



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

JUNE 20, 2016

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, June 20, 2016 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Tim Tenhave, Chairman presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Cynthia Glenn
Gage Perry
Gina Rosati, Alternate Member
Councilor Jody Vaillancourt

Members of the Commission Absent:

Also in Attendance: Patrick Colburn, Project Manager, Keach-Nordstrom Associates, Inc.
Murray Collette, President, Lake Naticook Conservation Assoc. (LNCA)
Roger Gettel, Vice President, LNCA
David Quimby, Liaison to Veteran's Park, LNCA
Timothy E. Adams, 2 New Haven Drive, Nashua
David Labrecque, P.O. Box 366, Merrimack Landscaping Materials
Gregory Michael, Esq., Bernstein Shur

The Commission currently has open positions; 1 full-time and 1 alternate. Individuals interested in serving on the Commission should contact Becky Thompson in the Town Manager's Office.

The Commission will meet once in the month of July. The meeting is scheduled for Monday, July 18th.

PUBLIC COMMENT - None

APPOINTMENTS

1. Visit with Murray Collette, Lake Naticook Conservation Association

Murray Collette to provide an update on the status of the lake's water quality, milfoil, and erosion control activities.

Murray Collette, President, Lake Naticook Conservation Association (LNCA), provided a PowerPoint presentation (attached). He stated the LNCA is an association that represents the waterfront owners on Lake Naticook, which includes the Town of Merrimack, Camp Sargent, and about 40 families.

After watching Chairman Tenhave speak to the Town Council on the South Grater Woods project, he saw perhaps a missed opportunity, where the LNCA has not been doing a lot of collaborating. The Commission looks at Town parks, conservation land, and much of that down to the water around Lake Naticook. The LNCA is looking at water quality within the lake, and looking for ways to keep improving water quality data access of the lake to the public.

He stated the desire to discuss what the LNCA has been doing, provide data on water quality that has been taken over the past 15+ years, talk about what is happening with Milfoil, and address a question that came up from the Town Council during a presentation that occurred when the Director of PWD was talking about the Veterans Park boat ramp. During the discussion with the Council a new member questioned how the lake was doing in terms of Milfoil. Mr. Collette stated the presentation provided to the Commission would be made before the Town Council at an upcoming meeting. They will also use that opportunity to address recommendations the LNCA has with regard to its concern with runoff.

Mr. Collette stated the biggest issues the LNCA has been addressing lately is Milfoil in the Lake, which was discovered about 5 years ago. Through a great many volunteer hours (approx. 500/yr.) from members of the LNCA, NHDES, and the Community Development Department, they have been able to go out, identify Milfoil, and direct State certified divers to come in and pull it. The associated cost was a 60/40 split between the Community Development Department and State grant funding acquired by the Town. The importance of the volunteer effort was stressed.

Mr. Collette remarked Lake Naticook is one of the key recreational resources in the Town. The Town has invested a lot over the years from the acquisition of Wasserman Park and Veteran's Park to developing them into recreational opportunities for the residents.

Naticook Lake is about 62 acres in size and averages 11' deep. The deepest point is about 20'. It is a very shallow lake, and as a result Milfoil can grow pretty much anywhere. Milfoil doesn't really grow much in waters deeper than 10'. Milfoil and runoff are the two largest issues of the lake.

The Town is by far the largest waterfront owner with about 4,100 linear feet of water frontage plus the island, Camp Sargent owns about 1,600 linear feet of water frontage, and the rest, 3,676 linear feet, is divided among 40 landowners.

Mr. Collette commented one of the runoff issues is runoff around the boat ramp. The second is runoff down through the conservation land; essentially from the Wasserman Heights Subdivision. When that subdivision was put in several years ago and drainage was improved along Naticook Road, the amount of heavy rainfall runoff seen was like none members had seen before. That has been the case since that subdivision was developed, and it is something they can work on long-term.

Roger Gettel, Vice President, LNCA, stated he last reported to the Town Council in 2013. Good progress has been made since that time, and there is less Milfoil in the Lake today than there was then. He remarked as long as there are any plants there, if there were any lull in the efforts, the Milfoil would quickly take over the lake again.

