled a new well on the front portion of his own property.

Commissioner Tenhave stated the intent is for the parcel to be left in its natural state. The way the open space was put together originally was pretty much for recreation and park uses. It prohibited use of motorized vehicles.

The intent is for the Commission to utilize Fund 53 to cover all recording fees, Town attorney costs, back taxes in the form of a lien (\$4,754.36), and other related costs. The lien was applied by the Town council against a previous owner, but carries with the property. Commissioner Tenhave suggested the Commission look to obtain abatement on the tax lien. The property was taxed as a residential parcel when that was never a possibility; it has always had the open space covenants tied to it. Therefore the property was improperly assessed. Because of the history of the parcel, it is easy to see why that happened. The previous land owner decided not to pursue it, and ended up with the tax lien.

Assuming that cost had to be covered, total expenditures should be below \$6,500. The Town's assessment of the property is \$0.00. The property is being donated "as is" for conservation purposes with a restricted Deed. The Deed is very similar to what has been done on the previous donations and purchases over the past five years. The property also has a Declaration of Covenants, which has been amended. The amendment was required in order for the parcel to be opened up for public use, and to ensure the Association can complete the transfer of the property to the Commission.

Commissioner Tenhave noted the acceptance of the donation would expand the Commission and Town's protection of the Baboosic Brook, maintains an open space upland buffer near the new Merrimack Village District well, and provides an emergency access point.

Commissioner Tenhave remarked he relayed to the Homeowners' Association the expectation of the Commission is to leave the property as is. He made them aware if the neighbors wished to do something in there, e.g., put a group together to help manage it, the Commission would be happy to work with them.

Chairman Perry commented, for a parcel of its size, it supports a tremendous amount of wildlife.

Chairman Perry opened the floor to public comment.

Steven Deramo, Profile Estates Homeowners' Association, questioned whether hunting would be permitted on the property once owned by the Town/Commission. Commissioner Tenhave responded he does not believe there to be any restrictions in the Covenants, and the Commission does not have any restrictions in the Deed so he would say yes.

Chairman Perry stated Watkins Forest allows hunting, and once you get over that stone wall to Mitchell Woods, hunting is not permitted. Commissioner Tenhave noted all State rules and regulations relative to hunting have to be followed. Because it will be a Town owned parcel, target shooting would be prohibited.

Mr. Normandin commented there were 65 households that were involved, and getting them to even agree that this property had anything to do with them was difficult.

Chairman Perry declared the Public Hearing closed at 6:52 p.m.

**MOTION BY COMMISSION TENHAVE TO ACCEPT THE DONATION OF LAND KNOWN AS TAX MAP 6B-186 FROM THE PROFILE HOMEOWNERS' ASSOCIATION, TO EXPEND AN AMOUNT NOT TO EXCEED SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500) FROM FUND 53 TO COVER ALL ASSOCIATED EXPENSES, AND MOVE THE PURCHASE TO THE TOWN COUNCIL FOR APPROVAL
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
6-0-0**

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Maps for our Properties

Sara Siskavich, GIS Manager, NRPC: will talk about the status of our trail mapping project and discuss design aspects of the maps they are working on.

Sara Siskavich, GIS Manager, Nashua Regional Planning Commission (NRPC), remarked, over the summer, Vice Chairman Caron and Matt Waitkins, Field Data/Transportation Planner, NRPC, spent a great deal of time in the field/woods capturing information with the GPS equipment. All of the field work was completed at the four properties: Wildcat Falls, Wasserman Conservation Area, the Horse Hill Nature Preserve (HHNP), and Grater Woods. They expect, as they begin creating maps with the data, there will be things that are noticed that may require them to revisit the site(s) to capture clarifying information.

Ms. Siskavich stated the desire to discuss the static mapping component of the project. Their vision is to create a map that is portable, can be printed, perhaps slid into the pocket at the kiosk at the trailhead, and then also posted online. This would integrate into the new MerrimackOutdoors website. Efforts were made to achieve the look and feel of the updated website.

