



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## MERRIMACK CONSERVATION COMMISSION

JANUARY 5, 2015

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, January 5, 2015 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman  
Michael Boisvert  
Cynthia Glenn  
Gage Perry  
Councilor Thomas Mahon

Members of the Commission Absent: Robert Croatti, Alternate  
Lauren Kras, Alternate

Also in Attendance: Raymond Shea, L.L.S., Sanford Surveying & Eng., Inc.  
Tracy Tarr, GZA GeoEnvironmental, Inc.  
Adam Jacobs, Operations Manager, Public Works Department

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PUBLIC COMMENT - None

APPOINTMENTS - None

### STATUTORY/ADVISORY BUSINESS

#### **1. Sandford Surveying & Engineering, Inc. (applicant) and Christopher Condon & Barbara Watson (owners)**

Review for recommendation to the Planning Board of an application for a Lot Line Adjustment Plan located at 102 and 108 Wilson Hill Road in the R-1 (Residential) District. Tax Map 4B, Lots 114-04 and 114-06.

Mr. Raymond Shea, L.L.S., Sanford Surveying & Engineering, Inc., stated the project to be a lot line adjustment between two properties; a house lot (approx. 2.5 acres) and a lot which wraps behind the house (approx. 46 acres) located on Wilson Hill Road both owned by Christopher Condon and Barbara Watson. During construction of the residence, a well was drilled on the lot, which was a very low yield well. As a result, another location for the well was sought. Due to the size of the lot, nothing was available. The property owners looked to the back lot and drilled a very high yield well there. The lot line adjustment is intended to locate the new well on the house lot. In doing so approx. 1 acre of land would be transferred to the house lot.

The project was before the Planning Board and gained approval with conditions. One of the conditions was input from the Conservation Commission.

It was noted the Commission was in receipt of a copy of the Plot Plan as well as the memorandum to the Planning Board from Tim Thompson, Director, Community Development Division. Chairman Tenhave remarked the memorandum did not identify unusual conditions, etc. It was noted a douser was hired to identify the site, and no other activity occurred beyond drilling of the well, e.g., no improvements in the area, etc.

Chairman Tenhave informed the property owners the larger parcel is of interest to the Commission, and noted, if there is any interest on their part, the Commission would be pleased to engage in discussions up to and including a possible purchase. He noted the property is located in a targeted area, e.g., along the river, across the river

from another parcel owned by the Commission/Town. Although the previous owner had negotiated a walking easement through the parcel, the easement process was not formally completed. Technically the easement does not exist. With an easement in place there would be the opportunity to traverse the currently owned parcel, across the river, to the parcel in question.

Mr. Condon stated his recollection during the time of the original subdivision, discussions took place regarding the private property where there is an old retaining wall and continuing across the river at some point to connect the two pieces. He stated they had no issues with making a natural trail that would connect the two. Chairman Tenhave stated the Commission would like to discuss formalizing that, and noted doing so would also limit liability for the property owners.

Chairman Tenhave stated the response to the Planning Board would be that the Commission has no comment on the project, which it sees as straightforward.

## OLD BUSINESS

### **1. Beaver Management Study and Water Control Activities**

Commission to review the Beaver Management Study and both current and potential water control activities for 2015. Review and decisions for these activities with our contractor GZA Environmental and Town Staff.

Tracy Tarr, GZA GeoEnvironmental, Inc., spoke of the chart of assessed sites, which is intended to be a working document. She noted she and Commissioner Perry will work on updating some of the terminology and phrasing of locations. Since the last review, columns have been added which identify current and potential costs (through 2017) as well as responsible party. There are some areas where the jurisdiction of the Commission and/or the Public Works Department (PWD) overlaps with private landowners.

Ms. Tarr spoke of the installation of four (4) devices in three (3) locations during the month of November. The installations occurred in the areas identified as highest priority; #18 - Mayflower Road, #35 - Mitchell Woods/Profile Drive, and #10B - Naticook Road. Total cost for the three locations was approx. \$7,970, which included maintenance and monitoring during 2014 and warranted the devices would work. The installer visited the sites in mid-December and found all devices in working order. The true test will be the first spring and summer when beaver activity is high.

Most of the devices were designed to maintain water levels about 1' below their current level. They were specifically placed at elevations to maintain beaver habitat in beaver ponds so that beavers had appropriate water in the winter but avoided conflicts such as flooding of property.

Looking ahead there are 7-8 areas currently considered high priorities. They could be reassessed very easily next spring and summer. There are two where activity was low this year, but could be expected to increase. Beavers migrate from their colonies every year, which could result in an increase in activity in areas that had relatively low activity this year.

If all remaining priority areas were addressed in 2015, the cost would be \$18,000 - \$20,000. That would include the installation of the devices and maintenance on existing devices. The average cost of a device is listed as \$2,000. Beaver Solutions has provided estimates for maintenance of each of the existing devices. Maintenance includes four (4) visits, all material required for repairs, and warranties the devices will work. Beaver Solutions has offered to help train PWD employees at the same time. Training would allow the PWD to conduct the maintenance in-house. However, it was noted with maintenance fees of \$210 - \$225, it is likely more cost effective to utilize the outside contractor. Beaver Solutions would provide reports, which could be incorporated into the database alleviating that work from others. Ms. Tarr provided photographs of work performed in 2014.