There are a few problem areas, but they have successfully gotten them down to a "whack-a-mole" mode. Three years ago it was not hard to find Milfoil. Today there are sporadic plants around the lake; far fewer than this time last year and this time the year before because of the efforts of volunteers in finding the plants, marking the plants, and getting diver assisted suction harvesting to remove the plants.

He utilized a map to display the largest problem areas. At the inlet to the lagoon there is heavy Lily Pad growth, which makes it difficult for divers to find the plants and successfully remove all roots. In the shallow water in the channel, Milfoil grows at a tremendous rate. Should they lose the battle in this critical area and the Milfoil was to make its way into the lagoon, the only option would likely be aquacide (aquatic herbicide).

The Milfoil was discovered in the summer of 2011. In 2012 the State divers treated certain sections of the lake with aquacide. That knocked it back. Milfoil being what it is, it sprang back up. Under the NHDES program, the Town was granted divers for a single season at no cost to the Town. At the conclusion of that, there was the issue of the Town's fiscal year beginning July 1st; no funds were budgeted for additional dives until after July 1, 2013. They were able to start beating it back. Each year it has gotten better. This year a special effort was made to get out early (late March). By early May they were ready for a dive, although they were unable to coordinate with that until May 27th. However, on that date two divers were present and worked all day. Because the Milfoil had been hunted for when it was the only thing growing in the lake (other weeds were not up yet), and with the high water quality early in the season, they were able to rid the lake of a good number of plants.

Mr. Gettel stated his experience to be finding about half the number of plants per hour of searching time than was the case a month ago and prior to the dive. He commented during his last few expeditions onto the lake he was a little disturbed about what he found in one area, but surprised by what he was not finding in the other sections of

the lake. The next dive is scheduled for July 1st. In between dives volunteers go out on the lake, and find and mark the plants. On dive days there are typically 2-3 volunteers that assist the divers. That assistance ensures the divers' time is utilized as efficiently as possible.

Commissioner Rosati questioned the origin of the Milfoil. Mr. Gettel explained Milfoil is a hardy weed native to Southeast Asia, and was used in aquariums. Someone dumped their prize guppy in some lake, and the Milfoil thrived. It has an explosive growth rate; can grow up to 3'/week. It primarily propagates through fragmentation so as it grows longer it becomes more brittle, the ends break off with wave action of turbulence, and boat propellers shred it up. Every little piece that floats around ends up re-rooting, and making a new plant. It also expands by root tuber. It can also seed. If it goes to seed and is pollinated he is told the seeds live for some 40 years and can sprout any time.

Mr. Gettel remarked they rarely find the large plants any longer. They are finding the smaller sprouts. Once it gets ahold in an area, it will take 4-5 cleanings before it stops sprouting back. They watch the areas where it has been. When it starts sprouting back they have the divers hit those areas again. They are succeeding in finding it before it is at the size where it is vulnerable to boat traffic.

Mr. Gettel remarked it came into the lake on a boat someone trailered to the lake. Their boat could have been in the Horseshoe Pond or another pond that has Milfoil. Within 2 weeks they brought their boat to Naticook and put it in the water. That fragment of weed came off their trailer or their propeller, and took ahold. Mr. Collette remarked the first place it was found, and the thickest areas, were right around the boat ramp.

Mr. Gettel stated the current management plan authorizes 10 dives this season (Town and State). They have used 2, one is scheduled for July, and the expectation is for one every 3-5 weeks through the end of the season. The goal is to start as early as possible next year; particularly getting the boat ramp area cleared out, the cover cleared out ahead of the Camp Sargent Tri-Athlon, and getting the camp areas cleared out ahead of their activities. They expect to be able to manage the Milfoil through these efforts, and hope to continue the good progress.

He spoke of volunteer opportunities including divers who may wish to become certified for removing Milfoil. When asked, Mr. Collette stated he does not believe there is an age requirement. It requires a SCUBA Certification and NHDES has a Milfoil Removal Certification Class. It would be beneficial to have volunteers on board that could assist with diving activities in instances such as plants being seen following a scheduled dive.