Ryan Friedman, Sr. GIS Planner, NRPC, commented Vice Chairman Caron was at the NRPC offices several weeks prior to review the information that had been gathered. They decided to run with the HHNP as a pilot for the brochure a copy of which was provided the Commission for review.

The following amendments/changes were recommended:

- Include identification of powerlines
- Include the Spalding Foundation
- Include the two Summits
- For the small section of white trail north of Post 12, which is not part of the Loop Trail, and the two white trails that go to the Old Kings Highway, rather than identifying them in white (which is believed to be confusing), identify them by a thin black line that could be shown on the legend as a connector trail
- Include elevation of the highest points
- Within the Legend, remove the sentence "All connecting trails blazed with blue."
- Add wording that notes the Quarry Trail continues on (into Wasserman Park)
- Use a "0" before the decimal points in the Trail Segment Length chart
- Increase the size of the "*" in the list of trail intersections, which identifies the unnumbered informational post
- For the HHNP, observation areas can simply be marked with benches
- Add posts 2 and 16
- More accurately reflect the size of Lastowka and Long Pond
- Area under the notation of Old Kings Highway should be green as there is a parcel there, which is part of the HHNP

Mr. Friedman commented where intersections 9 and 14 meet, there are GPS points on top of each other. When looking at a map of where they are, in actuality they are all going to overlap. They will figure out a way to show them all individually, but keep them in the same area.

When asked, Commissioner Tenhave stated his belief the Commission does not currently have abbreviated trail descriptions for any of its other properties, although he likes that feature on the map.

It was noted, the NRPC intends to eventually turn over the published document, which would then be maintained by the Commission. The one thing that will be more static and that the Commission will go back to the NRPC for is the actual map itself.

Ms. Siskavich stated the NRPC's parcel viewer is essentially a property viewer, but there are now trail and conserved land as overlays. The work that was done over the summer is now reflected there. It is not designed to be a mobile app, but you can take it out into the field and use the phone navigation services with it. In order for something like that to happen you have to have your GIS data parked somewhere on a public facing server. It has to be hosted and then you need some sort of app. Depending on if you are on a phone or a mobile device you would choose an app that could look at that hosted data.

That is sort of the next phase of the project; getting the data hosted. They have been making strides on that in the past few months. The NRPC's GIS is currently behind a firewall. They are basically staging an abbreviated version of that data in the Amazon Cloud. That is a public facing spot that then exposes the data to anyone who wants to use it. They will publish map services that allow for apps to connect to the data. The beauty of all of that is that it will be synced with the NRPC on premise service. If the NRPC receives a call that one of the trails needs to be edited, they will do that in-house, it will sync through database replication up to the Cloud, and then it will be available to whoever is using the data.

Ms. Siskavich suggested the next step would be to deliver the remainder of the maps for review by the Commission. That would allow for identification of variances across the maps and how to address them.

It was suggested Trail Descriptions should include what is and is not recommended in terms of activities, e.g., horseback riding.

When asked about including the QR code, it was suggested that information could be located on larger maps placed at the kiosks. Ms. Siskavich spoke of resolution considerations that would exist with larger maps. She was of the belief a map 17" x 22" would work with the current resolution, but anything larger would be a new map. Ms. Siskavich offered to test the current map to determine how large it could be made before the quality degrades.

Ms. Siskavich stated the desire to have the remaining maps before the Commission for review by the end of February.

Commissioner Tenhave questioned the plan for the interactive maps. Ms. Siskavich stated it was a matter of getting it staged and online. They had hoped to have a demo. ready for November. It hinges on the hosting. Once the data is ready and the host is ready to go, posting occurs quickly. Mr. Friedman commented photos are less of a feature for the mobile app and more for the story map.

NEW BUSINESS

Councilor Mahon noted the owner of the property located at 4 Executive Park Drive, former Merrimack Hotel and Conference Center, has or will soon speak with the Planning Board regarding residential development on that parcel.