With regard to future device installation, Ms. Tarr remarked there are two locations the Commission may wish to review again next year; #6B - Cathy Street and #16 - Lyons Road. With back and forth activity on Cathy Street last year, future activity is unknown. Given the large size of the dam and it being an appropriate habitat, it is reasonable to assume activity might increase again in that area. A water control device might be warranted. The area consists of a sewer manhole and other features one would not want flooded. Ms. Tarr stated the desire to confirm ownership of the property. GIS data is not specific enough to survey a boundary, and it appears there might be some private ownership.

In the worst case scenario, the projected 2015 cost is approximately \$21,000, and would cover the cost of installation of new and monitoring of existing devices. Given where the responsibilities are expected to be split, the 2015 cost to the Commission is estimated at \$4,225 and to the PWD \$14,675. Costs would decrease in future years. In 2016, the plan recommends the installation of devices on two sites, dependent upon activity. If the activity level is not as anticipated, costs could be reduced to approx. \$3,000. In 2017, if all devices have been installed, the plan should be that of maintenance with an estimated cost of \$3,000/year for all properties. The maintenance cost would continue to include materials necessary for any repairs and reporting. The maintenance includes small adjustments, e.g., height of pipes, etc. being made once it is known how beaver react to them.

Commissioner Perry noted in addition to the PWD, the Merrimack Village District has also been addressing some of these issues. Adam Jacobs, Operations Manager, PWD commented the next step for the department would be to identify the responsible parties. Ms. Tarr stated the desire for the information to be included in the formal plan, and requested it be provided within the next month for inclusion in the printed plan.

Ms. Tarr stated the one area identified for addressing in 2015, which remains uncertain, is 6B - Cathy Street. That area is clearly flooding a sewer line. With the location of a beaver dam, it is a logical place for a water control device. Mr. Jacobs noted the area is the extension of Constance Street. John Foster is the property owner. When the water level is low enough a hydrant can be seen in the middle of the beaver pond. There is water, sewer, and private owner interest in this particular area. Chairman Tenhave noted the property owner is interested in work being conducted in the area at some time. Commissioner Perry stated his belief something needs to occur in that area. What needs to be determined is where the responsibility is. Mr. Jacobs remarked, in the Public Works arena it would be Wastewater that would have the most interest in that area being addressed. It was noted MVD may also have an interest; if the line is pressurized. In addition, there is private ownership.

Chairman Tenhave remarked #s 6A, 6B, and 16 all tie together. Ms. Tarr remarked if having a distinct feature where activity might change they are being kept separate. Chairman Tenhave asked about #16 and work proposed for 2015. Ms. Tarr remarked that is where there are multiple dams and one very large dam. Where the dam currently is, it is not flooding anything out; however, there may be a desire to control the water level. If it were to break there would be a large amount of water heading towards the culvert. Chairman Tenhave noted the culvert is owned by the Merrimack School District. Mr. Jacobs spoke of an informal agreement to maintain, and questioned where that begins and ends. It is when the beaver at Cathy and Level Street are frustrated that Lyons Road becomes very active. In the past, they have been able to keep them upstream. Ms. Tarr noted there are currently grates at the culvert at the road. Although high activity has not been seen, there could be a better device installed if activity were to increase. The dam itself appears to be a risk.

Ms. Tarr remarked the smaller cost identified (\$225) is associated with maintenance. In 2016-2017 as you go beyond 7 devices being monitored, costs decline (\$210). Mr. Jacobs stated he is pleased with the identified cost associated with the maintenance agreement. He commented what the department has been providing is man hours to address beaver sites and opportunity costs for everything not being done while time is expended maintaining beaver sites. He suggested the cost remain in the plan with the assumption it will be budgeted for. In a worst case scenario, it could be removed. He remarked if the department has to address the issue 4 times a year it is at a much higher cost. Commissioner Glenn questioned the number of times the devices are reviewed throughout the year. Ms. Tarr added Beaver Solutions warranties the devices will work. If a device is not working they could be contacted to address the issue. Commissioner Boisvert questioned what would occur if a device were damaged due to a period of heavy rain washing a dam out, etc. Commissioner Perry responded conceptually the devices should be removing some of the back pressure because they are continuing to flow. Ms. Tarr remarked although the maintenance contract would not cover major weather events, the pipes are sized to the watershed size to help prevent that.

Councilor Mahon commented the cost associated with the proposed maintenance contract represents a significant reduction in what it would cost in terms of man hours, equipment usage, etc. to do the work in-house. Mr. Jacobs commented if Beaver Solution's insurance coverage maxes out at a catastrophic event, it may be that the Town's would then pick up the cost. Councilor Mahon recommended the Finance Director be contacted and asked to look into that as there may be exclusions within the property & liability coverage. Commissioner Perry commented if a catastrophic event occurred resulting in the loss of ¼ of the devices that would equate to an approximate cost of \$8,000 - \$10,000 to repair the devices. Whether they could be lumped together and viewed as capital, he is unsure. Councilor Mahon spoke of the deductible involved. Chairman Tenhave commented it could be that the Commission self-insures its own pieces by entity.

