



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## MERRIMACK CONSERVATION COMMISSION DECEMBER 5, 2016 MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, December 5, 2016 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Michael Boisvert  
Cynthia Glenn  
Tim Tenhave, Alternate Member  
Gina Rosati, Alternate Member  
Councilor Thomas Mahon

Members of the Commission Absent: Matt Caron, Vice Chairman

Also in Attendance: Rose Shajenko, 23 Scott Drive  
Jeffry Littleton, Moosewood Ecological, LLC  
Debra Huffman, Horse Hill Nature Preserve Sub-Committee

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PUBLIC COMMENT - None

### APPOINTMENTS

#### **1. Rose Shajenko** – Applicant for an Alternate position on the HHNP Subcommittee

Rose Shajenko stated she has been a resident of Merrimack for the past 9 years, enjoys the Horse Hill Nature Preserve (HHNP), and is interested in serving in the capacity of alternate member.

Commissioner Glenn informed the Commission Ms. Shajenko has attended meetings of the HHNP Sub-Committee. She met Ms. Shajenko on one of the walks Mr. Adams arranged through the Parks and Recreation Department. The Sub-committee has recommended her appointment.

Ms. Shajenko noted she belongs to the Appalachian Mountain Club; has done all of the 4,000' climbs in 3 years, and is a Granite State Ambassador.

**MOTION MADE BY COMMISSIONER GLENN TO APPOINT ROSE SHAJENKO AS AN ALTERNATE MEMBER OF THE HORSE HILL NATURE PRESERVE FOR A TERM TO EXPIRE JULY 31, 2017**  
**MOTION SECONDED BY COMMISSIONER TENHAVE**  
**MOTION CARRIED**  
**6-0-0**

### STATUTORY/ADVISORY BUSINESS

#### **1. Moosewood Ecological, LLC. (Jeffry Littleton)** Presenting findings of the Continental Boulevard Wetland Inventory

Jeffry Littleton, Moosewood Ecological, LLC, provided a PowerPoint [presentation](#) detailing the findings of the Continental Boulevard Wetland Inventory. The objectives were to identify the various wildlife habitats, determine

if there are any exemplary natural communities as defined by the New Hampshire Natural Heritage Bureau (NHB), map and evaluate wetlands, map soils and aquifers (existing data), and inventory wildlife and plants with a focus on species of conservation concern. The inventory is a continuation of one that began last year and focused on the HHNP, Gilmore Hill Memorial Forest, and Merrimack Village District lands. A great deal of effort was put forth to try to understand the special characteristics of the property and potential impacts from the proposed NED pipeline.

Mr. Littleton displayed photos identifying the area of the wetland (approx. 10 acres in size) along the Pennichuck/southern boundary of Merrimack. Approaching the survey in the same manner as the last, the soils reviewed were productive farmland soils (of statewide significance), productive forest soils (of local significance), and hydric soils.

Along the far eastern boundary, approx. 0.1 acres of the property is noted as farmland of local importance. That same area is also considered as productive forest soils. Soils in the area are excellent for growing White Pine; well-drained, sandy soils. That is the major canopy species associated with the property. As most of the property is wetlands, very poorly drained soils are the dominant soils.

In terms of water resources, what is looked at is wetlands, streams, and stratified drip aquifers. The New Hampshire Method was used to evaluate the wetlands; a methodology developed in the State and recently revised. It is a way to compare wetlands within the same geographic region, and affords the opportunity to use the same methodology to assess a variety of different wetlands to determine which functions and values are being supported the most or are the highest functioning. The NH Method looks at: ecological integrity (health of system), wildlife habitat (wetland dependent or associated), aquatic habitat (fish), scenic quality, educational potential, water-based recreation, floodwater storage, groundwater recharge, sediment trapping, nutrient transformation, shoreline anchoring, and noteworthiness (look at values/functions that the other categories don't, such as rarity in the State, etc.). Within the report is a table that identifies the rating applied to each of the categories.

The highest score given is a 10 (except for noteworthiness, which allows for a total of 10 points for each area). The highest functional value identified for this wetland is shoreline anchoring (7.8). Pennichuck Brook follows along the southern boundary, and there are a variety of different types of vegetative communities that, during a large rain event, help prevent erosion and degradation of shoreline as well as sediment trapping. Other high ranking categories include educational potential (6.3); easy access to allow for school children to visit the area, wetland-based recreation (6.1); except during summer time or times of drought, and floodwater storage (6.0).

Commissioner Tenhave requested the report provide additional information on the scale used to rank the categories.