OTHER BUSINESS

- Update on Classroom Bridge Construction

Chairman Perry commented on the status of the Classroom Bridge noting the brook was found to be very rocky. Placement of a bridge in that location will take a great deal more effort than originally anticipated. The first work day took place in difficult weather conditions, was five hours in length, and only produced placement of four posts. They will not be able to span the posts every 10'. Instead it will be 12'. As a result they will have to purchase a few stringers.

- Sub-Committee Updates

Commissioner Glenn informed the Commission Lynne Wenz has two duck boxes that could be put out. She noted a box off of Naticook Road near a Beaver deceiver, which requires replacement. Vice Chairman Caron spoke of the need to replace the bedding in the existing boxes, but it needs to be completely frozen. The Commission will discuss this further at its January meeting.

Commissioner Glenn commented Ms. Wenz spoke of past town-wide informational meetings with New Hampshire Fish & Game. She recently spoke with a woman who had seen three Fishers on her property and called Fish & Game wanting them removed. It was suggested this type of question could be addressed at informational meetings. She questioned the will of the Commission with regard to coordinating such public informational sessions. Chairman Perry commented at the last meeting, the Commission discussed monthly events being conducted by the Commission and its sub-committees. If that is an activity the sub-committee wishes to organize he would be pleased to see that happen.

- Riverside Drive

Commissioner Tenhave informed the Commission he was contacted by Todd Szewczyk, Conservation Officer, New Hampshire Fish & Game last week and informed they received notice from a concerned party that someone was hunting on the Riverside Drive parcel. Mr. Szewczyk questioned whether or not hunting was permitted, and was provided with the Town Code, which shows no hunting allowed on the property. He captured the tree stand and spoke to the hunter and wanted to be certain he had relayed the right information.

- MerrimackOutdoors Website

Commissioner Tenhave stated the launch of the new website is being targeted for early-mid January. Ms. Wetherbee continues work on a few concerns relative to the Stay In Touch page. She is looking for photos. She is going to look for a way to capture and present videos. Ms. Wetherbee will also be putting together her thoughts on a maintenance contract.

- Conservation Fund

Commissioner Boisvert spoke of being contacted by Barbara Richter, Executive Director, New Hampshire Association of Conservation Commissions (NHACC) with requests for information on the Commission. He stated his belief the intent is to publish an article about the Commission's experience with its Conservation Fund.

- Changes to Right-to-Know Law

Commissioner Tenhave spoke of legislation that has passed resulting in changes to the Right To Know Law related to how minutes of non-public meetings are taken. The legislation is effective January 1, 2017. He requested Councilor Mahon ask the Town attorney to research the changes in the legislation and provide the Commission with guidance.

Chairman Perry spoke of having received the seedling catalogue. He has sent a preliminary list over to Bob McCabe to get his opinion on the decisions reached. He questioned if the Commission would be interested in acquiring Chestnut seedlings. He is not yet aware of availability or pricing. The list of seedlings will be distributed with the next agenda for discussion at the next meeting. He stated he would seek out additional information on the possibility of Chestnut seedlings, and noted there are only 2-3 of these trees still living in Town.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. December 5, 2016

The following amendments were offered:

Page 2, Lines 15 and 16; add a “,” after “don’t”, replace “a” with “as” after “such” and replace “repot” with “report”

Page 3, Line 29; insert “following” before “week”

Page 3, Line 33; replace “It” with “She”

Page 3, Line 51; replace “his company” with “New England Wild Flower Society”

MOTION BY COMMISSIONER GLENN TO ACCEPT AS AMENDED

MOTION SECONDED BY COUNCILOR MAHON

MOTION CARRIED

5-0-1

Vice Chairman Caron Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

The Commission wished one and all happy holidays.

Councilor Mahon noted, at its last meeting, the Town Council discussed the possibility of a tax exemption for solar panels. The discussion was complicated by the fluid situation with solar energy. At the conclusion of the discussion, he concluded the intent is to make the matter a Ballot action.

ADJOURNMENT

MOTION BY COMMISSIONER TENHAVE TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0

The December 19, 2016 meeting of the Merrimack Conservation Commission was adjourned at 8:14 p.m.

Submitted by Dawn MacMillan