Ms. Tarr spoke of #11 - Hitchin Post Lane where a large beaver dam was beginning to flood the owner's timber lot. If the dam were to release it would go onto conservation land. The area did not elevate to the highest priority, but again, if the desire is to be preemptive that would be an area to address. She suggested, if not receiving complaints and if there is concern with the total budgetary impact, this is an area that could be postponed until the next year. Commissioner Perry commented the two areas proposed to be addressed in 2015 would result in an approximate \$5,000 cost.

Chairman Tenhave questioned whether there is a recommendation for water level in that area. Ms. Tarr responded if not receiving complaints it may be the water level should be maintained. Commissioner Perry stated his belief there is no need for it to be much lower adding you would also not want it to be much higher.

*The consensus of the Commission was for the work to be completed in the timeframe proposed.*

Ms. Tarr remarked #12 - Hansom Drive was a high priority in the current year; however, it came to light the Association owns the area, although the Town maintains the culvert. Activity at the culvert is high. Mr. Jacobs stated the Town owns the road and the culvert in the road and the Association owns the property that has been flooded by beaver. To date, the Association, whether or not acting as an official body, has stated everyone wants the water level up and there is no private property being impacted in a negative way. Culvert plugging has occurred repeatedly, and there is the need for some sort of control whether a false dam or a fence or something to get the activity away from the culvert and allow water to go up. As long as the culvert itself does not become plugged there is no concern. Commissioner Perry commented the initial thought was installation of a leveling device to make it a pond, but keep it low enough to stop the upstream side from getting water in it because then the beaver won't dam that up.

Chairman Tenhave stated the need for a discussion to occur with the Association. Mr. Jacobs suggested the discussion include who would be responsible to cover the cost. Chairman Tenhave remarked in e-mail exchanges with a member the thought of helping to cover the costs has been expressed. He reiterated he is not sure if that is the perspective of the Association as an entity. Mr. Jacobs will contact the Association. Chairman Tenhave suggested the area to be one that should be addressed next year.

Number 15 - Continental Boulevard/Joey Road, is related to #23 - Naticook Road Extension. The two are very closely linked and would warrant being done at the same time. The culvert had substantial activity this year. One of the dams is over a sewer line. Mr. Jacobs stated his belief ownership of those sites is a combination of private, Conservation Commission, Public Works Highway/Public Works Wastewater, and the State of New Hampshire Department of Transportation (NHDOT). He noted the existence of a double barrel culvert underneath Continental Boulevard, which occasionally becomes plugged if dissatisfied at the Naticook Road Extension. Without survey shots it is difficult to identify where Commission property picks up. It is at the very upstream portion where the biggest dam (behind Joey Road), which has caused some private property impacts, but there is a line through the dam that is half Commission and half private property.

Commissioner Perry stated his belief the dam is off the Commission property. Mr. Jacobs remarked it is difficult to tell. When asked how to best address an area where there are 5-7 dams, Ms. Tarr stated the immediate step would be to protect the road, and then work, over time, with landowners. If it is flooding and impacting them, devices might be considered more upstream. The road is the first line of defense. Commissioner Perry remarked that is one where the intent is to drain. Concern was stated with regard to the mud on the side. If something could be placed into the mud bank from the road, there would not be a permitting issue to deal with that. He commented putting a triangle device in there would be ideal, except there is currently a mud triangle in there, and that would result in making a flat dam up front. There is the need to get the sides cleaned up before any additional work.

Mr. Jacobs stated Wastewater's interest is to keep the line which runs perpendicular from Naticook Extension out towards the woods behind Joey Road dry. Right now beaver are taking advantage of the fact they have a berm with a sewer line underneath it, and have used that to dam up waters. They have built on top of it causing water to be on both sides of the sewer line as it runs away from Naticook Road. Some sort of leveling device or several would likely be warranted.

Ms. Tarr remarked area #15 could be shifted to 2016 as agreements are worked out and permissions gained, and #23 could be addressed right away as it is clearly in the Town's Right-of-Way. Chairman Tenhave stated his impression the predominant landowner owns the majority of the land where the beaver dams are located. To the

property owner there is no impact. Commissioner Perry commented the property owner has, in the past, been willing to conduct work in the area when issues impact neighbors.

Mr. Jacobs questioned whether it would be suitable to consider trapping in the area. Chairman Tenhave stated it was done in the current year. When asked if the Commission would consider such action as a maintenance item, Commissioner Glenn stated she would not be amenable to that. Commissioner Perry suggested the need for additional research to be conducted concerning what action, if any, the landowner is willing to support, what type of device(s) would be most effective, etc. Chairman Tenhave suggested that effort be undertaken during the winter months so that the property can be walked, etc. Mr. Jacobs commented that could be tasked to an intern in the upcoming season or perhaps there would be interest on the part of a UNH student willing to take on a winter project. Chairman Tenhave suggested the February timeframe.