Mr. Gettel spoke of the UNH Co-Operative Extension Lakes Lay Monitoring Program (LLMP); biological water quality study of the lake. The LNCA has been taking samples from the lake, and the Town has been participating in the LLMP. The data goes as far back as 1982. Mr. Gettel stated he has been the volunteer taking the samples for the last 15 years or so. The parameters that the study tracks includes Phosphorus, Chlorophyll, water clarity, color, alkalinity, pH, and specific conductivity plus dissolved oxygen (when there are appropriate temperature profiles present). UNH comes down with equipment once a season. Mr. Gettel performs less extensive sampling every 2-3 weeks through the season and sends the samples in for further testing. Naticook Lake has a relatively undisturbed shoreline for a lake in this region because of the abundance of outdoor recreation space in Town. The long term trend is gradually higher Phosphorus levels since 1982.

Mr. Gettel remarked the primary threat to the lake is inputs of sediment and nutrients (Nitrogen and Phosphorus). One of the tests conducted is testing Phosphorus at 7 different locations on the lake. He identified the areas on the map provided. Year after year, it is Site 6 that has the highest Phosphorous readings. That is where the stream comes down the hill and feeds the lake. Obviously stream water brings a lot of nutrients with it. The water in the lagoon can get a little scummy. There is some filtering action as it comes into the rest of the lake. Mr. Gettel remarked he is uncertain what could be done off lake to address any of the nutrient issues or where that is coming from.

The second location where elevated readings have been seen for a few years in the months of June and July is Site 2. That is right below the low end of the field where runoff has been seen coming across the road and down the hill. That suggests, after periods of heavy rain, any fertilizing materials utilized in the field tend to wash off and find their way to the lake. In comparison to the levels in Site 6, they remain lower, but are in the eutrophic category, which is the worst category for level of nutrients in the water. The Phosphorous is important because that is what feeds algae growth. Mr. Gettel spoke to the chart identifying the Phosphorus trend from 1982 to present. He commented as lakes go it is pretty good, but there are always improvements that can be made and risks that have to be managed.

Mr. Gettel remarked the presentations are intended to be educational in nature and promote public awareness. There is a desire to continue to collaborate with the Commission.

Chairman Tenhave commented the Commission is comprised of 7 members, and there are 1,600 acres of land spread throughout the Town. The monitoring that can be done by the LNCA is beneficial. He requested they keep the Commission apprised of what is being seen. He commented the Commission had the UNH Co-Operative Extension visit in 2014 to explain the program. The request for their visit came about as a result of the Commission not receiving yearly reports. Mr. Gettel stated there is a summary report available, and commented he finds the data in the summary reports more useful as it is organized in graphs whereas the prior reports provided the data in text.

Mr. Gettel noted the testing the LNCA performs does not encompass coliform bacteria. He stated his understanding Camp Sargent and Wasserman do testing in season for that. He commented it is not really a matter of is it safe to swim today, it is more do the fish have a good environment, is the water quality pleasant for recreational use, etc. The Phosphorous is important for the algal growth. They do see occasional Cyanobacteria on the lake. There is potential health impacts should that growth be fueled. Mr. Gettel remarked in the time he has lived there, he has not seen it ever get to the point where he would be alarmed. Like most lakes, it exists.

David Quimby, Liaison to Veteran's Park, remarked he is the third of five generations that have utilized the same summer cottage on the lake. He believes it to be his job to be a steward of the lake.

He provided photographs. He stated the intent to provide information on what has occurred on the lake over the past five years, where they are, what the proposed plan is by the PWD, and then offer some recommendations.

Mr. Quimby stated the issues from the original ramp are runoff from Veteran's Park draining directly into the lake, silt and sand from boat ramp erosion, silt and sand from 100' of Brundage Way; 50' in each direction, and the runoff of chemicals and fertilizers from the playing fields into the lake. That happens during periods of heavy rain. In the spring of 2011 he walked down to the boat ramp and saw the entire Brundage Way was being washed down onto the boat ramp and forming a delta into the lake (he provided photographs depicting this). He commented he cannot identify how many hundred or thousand cubic feet of Brundage Way is actually in the lake. If you go down to the boat ramp and look into the lake, you can see the delta formation. Photos displayed outlined how the snow melt goes right underneath where the snow is plowed and push all of the silt and sand onto the boat ramp.

Mr. Quimby stated his belief in the spring of 2014, the PWD added the stone to the ramp. Mr. Quimby noted after the photos were taken, in June he found the first Milfoil plant under his dock. As a result, they stopped worrying about the boat ramp, and spent the next year worrying about Milfoil. The stone has helped to stabilize the boat ramp, and it catches a lot of the silt and sand that washes off of Brundage Way.