Mr. Littleton remarked the wetland itself has a lot of different classes of wetlands, e.g., structure/vegetation. There is a lot of diversity. It is great for wildlife; however, where it is located in Merrimack it dictates it is more of the wetland associated/dependent wildlife.

Mr. Littleton spoke of the open water noting there are certain types of animals and plants that will use open water. The area is also occupied by Pond Lilies. There is an emergent setting where there are things like Banded Sunfish, frogs, etc. Beyond there is shrub wetland and further back forested wetlands. They are based on structure and defined by depth of water.

Mr. Littleton reiterated most of the area is wetland with a touch of upland. Speaking to the issue of habitat, he pointed out the area of the brook and noted as you start to get away from the brook you get into a little bit of open water that is diffused with a lot of emergent vegetation (marsh); that is where you will find Wood Ducks, Mallards, Black Ducks, etc. As you move further away, the vegetation changes and the shrub habitat begins; Song Sparrows, Swamp Sparrows, and Common Yellowthroats. As you move towards Continental Boulevard it becomes more of a forested situation. From there is the upland habitat.

Looking at the area from a wetland ecological system point of view, it is an emergent marsh, shrub, swamp system based on NHB classification and Fish & Game's habitat type. These include a variety of different natural communities; the mixture of plants that come together to form these distinct communities that are found in wetlands. Examples include the aquatic bed; lily pads, deep emergent marsh where there is Pickerelweed, seasonally flooded Red Maple Swamp, and Red Maple/Red Oak Cinnamon Fern Forest, which are forested wetlands that tend to transition from the main wetland into the upland community. This forms up on the little peninsula on the northeastern side. It is an area of some upland and some wetland because it is very hummocky

in there, the hydrology is very high, but up on those hummocks is likely where you will find more Red Oak, which you expect to find more in upland, like the HHNP. You find Red Oak mixed in, but then all of the ferns you see in there are Cinnamon Ferns, and you find those more in wet situations. It is coming from wet and grading into dry.

The eastern boundary is mainly dominated by White Pine. It is very sandy, well-drained outwash sands that form along streams, which is where you typically find some of the best soils for White Pines. There are some Southern Appalachian Oak species that are coming such as White Oak. There could be some Black Oak coming in, Low Bush Blueberry; great tick habitat. There are lots of signs of deer. It is a great place for turtles to be nesting in areas that are open. Turtles are nesting in that area (not on the property).

Mr. Littleton noted there are invasive plants such as Glossy Buckthorn, Japanese Barberry, and Asiatic Bittersweet along the edge. There is some Purple Loosestrife in the wetland itself.

Mr. Littleton remarked they conducted systematic bird surveys in the area, trapping for turtles and fish because of what the NHB indicated could be in the area. Many years ago Fish & Game conducted surveys all along the Pennichuck, and in this particular area they found a species of conservation concern; a Banded Sunfish. During this survey, the Banded Sunfish was not witnessed; however, that does not mean they are not there. During the turtle trappings they came across Painted and Snapping Turtles.

There are a variety of other reptiles that could be utilizing the property throughout the year, and the adjacent uplands has good habitat for that as well. In terms of wildlife, they catalogued over 30 different species of birds; mainly during the breeding season. In addition to the birds were reptiles, turtles, frogs, deer, and raccoon. Since it is highly urbanized there may be otters moving through there and feeding. It is a significant urban wetland. Nothing rare popped up during the survey, but based on other studies in the area and what the NHB has had reported to them, there is definitely the potential. Commissioner Rosati spoke of the small wetlands off Tinker Road, and commented on having seen the American Woodcock and Woodpeckers.

Mr. Littleton commented what is unique, being in an urban setting, is the different types of habitats on that property. Commissioner Tenhave commented on being pleased to have the completed survey. He asked, and was assured the inventory of species identified on the property will be included as an addendum to the survey.

Commissioner Tenhave spoke of having had an email exchange with a Botanist, Chris Kane regarding invasives and other species at Gilmore Hill. Mr. Littleton commented there are a few invasives on that site that are a detriment to the rare plants that are there. He remarked it is good that the Commission is addressing that.

Chairman Perry requested Commissioners forward any comments to him by the end of the following week for forwarding to Mr. Littleton.

When asked about the turtle tracking, Mr. Littleton stated they caught them all by hand; three fairly easily. The fourth one was very clever. She had been in the White Pine Swamp almost the entire time, and despite their having placed multiple traps around her location, she never went for the bait. His assistant was in the swamp and found her by hand. The male was found in the stream/outlet of White Pine Swamp and the two other females were found in the powerline right-of-way. All of the transmitters were removed.