*The consensus of the Commission was to identify #15 as a project for 2016.*

Number 17 - Mast Road is the area where a beaver dam is located next to the road, and has the potential for future activity at the associated culvert. Ms. Tarr stated that area would rise to a higher level due to the risk to the road. Chairman Tenhave noted Wastewater has already expressed concern with that area. Both Chairman Tenhave and Mr. Jacobs noted uncertainty with regard to ownership of the land. Ms. Tarr noted the area is close to the road (likely in the road right-of-way). She offered to look into whether or not there is an easement in the area.

Number 18 - Mayflower Road is an area where maintenance is proposed. Ms. Tarr stated #30 - Wildcat Falls Trail/Stormwater Pond off Hemlock Drive is an area where there is plugging in the inlet, and a case where a structure could help prevent plugging. Mr. Jacobs commented the PWD has been to the area approximately three times in the past year each time finding it pretty well plugged. The area has an emergency overflow. Commissioner Perry commented the area is also impacted by muskrat. Vice Chairman Caron noted extensive signs of beaver in the area.

Number 35 - Mitchell Woods/Profile Drive is an area where maintenance is proposed.

When asked, Mr. Jacobs stated his belief that all of his comments have been addressed. He reiterated his opinion the maintenance agreement is something favorable particularly on Meadowood Pond where there is a manmade structure and the potential for a catastrophic loss on Turkey Hill Road if the dam goes.

***The consensus of the Commission was to move forward with a Maintenance Agreement with Beaver Solutions to address maintenance issues identified in the Beaver Management Plan for 2015. Funds are available in Fund 53.***

Chairman Tenhave stated the need for assistance from the Finance Department to work out the details of a maintenance agreement to ensure all necessary aspects are in place, e.g., insurance, etc. Commissioner Perry offered to spearhead the effort.

Ms. Tarr questioned the will of the Commission with regard to managing the new data set and tracking of costs. She suggested costs from the different departments should be located in a single database, and that there be consistency between sites. If the desire is to maintain a GIS system, GZA would need a code. She noted the area numbers have been designed, but they should stay consistent throughout the entire time the database will be utilized; so the number is the common theme for all data, e.g., if a work order is established the number is included, if a purchase agreement is written up that number should be associated with it etc. Someone will need to be responsible for entering the information into the system.

There are three major options that have been talked about. The least expensive would be the use of an Excel spreadsheet to track costs. The GIS files could be incorporated into the Town's existing GIS system. Although the least expensive way, it is not the best means of managing data; would not keep association between the GIS data and financial data, and therefore not ideal. When incomplete data is being maintained on different systems it is never updated and becomes obsolete quickly. It is a poor way for multiple departments to try to control the information.

The second option is something like a SharePoint site where data forms are entered. This allows anyone with an access code to the system to enter data. It is an appropriate way to depict points that are already predetermined,

but difficult for all users to add new sites. It is better document management than Excel, and is user friendly for adding information.

The third option and that which is believed to be the preferred option, is a web GIS system. The Town already has one for property information, which is available to the public. It is not set up for beavers, but GZA could assist with that. Data layers could be added in the maps so that as you add new data you are using the existing maps as a background and can maintain the GIS data without needing special GIS programs or expertise. Multiple people can enter the data. It is accessible and visible to the public. The platform itself can be created relatively inexpensively for long-term management. The cost of setup would be in the range of \$2,500.

GZA could simply hand the data over to the Town and the Town could internally figure out how to incorporate it into the existing systems.

Commissioner Perry questioned whether what was being suggested was the ability to replicate the model into the web GIS system. Ms. Tarr stated that to be the case, and remarked the nice thing is when you look at some of the data sheets that are important for tracking new sites for some of the information such as important wildlife action plan habitats, etc. there could be layers in the system already predetermined. There won't be a need for GIS applications on a personal computer, and it could be set up to basically add data or add a site, and incorporate all of that information. She remarked she is unaware of what flexibility Commissioners may have currently to add layers to the existing Town GIS system, and whether someone would update beaver habitat layers.

Councilor Mahon commented the time is right. Such a system has been budgeted for, and at some point the trigger will be pulled. It might be this year or next. Commissioner Perry commented work has already begun. Mr. Jacobs stated the PWD is working with CDM on the GIS system. A meeting is scheduled later in the month to discuss whether or not the Town will move to a web GIS for everything. Currently CDM manages most of the data layer inputs, and interns do some data entry. It would most likely be tasked to CDM as the manager of the GIS to get some layering up. However, it might be worth sending someone to the upcoming meeting to discuss this.

Ms. Tarr commented GZA was struggling with how to get the Town's work order information into a system, but a field could be set up that incorporates the important pieces of the work orders. They created a wish list of items they would like to track for beaver management activities across the Public Work's existing work order, and found there to be a good deal of overlap. Some of the things could be streamlined, e.g., to have a code for the activity number so that it is clear when someone is entering information that they need to look for that activity number. There is a little tweaking that could be helpful, but that could certainly be put in the web GIS system as an entry.

Chairman Tenhave questioned how the Commission would go about making that happen given the GIS system is a Town activity. Mr. Jacobs responded if the Commission is interested in absorbing the cost to get that information or a web application set up that will interface with a web GIS, it would be a great idea to attend the meeting. He remarked he believes it is almost a done deal as all parties are on board with moving to the web based system just for the field data that can be entered into that system.