He displayed a photo of the upper half of the boat ramp with the stone, and remarked one of the things that was done wrong, is the stone that was put in was not the right aggregate. It was too large. That is the complaint about the boat ramp now; when the ramp is wet or tires are wet, tires spin. When trailers are exiting, the rocks skid out. The rock is catching a lot of the silt and sand from Brundage Way.

The existing ramp is very wide, and all stone. A downside is that it is so large people can park their cars right by the lake. Any gas, oil, etc. coming off the cars can go right into the lake.

What the PWD has proposed is to pave the ramp, put in a little bit of grass swales along the ramp, and narrow it. Mr. Quimby commented when thinking about a narrower ramp that is paved, it reminds him of a sluiceway. The proposal does not include any work on Brundage Way. Brundage Way will stay exactly the same. In heavy rain Brundage Way will wash right down the pavement and into the lake.

Mr. Collette stated of the three problems discussed earlier, the proposal helps with the stabilization of the ramp itself, which is a 10 degree slope, and its erosion itself would be improved. Certainly access by vehicles and trailers would be improved. The concern is the other two problems of the Brundage Way runoff and nutrients from the field would be accelerated into the lake extending that delta.

Mr. Quimby stated one of the largest issues they have with the silt is when they search for Milfoil, particularly after a rain, the Milfoil, the slightest amount of sediment covers it. It is really easy to miss the Milfoil.

Although pavement helps to reduce the ramp erosion into the lake, they feel what will happen is that it will accelerate the chemical fertilizer and runoff from Brundage Way directly into the lake.

Mr. Quimby commented after a visit by the New Hampshire Lakes Association, one of the representatives stated one of the best practices is to create a plunge pool so the water from Brundage Way would go down into the stone foundation of the old ice house thereby creating a plunge pool where water would have a chance to be cleansed before it percolates back into the lake.

Mr. Quimby remarked he and Mr. Collette met with Kyle Fox, Director, Public Works Department, and discussed this. He remarked Director Fox is not really open to a plunge pool at this point, and there is no plan to stabilize Brundage Way. Mr. Quimby commented that is why they have come before the Commission, to get the Commission's interest in the project to see if some common ground can be reached. They are seeking suggestions from the Commission.

Mr. Quimby remarked what the LNCA recommends is continue with the proposed paved ramp plus add the plunge pool. He noted there is Town land where that can be done, and it is recommended by the NHDES as best practice. NHDES has communicated with the PWD and the LNCA, and they concur with the recommendation of creating a plunge pool, but they can't mandate it because it is more than 10' away from the shoreline. The New Hampshire Lakes Association has recommended this as best practice, and we would align with the LLMP with that recommendation.

Mr. Quimby spoke of a concern raised during the discussion with the Town Council with regard to whether or not the Historical Society would have any issue with the creation of a plunge pool in that location. That concern was brought up by the PWD as a reason why not to look into this. Since that time, a discussion has taken place, and Anita Creager, President, Merrimack Historical Society has submitted a letter indicating she sees no reason why there would be any issue.

Vice Chairman Caron questioned if the runoff is being seen predominantly with the winter/spring thaw. Mr. Quimby responded if you visit the area during a time of heavy rain, you are able to quickly see the problem. Vice Chairman Caron questioned if there are residents in the area, and was informed there are. It was also noted that residents use the boat ramp to go ice fishing, to bring their snowmobiles in, etc. The police do a loop through there a couple times a day/every day of the year.

Commissioner Perry questioned if it would alleviate some of the problem if plowing were to stop at the parking area at the end of the field, and was told there are residents located in close proximity to the boat ramp, and plowing has to occur.

Commissioner Rosati questioned what is done at other lakes. Mr. Quimby stated the ramp has a steep pitch, which is likely its worst feature, and the land on Brundage Way pitches toward the ramp. This situation is very unusual. Mr. Collette stated the plan for the actual boat ramp itself, the part of the ramp that will be in the water; concrete pads leading up to asphalt, is a standard and good practice. The challenge is how do you contain and prevent tons of runoff from going in. The plunge pool practice seems to be the most attractive and reasonable solution. Other solutions could be paving the entirety of Brundage Way, which would be a significant expense or try to control runoff on different portions of the park, which is likely also a significant expense. The recommendation is believed to be a reasonable improvement to the current plan that would be at the lowest cost and biggest benefit for the investment.