2. **ANMI Milford Realty, LLC. (petitioner/owner)** Recommendation to Planning Board for new business sale and service of new/used powersport vehicles. The parcel is located at 736 Milford Road in the C-2 (General Commercial), Aquifer Conservation Districts and Wellhead Protection and 100/500 year Flood Hazard areas. Tax Map 2B, Lot 008. Case # 2016-41

Chairman Perry stated he received notification earlier in the day that representatives of ANMI Milford Realty, LLC would not be able to make the meeting. The matter will be rescheduled.

## OLD BUSINESS

### **1. Invasive Study – Update**

Commissioner Tenhave stated he has responded to Mr. Kane's communication regarding the invasive species at Gilmore Hill, and his desire to bring individuals from New England Wild Flower Society out to view the area. Commissioner Tenhave's response indicated the Commission's interest in participating.

Chairman Perry noted the recommendation provided regarding relocation of a trail, and questioned if an alternative location was suggested. He was uncertain if snow cover is an obstacle.

### NEW BUSINESS

Chairman Perry commented the Commission has previously discussed reoccurring projects on the different parcels. With three very active sub-committees, he suggested each could be asked to identify a few projects each year, which would result in a Commission sponsored event each month.

Commissioner Tenhave commented on the possibility of dog walks taking place every couple of weeks at Wildcat Falls. Chairman Perry stated the desire for there to be a schedule, e.g., first Saturday of the month, an event conducted at one of the parcels. It could be a walk, invasive training, vernal pool party, etc. Commissioner Rosati questioned if a Fairy & Gnome house walk is the type of event that would be permitted at Wasserman Park. Chairman Perry stated his belief it would.

### OTHER BUSINESS

- Update on Land Donations

Commissioner Tenhave stated the Public Hearing regarding the donation of the property from the Profile Estate Homeowners Associations; 7 acres that about Watkins Forrest and Mitchell Woods, is scheduled for the December 19th meeting. He will provide a small PowerPoint presentation to be presented at the Public Hearing. The expectation would be that the Commission would take a formal position/vote on the donation that evening. He has requested the matter be placed on the agenda for the Town Council meeting of January 12<sup>th</sup>. That would allow the Commission to present the item to the Council at the same meeting the annual update is provided.

The property is carrying a tax lien for back taxes. Commissioner Tenhave stated his belief it would be appropriate for the Commission to request those funds be abated.

Commissioner Tenhave spoke of the development occurring across from the HHNP; formerly known as the Tomasian property. The development is nearing completion. The intent was that the common land around the property be provided to the Town either as an easement or donation to the Town. The developer has indicated they are reaching the point where they will be ready to move forward sometime in the middle of next year. Presently the area is being utilized for material storage, e.g., hard fill. He noted, as long as the area where active construction is occurring is avoided, the Commission could begin reviewing the parcel to identify how its current trails would fit with other trail work the Commission may wish to do.

- Update on Grater Road bypass road design & construction

Chairman Perry commented he has communicated with Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department, who has indicated there is some work to be done to determine the final line after which she will be able to complete the design.

- Grater Woods Sub-Committee – Classroom Bridge Materials are in and need to be picked up

Chairman Perry stated once the conduit is in, the Sub-Committee can begin work on the bridge.

- Sub-Committee updates

Commissioner Glenn stated the HHNP Sub-committee met the previous Monday to go over the proposed trail across the top of Horse Hill (to move the trail further away from Long Pond). The Sub-committee voted on an alternative trail. A map was provided highlighting the recommended area and providing the GPS coordinates. The Sub-committee noted trail work will likely be postponed given the current season, and the likelihood the Commission would wish to walk the area being proposed.

Chairman Perry stated the Commission has already reviewed and approved the area of the second half of the trail; from the original trail up to the summit coming in from the parking lot. He displayed a map depicting the area of trail currently being proposed.

Chairman Perry explained there is a very steep rocky section of the existing trail that is badly exposed and leads down to what is now a silt filled turn that is washing off into the wet area. That is the area the Sub-committee is looking to avoid/get around. Commissioner Glenn stated the Sub-Committee would like to see the trail be multi-use (wider).

Commissioner Tenhave spoke of having attended the meeting. He stated his opinion if discontinuing a portion of the existing trail, the new trail should support all of the same uses as the trail it is replacing. He brought that issue up at the Sub-committee meeting, noting the trail is well used. He was pleased that the Sub-committee took a vote indicating the desire to see all of the current uses continue. The downside of doing that is with the way it is currently shown. There was some concern raised as to whether or not the new layout would support the cross-country skiers who tend to prefer the longer, straighter stretches as opposed to the twisty turns. There is the need to be cognizant of the fact that this trail, in the Definitive Plan, is shown as supporting snowmobiles, which also won't be supported by really tight turn radiuses.