Commissioner Perry stated his belief the layers are already built and what would be handed over are flat/shape files. Ms. Tarr stated the information is easy to hand over, but what is desired is the setting up of an entry form so that when people add new data it goes into the system. That includes both financial and new activity data. She stated her impression there would be a need to work with them to develop that platform or the Commission could do one on its own. Chairman Tenhave questioned what would be involved with the Commission doing it on its own. Ms. Tarr responded GZA and other companies do web GIS platforms. If the Commission wished for its own, that is something that could be obtained at an approximate cost of \$2,500. That would be something that would be owned by the Commission and developed the way it desired it to be done. When asked, Ms. Tarr responded GZA would be the host. There would be a small yearly maintenance cost should the Commission choose to move in that direction.

Mr. Jacobs commented he is not familiar enough with the agreement with CDM, and is unclear if there are any requirements that they host future applications, etc. Ms. Tarr remarked it would be helpful to talk with them to see if they could do it at a lesser cost. Commissioner Perry questioned whether the PWD would be entering data or handing over raw data to CDM for input. Mr. Jacobs responded currently it is the handing over of a lot of raw data. Eventually if the web GIS is up, applications are built in, and other departments such as the Fire

Department and MVD who have interest become involved, there would be instances of inspections and emergency situations where there would be the desire to be able to input data in real time.

Commissioner Perry commented the Commission is concerned with maps for trails, and noted the Fire Department is still without good maps for Grater Woods or the Horse Hill Nature Preserve (HHNP). He stated his belief that information should be incorporated into a single system used by all.

Vice Chairman Caron commented this has been talked about for years, and questioned whether the scheduled meeting is intended to be the time at which a decision is made to move forward. Mr. Jacobs stated his belief information will be presented stating what can be accomplished if moving to web GIS, what the cost would be, etc. The meeting is scheduled for January 8, 2015.

Ms. Tarr remarked, if that was not the direction taken, there are other options for the Commission to have its own system, which would be set up in such a way that administrative help or anyone could enter the data. Mr. Jacobs commented if sites are done there will not be a lot of data entry from this point forward. He suggested if Beaver Solutions is contracted to conduct maintenance perhaps quarterly reports could be turned over to the entity managing the GIS data and the information input. He reiterated it would be nice to have real time information if that is the direction being taken by the Town.

Noting uncertainty with when a web GIS system would be operational and whether it would be subject to budgeting constraints, Chairman Tenhave suggested the Commission may wish to begin on its own and be prepared to incorporate its data when the Town system is up and running. Vice Chairman Caron stated a desire to understand the Town's timeline. Mr. Jacobs stated he would bring the issue up at the meeting, and would reach out to Chairman Tenhave and Commissioner Perry after the meeting. Mr. Jacobs remarked if the desire were to input the information into the online system he believes that could be done before the end of the month, e.g., getting a layer input to make the information searchable. However, the editing part is something the Town cannot do in real time at this point. Commissioner Perry remarked if the Commission were to move forward on its own at this time, the desire would be for a single platform once web GIS is up and running for the Town. Ms. Tarr commented there could be two systems that could be accessed from one page so that to the public it appeared as one.

Vice Chairman Caron spoke of the ability to be able to communicate with Police and Fire. Chairman Tenhave commented eventually the Commission would like to track bridge installations, maintenance performed, etc. He spoke of the investment made by scouts and others. He requested Mr. Jacobs bring the issue forward at the meeting, and noted the Commission has some ability to help make things happen given its charge to manage its properties.

When asked about next steps, Ms. Tarr stated the Commission would be provided with the completed report with summaries of all field data collection, construction monitoring, etc. From there GZA would look for confirmation on how the Commission wishes to receive the digital data.

Chairman Tenhave spoke of the desire to update the beaver management policy. He requested GZA provide input for that effort. Ms. Tarr responded what they would likely do is turn the plan into more of a decision matrix, e.g., if an area has rare species it requires further review by the Commission, if in an area with a clear road right-of-way, no rare species, etc. pass right to maintenance, etc. That sort of decision matrix would ensure the Commission is not held up from basic maintenance, but still has ways for input in areas where there are potential natural resource concerns. Ms. Tarr stated a matrix could be prepared in time for the Commission's next meeting.

## NEW BUSINESS

### **1. Finance Review**

Commission to review fiscal year-end 2013-2014 finances along with 1st quarter finance for the current fiscal year.

Chairman Tenhave remarked for the Town side of the budget, although input is provided by the Commission, the budget is that of the Community Development Department. The Commission is responsible for managing its three funds. Fund 51 is the original special conservation fund. The balance at the end of FY14 (unreserved fund balance) is \$48,644. It was noted some of that balance is identified as encumbered (outstanding purchase

orders). When asked, Chairman Tenhave stated Fund 51 is governed by RSA 36-A. There is no current revenue stream beyond that of interest accumulated. Commissioner Boisvert questioned whether the fund could be utilized at the discretion of the Commission or whether there are identified uses. Chairman Tenhave stated the fund could be expended at the discretion of the Commission.