Councilor Vaillancourt thanked the LNCA for the work it does. She remarked she has information on the boat ramp, but was not prepared, at this time, to engage in a lengthy discussion. She suggested the Commission should have the PWD at the table to discuss the issue. She spoke of the incredible amount of effort and planning the PWD has put into the project. She stated she was not comfortable speaking on behalf of Director Fox. However, remarked, if he has stated he is not open to the idea of a plunge pool, there has to be a reason. She would like to hear what he has to say about that.

Councilor Vaillancourt stated the Town Council received a copy of the letter Mr. Quimby wrote to the NHDES. There had been lengthy discussion at Town Council meetings and a conversation with the Commission regarding the boat ramp. After all of that discussion, the Council voted to move forward. It was after that vote that the Council received a copy of the letter.

She spoke of the level of public outcry for improvements to the ramp, which was one of the main reasons the project has been on the Council's short list for a few years. Councilor Vaillancourt stated her remarks to Director Fox were that she was hopeful and expecting that he would be in close communication with the LNCA to address its concerns. She suggested Mr. Quimby speak with the Town Manager noting the Town Council is the governing body that has the decision on this ramp. She remarked she is unclear as to what additional action could be taken at this time.

Councilor Vaillancourt stated she personally would not want to make any recommendations without the participation of the PWD. She expressed the concerns have been heard and are taken very seriously; it is just kind of back-ended now.

Mr. Quimby stated he would be happy to share the list he has of the dates and times that he has talked with people in Town since 2011. The first he knew the plan was at the NHDES was when he read an article in the newspaper. He then received a letter in the mail as an abutter. The plan was already made without including him despite his having been in touch with the Town Manager and the Assistant Town Manager/Finance Director numerous times over the past two years to try to get involved in the planning. The big problem was that there has been a change in the Parks and Recreation Department and the PWD. The ball has been dropped a million times, and he was becoming very frustrated. He stated his last conversation was during a meeting with Adam Jacobs, Operations Manager, Highway Department, and the former Director of Public Works in August onsite with Matt Casparius, Director, Parks and Recreation Department.

Councilor Vaillancourt stated her understanding, and commented sometimes communication falls through the cracks. She stated she would be happy to try and facilitate communication if that is acceptable to the Chairman. Chairman Tenhave responded that would be appropriate as the situation is beyond the purview of the Commission. He noted the Commission did comment on Brundage Way and Director Fox did speak about the Commission's concerns regarding runoff coming from there. Director Fox spoke of how they were going to crest things and push the water to the sides, and he was going to run riprap down the sides in order to capture runoff. The Commission also discussed the idea of paving and being a partner on that project. Director Fox was going to get back to the Commission on that.

He stated the Commission has not seen the final plans. What was before the Commission was information required to put the permit in. Mr. Quimby remarked as soon as the article was seen and the notice received, he got in touch with Director Fox immediately. He got in touch with NHDES and got all of the plans forwarded to him. He got together with Mr. Collette, and they met with Director Fox in April.

Councilor Vaillancourt stated Director Fox has indicated that he has spoken with Mr. Quimby. She reiterated she is uncomfortable having the conversation without him present. She commented it may be that Mr. Quimby may not get everything he wants, there may be nothing that can be done at this point; she is unsure. She offered to facilitate additional communication. Mr. Collette stated that would be appreciated.

Vice Chairman Caron thanked the LNCA and the volunteers for the work provided. He spoke of the question asked of what other lakes do, and remarked other lakes don't have good volunteers and are not aware they have Milfoil.

Mr. Collette stated the desire to provide the Commission with annual updates on water quality and Milfoil.

Chairman Tenhave remarked the Commission is a partner on the lake, and if the LNCA wished to have members of the Commission participate in any of their meetings a request could be made. Commissioner Glenn questioned if any other lakes have been successful in eradicating Milfoil, and was told it will never be totally eradicated, it will be kept under control. Mr. Collette noted the NHDES is conducting an experiment. They took some seeds and have put them outside of the NHDES building in Concord, completely exposed to all of the elements of the four seasons. They are now on at least year 10, and are pulling viable seeds out of that dead plant.