Chairman Perry commented snowmobiles are a seasonal item. Once the trail is in snow cover, that steep trail, while not ideal, would support snowmobiles. It might be something that could be closed seasonally. Commissioner Tenhave remarked that may prove difficult because every year the season will be different. He noted previous experience indicates it is better to close off a trail completely and let nature take over.

Chairman Perry noted the matter will likely have to be postponed until spring when the Commission is able to view the proposed area; will want to wait until wet season. Commissioner Tenhave stated his hope the two maps provided the Commission could be combined along with the GPS coordinates so that when the time comes, the Commission could determine to either conduct a site walk or that Commissioners be provided with a timeframe during which the area should be walked.

Chairman Perry stated his belief, sometime in the spring, the information will be pulled together as a single proposal, and the Sub-committee and Commission can conduct a site walk.

#### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . November 21, 2016

*The following amendments were offered:*

Page 1, Line 39; replace "Stakes" with "Steaks"  
Page 3, Line 42; replace "The area that would" with "that area would"  
Page 7, Line 22; replace "Laverme" with "Loverme"  
Page 7, Line 53; replace "2013" with "2016"  
Page 8, Line 13; replace "Commissioner" with "Vice Chairman"  
Page 8, Line 19; replace "2013" with "2016"

**MOTION BY COMMISSIONER BOISVERT TO ACCEPT AS AMENDED  
MOTION SECONDED BY COUNCILOR MAHON  
MOTION CARRIED  
6-0-0**

PUBLIC COMMENT - None

#### COMMISSIONER COMMENTS

Commissioner Boisvert spoke of the Open House held the prior day, which was sponsored by residents who have a Solar Photovoltaic (PV) System on their home, and allowed visitors to view the system and hear of their experience over the past year. He thanked the Khadaroo family for being such great hosts.

Councilor Mahon stated the changes proposed to Chapter 142 related to the Dog Park, were adopted by the Town Council at its December 1<sup>st</sup> meeting.

Also at that meeting, the Council was informed the property located at 4 Executive Park Drive, the former Merrimack Hotel and Conference Center, has been purchased, and conceptual plans for 2 possible developments have been proposed for the site. The first is a residential development to include four apartment buildings

comprising 200 apartments; 3 of the buildings will have underground parking for a total of 120 cars, and a 5<sup>th</sup> building would contain a 3500 sq. /ft. clubhouse. The second proposal is for a retail development totaling 76,240 sq. ft. of retail space in 5 separate buildings and 1 building proposed as a restaurant (1,840 sq. ft.).

During discussion of the Capital Improvement Plan, the subject of the Seaverns Bridge/canoe launch ramp access improvement project came up. The boat ramp on the Merrimack River was discussed, and the current thought is that we would be better off moving it because of the constraints of the access under the railroad. He remarked due to planning, design, etc. that is something that would be 2-3 years out.

Councilor Mahon noted another issue discussed was a significant upgrade to Greens Pond Road such as paving it.

Councilor Mahon informed the Commission of the discussion that took place around the required update to the Administrative Code. In accordance with the Charter, the Code is required to be updated every 5 years. He commented that update will provide the first opportunity for the Commission to bring forward the issue of eBikes. The various Town departments, commissions, etc. will be asked to conduct an initial review of articles specifically pertaining to them.

Commissioner Rosati spoke of the remarks she made at the last meeting regarding a resident having witnessed a Kinder Morgan truck in the area under the powerlines. She has since learned the truck that was seen was actually under powerlines down along Route 2 in Massachusetts. What was seen in Merrimack was an Eversource truck. Someone stopped them and asked what they were doing, and was informed they were looking to see if there was anything of historical significance.

Commissioner Tenhave noted the easement to allow the Merrimack Village District to construct the well at Mitchell Woods was approved by the Town Council. Councilor Mahon noted it was indicated it would be a year out before that would be integrated into the system because of the testing and additional approvals required.

Councilor Mahon stated there to be two Bills proposed by a Litchfield State Representative to hold anyone who pollutes water or properties through the air completely liable.

Commissioner Tenhave noted Ms. Wetherbee is completing the necessary changes to the website. He asked for clarification the Commission is acceptable to the site launching when ready, and was told that is the case. He will forward his colleagues information on the location for photos to be loaded.

#### ADJOURNMENT

**MOTION BY COMMISSIONER TENHAVE TO ADJOURN**  
**MOTION SECONDED BY COUNCILOR MAHON**  
**MOTION CARRIED**  
**6-0-0**

*The December 5, 2016 meeting of the Merrimack Conservation Commission was adjourned at 8:27 p.m.*

Submitted by Dawn MacMillan