Fund 53 - Land Use Change Conservation Fund has an unreserved fund balance, as of the end of FY14, of \$1,301,061.68 with some encumbrances against it. It was noted monies from this fund have been utilized towards the Gateway Trail rehabilitation, beaver management, etc. Currently revenues are only gained through interest earned. An agreement is in place with the Town Council so that when the fund drops below \$1 million, 50% of all land use change tax dollars go into the fund until it again reaches the \$1 million level.

The Horse Hill Nature Preserve Fund has an unreserved fund balance of \$1,000.61. Revenue comes from 3C Race proceeds. 3CRace Productions has conducted snow shoe races, etc., and provided donations to the fund. Some of the funds have been expended to cover the costs of the Watson bench, etc. The biggest expense has been for trail maps as thousands have been given away.

First quarter numbers are available should the Commission wish to review the information.

Vice Chairman Caron questioned why Fund 51 would be down \$11,000 when it was not utilized in FY14. Chairman Tenhave stated he would look into that further. It was noted expenditures approved in FY14 were to come from Fund 53. If an accounting error has occurred that should be able to be reconciled.

Chairman Tenhave noted Fund 51 was utilized during some of FY14, and there would be the need to research the minutes to identify which fund expenditures were intended to be made from.

#### OTHER BUSINESS

- Annual Report and upcoming annual meeting with the Town Council

Chairman Tenhave provided, and the Commission reviewed, a draft of the annual report to be presented to the Town Council.

Commissioner Perry suggested, under the heading of 2014 accomplishments, reference to the Beaver Management Study identify the status as substantially complete, and that mention of water control activities include information on problems faced, e.g., negative impact on private and Town owned property, and results achieved.

Councilor Mahon suggested the Commission also make note of the Commission's efforts with regard to a web based GIS system.

It was suggested a separate meeting be scheduled with the Town Council to go over, in greater detail, the Beaver Management Study.

Under the heading of Goals/Activities for 2015, Chairman Tenhave noted his intent to include the gates on South Grater Road. The Commission has discussed moving forward with that. It is an item he intends to bring before the Town Council once the legal information is gathered. It was suggested that should be discussed with the Amherst Commission as well.

With regard to where the Council can provide assistance, the presentation identifies assistance with approvals for land easements/acquisitions, leading the Town with the proposed pipeline, funding the GIS system, staff support for updating of Chapter 111, etc.

When asked to provide an update, Councilor Mahon stated the Town Council has not engaged in any formal discussions relative to the Kinder Morgan Tennessee Gas Pipeline project. Kinder Morgan has been informed the Town Council does not wish to conduct private meetings with them. Another favorable editorial was published in the Union Leader regarding making a wise decision to keep the process transparent and that all information is shared. A good deal of mail has been received from Kinder Morgan. One piece was their draft environmental impact assessment. All information received is posted to the website for public consumption.

Kinder Morgan has announced they will hold three meetings; Milford, Merrimack, and Pelham. The suggestion has been made that a working group be put together consisting of representation from the Commission, PWD, Community Development Department, etc.

- Gas pipeline update

Chairman Tenhave spoke of meetings being conducted by Kinder Morgan. The Town has a link on its website to information provided. Other towns have established links on their websites and a number of Facebook pages have been created. There are a number of organizations posting material. The Commission has two parcels impacted by the proposed pipeline path. It is stated to be co-located with the power line easement. Concern has been expressed there is not sufficient time for comment.

The Deeds for the two Commission parcels that would be impacted have interesting language; pieces of the parcels were purchased in different ways, which is something that will have to be reviewed in order to understand who has authority over the parcels.

Chairman Tenhave noted he has recently walked the entire power line easement for the HHNP and most of the easement for the Gilmore Hill Memorial Forest. Commissioner Perry noted the power line in the HHNP goes right over the area identified as a habitat for Blanding's turtles. Along with the path, what also needs to be considered is what could be disrupted. Councilor Mahon remarked that is the purpose for trying to get all of the organizations together; it is important to understand potential impacts. To some extent it is a routine project; however, in some areas it is not. Those types of issues have to be addressed. Chairman Tenhave commented in addition to rare and endangered animal species, there are plant species to be considered as well as whether or not there would be an impact to hiking trails, etc. He remarked at some point, the Commission will have to take a more active role. He encouraged all Commissioners to educate themselves on the matter.

#### PUBLIC COMMENT

Jody Vaillancourt, 35 Greenleaf Street

Stated she and Ms. Yonkin arrived late for the meeting as they were watching the live question and answer session at the Milford Town meeting with Kinder Morgan. She stated appreciation for the discussion taking place with the Commission and for the plan to request the Town Council takes a lead role in the matter. She stated she and Ms. Yonkin are trying to get factual information to the public as a good deal of misinformation has been distributed. She noted the meeting held in Milford was taped, and should be available for viewing. She stated local input is being taken very seriously. She stated her opinion waiting to provide input is not the best strategy. During the meeting it was stated the next 6-8 months is critical. Given both the School District and the Town are in the middle of the budget cycle, she is concerned this issue might get lost.