2. Visit with Tim Adams – Alternate position on the HHNP Sub-Committee

Commission to meet with Tim Adams who is seeking an alternate position on the Horse Hill Nature Preserve Sub-Committee.

Chairman Tenhave informed the Commission Mr. Adams has applied for the position of alternate member on the Horse Hill Nature Preserve (HHNP) Sub-Committee. Mr. Adams has been very active on the property for a long period of time. Mr. Adams is not a Merrimack resident, which does not preclude his membership.

Mr. Adams stated he has been asked to consider serving on the sub-committee in the past. However, his residency has precluded that. When asked again at the Sub-Committee's last meeting, he was informed there is no longer a residency requirement.

When asked, Mr. Adams stated the questions he had were already addressed via email.

Chairman Tenhave stated there to be one (1) alternate position open on the Sub-Committee (effective July, 2016).

MOTION BY COMMISSIONER CARON TO APPOINT TIMOTHY E. ADAMS AS AN ALTERNATE MEMBER OF THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE JULY 1, 2019
MOTION SECONDED BY COMMISSIONER GLENN

ON THE QUESTION

Councilor Vaillancourt thanked Mr. Adams for his willingness to serve.

Mr. Adams spoke of having helped with the marking of the coordinates of the posts, provided feedback on the map, etc. Vice Chairman Caron commented on the work Mr. Adams did to locate boundaries. Commissioner Glenn noted Mr. Adams will be leading the hikes for the Parks and Recreation Department (July 2nd and 16th).

MOTION CARRIED
7-0-0

STATUTORY/ADVISORY BUSINESS

- 1. David Labrecque (applicant) and Lionel Greenwood (owner)** - Review for recommendation to the Planning Board for an application to permit a seasonal wholesale/retail sales and storage of landscaping materials business. The parcel is located at 12 Wright Avenue in the I-1 (Industrial), and Aquifer Conservation Districts, and 100 year Flood Hazard area. Tax Map 4D-2, Lot 001.

Patrick Colburn, Project Manager, Keach-Nordstrom Associates, Inc., (Keach-Nordstrom) stated Mr. Lionel Greenwood owns property at 12 Wright Avenue. The property is on the north side of the street, in the Industrial 1 zoning district as well as the Aquifer Protection Overlay and the Flood Hazard Overlay districts. It is surrounded on two sides (north and east) by the New Hampshire Plating Superfund Site, to the west by like use, e.g., industrial in nature, and to the south by vacant property owned by the YMCA. It is an area of about 4 acres.

The Applicant is looking to lease a small portion of the property in the southeast corner for the purpose of offering bark mulch and other landscape materials for sale. An application was submitted to the Planning Board for a Waiver of Site Plan Review. What Mr. Labrecque is interested in doing on the site is establishing some bins using concrete waste blocks to segregate the different materials, e.g., sand, stone, mulch, etc. The Waiver was denied. The development of the property predates the zoning ordinance and site plan development regulations in the Town of Merrimack. As a result, the Community Development Office has no record of existing uses, which include a small building; home to Mr. Greenwood's business, Acme Pressure Washing, LLC. According to Assessing records, that structure was constructed around 1955. Also on site are a host of storage uses, e.g., various equipment, vehicles, landing zone for logging operation, etc. The property has been used in this capacity since the '70s.

Due to a lack of records, the Community Development staff and Planning Board were not comfortable moving forward with a Waiver of Site Plan Review. After the Waiver was denied, Keach-Nordstrom engaged surveyors to conduct a full boundary and topographic survey of the site. The Plan provided highlighted (in gray) the areas that are gravel today and have been for a number of decades. There is an approx. 4,400 sq. ft. building and very small paved driveway access in front of that building and out to Wright Avenue.

Catherine Basso, Engineer, Keach-Nordstrom, has proposed a series of site improvements to go along with Mr. Labrecque's business. Mr. Colburn noted the difference in color on the plan indicating the location of existing

pavement and the additional pavement being proposed. He stated one of the concerns of the Planning Board to have been the lack of sufficient parking to support the existing use, e.g., automotive repair. One of the proposed improvements is the addition of eleven (11) new parking spaces across the site. Based on the Site Plan Review regulations, that is sufficient parking to support both the existing and proposed uses.