She encouraged all Merrimack residents to educate themselves on the issue. She suggested anyone looking to ensure they turn to factual websites contact her or Ms. Yonkin. One of the comments made at the meeting was that they have the capability, as long as they are able to acquire the necessary permits, to go through a bog. The term, co-located, is one she and Ms. Yonkin have conducted a lot of research on. A lot of people think the pipeline will follow directly underneath the power lines. The research they have done indicates they can't put it right underneath the power lines. During the meeting Kinder Morgan stated until they actually file their formal application they will not know where the actual line will be. They are surveying at this time. It is likely it could be adjacent to the power lines, and it could be that we end up with an entirely separate corridor.

Ms. Vaillancourt noted another piece of misinformation is the belief Merrimack will be able to tie into the natural gas. She noted a concern with the project impacting drinking water.

She questioned which body would be responsible for making a request for an environmental impact study, and stated her assumption the Town would make such a request. Chairman Tenhave stated the document the Council received was put together by Kinder Morgan and called their environmental impact study. Councilor Mahon stated the document is not complete. Chairman Tenhave stated his belief there is nothing that states that the Town requires an environmental impact study. Councilor Mahon stated that to be an EPA issue. Chairman Tenhave stated his belief when it comes to issues such as blasting, there may be studies required.

Amanda Yonkin, 57 Naticook Road

Remarked it is not so much of a requirement as it is a request the Town could make. Chairman Tenhave responded understanding how such a request could be made and what footing there is to make it would be good information to have. Councilor Mahon commented the Town could request that, but Kinder Morgan does not have to comply or could say that information will be contained in the Environmental Impact Statement that has to be prepared for the Federal Government. He stated his impression Kinder Morgan will not conduct an Environmental Impact Study for every town that makes such a request.

Ms. Yonkin spoke of the need to be aware of the timetable for the filing. She questioned the purpose of the pre-filing period currently underway. Councilor Mahon stated he is unsure; however, he would guess Kinder Morgan needs to have its house in order before filing with the Federal Energy Regulation Commission (FERC). The more input they get now the more they can respond to when they file with FERC. The FERC will ask if the concerns have been addressed.

Ms. Yonkin asked wouldn't it be better for Merrimack to be asking those questions now? Councilor Mahon stated that is what is occurring through the meetings being conducted. When they come to Merrimack the same thing will occur. He stated his belief Kinder Morgan will not file with FERC until the end of the year.

Ms. Yonkin stated her belief the pre-filing comment period comes to an end March 18<sup>th</sup>. She stated there is a Petition requesting additional time as a good many abutters recently found out about the project. Ms. Yonkin questioned at what point the Town Council would identify the questions that need to be asked. Councilor Mahon responded when the information is received regarding what is intended to occur in Merrimack. Ms. Yonkin stated all of the information has already been provided. Councilor Mahon responded it has not. When asked what is missing, Councilor Mahon responded he does not have what he believes he needs. Until they are in front of the Council presenting he will not have what he needs to make any decisions. At this time, all he is in receipt of is what has been provided by Kinder Morgan via communications. They are not yet participating in open dialogue. They have not presented their plan to the Council or how they will go about accomplishing their plan. They began that work earlier in the evening in Milford. That is what he is waiting to hear from them.

Ms. Yonkin stated her concern the Council does not yet have the necessary information.

#### Jody Vaillancourt

Stated she and Ms. Yonkin are of the belief the process needs to move quicker and more information needs to get out. They want to be helpful as vehicles to do that. She stated her appreciation for the fact the Town website has information available; however, cautioned, that information was provided by Kinder Morgan. She reiterated, having done a great deal of research, they are happy to share information they have gained with the Commission and Council. When asked where their information is housed, she responded they have a Facebook group (Merrimackcitizensforpipelineinformation).

#### Amanda Yonkin

Highlighted the need for increased community awareness.

Commissioner Glenn questioned whether a charge will be added to electric rates to pay for the project. Ms. Vaillancourt responded they have heard there is a good possibility there will be a tariff. Chairman Tenhave added the assumption would be that the natural gas from the pipeline is being used to generate the electricity. He stated his desire to understand the steps of the process and the associated timelines. He commented when researching, he sees the deadline for FERC approval is 2016.

#### Jody Vaillancourt

Stated, during the meeting in Milford, it was stated the formal application will be submitted in the fall of 2015. She stated she would email the Commission links to the information currently available.

#### • Winter Carnival

Chairman Tenhave noted receipt of a communication from the Parks & Recreation Department with regard to the Winter Carnival scheduled for Saturday, February 21, 2015. He questioned the will of the Commission with regard to participation. The item will be placed on the agenda for the February meeting. Commissioners were asked to give the opportunity consideration. When asked what participation would entail, Commissioner Perry responded the time is spent educating the public on Commission property, providing maps, etc.

- Brookside Drive

Chairman Tenhave spoke of the discovery of trailers and debris on Commission property. The trailers are no longer parked on the property; however, it is unclear who owns the stacks of brick pavers, pallets, and other debris left on the property. As a result there is no means of enforcing the removal of those items. He suggested, if there is a desire to utilize the pavers around kiosks or other locations they are readily available. The pallets should be removed from the property. The Commission will have to either remove the remaining debris or contract that work out to the PWD.

- Dredge & Fill Permit Application

Chairman Tenhave noted receipt of a Dredge & Fill Permit Application for 30 Lakeside Drive, Tax Map 6A-1/Lot 114. The application was received at the end of the prior week, which did not provide ample time to gather additional data or request the applicant or representative come before the Commission. The Commission's next meeting would be outside of the 14-day window provided for response/comment. A letter will be sent to the New Hampshire Department of Environmental Services (NHDES) informing them of the timing issue and the desire for an opportunity to comment, which would not be possible until after the Commission's meeting on January 26<sup>th</sup>.

When asked if it is believed NHDES will allow the additional time needed, Chairman Tenhave stated his belief as long as he follows the process they will be required to.

- Land Acquisition

Commissioner Boisvert requested the Commission work towards identifying a few top priority properties to aggressively pursue. Vice Chairman Caron remarked the Piscataquog Land Conservancy Regional Trust continues to work internally on whether or not changes will occur within the Trust. If changes are made, Merrimack will be within their jurisdiction and they would be free to work with the Commission. In the absence of change, the Trust would remain interested in working with the Commission; however, all interests would have to align. He stated his uncertainty there are target properties where all interests would align.

Commissioner Perry noted Nicholas Coates, Executive Director, NHACC, was before the Commission at its December 15, 2014 meeting, and made mention of having a land use lawyer on the Board. He suggested the Commission could reach out to him for guidance with regard to forward movement.

Vice Chairman Caron agreed with Commissioner Boisvert's suggestion to return to discussions of target properties. It was noted a prioritized list of target properties has been established. Chairman Tenhave noted change in membership on the Commission since the time the list was created, and suggested a non-public session take place on January 26, 2015 to share that information with new members.

- Data Collection

Commissioner Perry stated the desire for a Town sponsored location for electronic data storage. Commissioner Boisvert questioned whether that could be included in a web GIS system. Commissioner Perry spoke of a drop box account under his Town address that can be shared. There are limitations to the amount of space available. Chairman Tenhave questioned the role of the Technology Committee in such matters. Commissioner Perry volunteered to reach out to the Technology Committee to see any recommendations have been made.

- New Hampshire Association of Conservation Commissions Seminar

Chairman Tenhave noted the New Hampshire Association of Conservation Commissions is conducting a Field Training Series workshop on the invasive Emerald Ash Borer (EAB) beetle. The seminar will be conducted at the Conservation Center at 54 Portsmouth Street, Concord, NH on Friday, January 30, 2015 from 1:00-4:00 p.m.

- Gilmore Hill Memorial Forest

Vice Chairman Caron stated he and Commissioner Perry visited the Gilmore Hill Memorial Forest, and viewed an area that has a well head, ATV trail, and stream. With beaver impact and the possibility of impact by the proposed pipeline, along with the other activities occurring in the area, there is the potential for impact to the well.

When asked, Vice Chairman Caron stated beaver impact is both upstream and downstream. Commissioner Perry stated the area could be looked at and monitored. Chairman Tenhave stated his belief the well is one of the test wells for the Merrimack Premium Outlets.

#### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . December 15, 2014

*The following amendments were offered:*

Page 2, Line 2; amend the sentence to read: "Chairman Tenhave commented Mr. Chagnon mentioned there would be no changes with the exception of the addition."  
Page 2, Line 11; replace "lead" with "led"  
Page 4, Line 27; replace "month" with "months"  
Page 4, Line 31; replace "additional" with "addition"  
Page 4, Line 54; replace "Forrest" with "Forest"  
Page 6, Line 5; replace "This past year" with "In a past year"  
Page 7, Line 3; replace "conservations" with "conservation"  
Page 7, Line 54; replace "is" with "should be"  
Page 8, Line 7; replace "January" with "February"  
Page 9, Line 6; replace "level" with "leveling"  
Page 9, Line 13; replace "Kras" with "Glenn"

**MOTION BY COMMISSIONER TENHAVE TO ACCEPT AS AMENDED  
MOTION SECONDED BY COMMISSIONER CARON  
MOTION CARRIED**

**5-0-1**

*Councilor Mahon Abstained*

#### COMMISSIONER COMMENTS

Councilor Mahon remarked if the well head Vice Chairman Caron spoke of in the Gilmore Hill Memorial Forest is a monitoring well, there is the need for information to be passed along regarding what is occurring in the area. He commented he is unsure if that is included in the package of wells being monitored on a regular basis. He suggested it may be an issue to be addressed by the MVD or the Community Development Department. Vice Chairman Caron noted the MVD garage is located approximately 500 yards from the well. Chairman Tenhave stated he will inform MVD and Tim Thompson, Director, Community Development.

#### ADJOURNMENT

**MOTION BY COMMISSIONER PERRY TO ADJOURN  
MOTION SECONDED BY COMMISSIONER GLENN  
MOTION CARRIED**

**6-0-0**

*The January 5, 2014 meeting of the Merrimack Conservation Commission was adjourned at 9:24 p.m.*

Submitted by Dawn MacMillan