Another improvement being proposed is a vegetated buffer between the site and Wright Avenue. Existing is a grass area and 3 or 4 U bushes along the frontage, which are located in the Wright Avenue Right-of-Way. The proposal would enhance the buffer and make it more in keeping with what is required by the development regulations.

Storm water management was a concern of the Planning Board; specifically with the possibility of mulch flowing offsite or to an area where it would be untreated. The proposal provides a short length of grass line swale that leads to an area that has always ponded. The terrain surrounding the site is all higher than the back corner; historically water has settled in the back corner. That back corner has been open gravel. Through the proposal they have controlled the discharge from the proposed area, have conveyed it to an above-ground infiltration area at the back corner, and lined the infiltration area and the swales with grass to provide some pretreatment of the storm water allowing it to infiltrate back into the groundwater. Any overflow during extreme events would go toward the property to the north and west through a few existing cross-culverts.

Mr. Colburn stated the reason the project was before the Commission was because it falls within the Aquifer Overlay District. The desire was to gain a positive recommendation from the Commission on the new plan.

Commissioner Boisvert questioned if the site would continue to be utilized for storage of equipment, vehicles, etc. in addition to the landscape material storage. Mr. Colburn stated that to be correct. Chairman Tenhave questioned how spills would be mitigated on the property. Mr. Colburn stated his understanding the State licensing for the existing pressure washing use requires they lay down an absorbent pad. Vehicles drive onto the pad, the pressure washing is conducted over the pad, and the material that collects in the pad is removed and sent to the Wastewater Treatment Facility. It is a sewer discharge not a storm water discharge.

Chairman Tenhave questioned what would occur if one of Mr. Labrecque's pieces of equipment were to experience an issue on his portion of the property. Mr. Colburn stated his understanding the material is mainly for landscape contractors. Mr. Labrecque will be the only employee onsite. He will drive his pick-up truck to the facility. His material will be delivered by a larger company. That truck will deliver the material. Mr. Labrecque will have a single small loader onsite that will bail the material into the vehicles of independent contractors purchasing the material. There will be limited risk for spills. There will be the daily driver and one loader in addition to transient traffic. The grass line treatment swales for pretreatment and settling in the infiltration pond will provide that treatment.

Chairman Tenhave questioned if Mr. Labrecque would have a spill kit onsite. Mr. Labrecque stated he is not familiar with what that is. He remarked he is aware if something occurs on a job site they pick up what they can with absorbent material. Chairman Tenhave questioned if that would be on hand in addition to personal protective equipment for the person doing the spill cleanup. Mr. Labrecque stated it would. He added he also keeps micro-bacterial cleaning component onsite. When asked if he or someone else has been trained on how to manage a hydraulic spill, he stated he has not, but he is in the process of obtaining his Massachusetts Hydraulic License, which he believes will include such training.

When asked if the business would operate in the winter months, Mr. Labrecque stated he is not planning on operating in the winter. If anything, he believes the area would be used as a snow storage by the current owner.

Mr. Colburn noted sheet 3 of the drawings lays out the plan for grading and drainage of the site. All of the proposed paved surfaces drain to the corner of the existing building and the grass line swale starts at that point and works a few hundred feet to the back of the lot where storm water settles. Chairman Tenhave questioned if the property owner would be maintaining that area. Mr. Colburn stated that to be his belief. Mr. Labrecque stated he would be helping out.

Vice Chairman Caron questioned the use of silt fencing along the eastern border. Mr. Colburn stated the land along that border is higher than the site. Storm water can't flow toward the east. It is forced to stay in the excavation. The plan shows a short row of silt fence at the only spot where storm water could discharge.

Chairman Tenhave pointed out sheet 5 addresses fertilizers and hay. He noted the Commission prefers straw be utilized. He questioned application rates for fertilizers. It was noted Sheet 3 identifies 30lbs per 1,000 sq. ft. Chairman Tenhave stated the Commission's preference for soil testing to be conducted to determine if fertilizers are required. If required, the Commission recommends the use of slow release Nitrogen and low-phosphate fertilizers. He remarked where the drainage and elevations move it away from the pond and the river, he is not as concerned about phosphates. But the site is close to the pond, and the Horseshoe Pond has had a good deal of issues with elevated phosphates and the algae and bacteria that can grow because of that. In this instance, the Commission would prefer to see no phosphates in the fertilizers. A note under materials identifies fertilizers to be 10/20/20 commercial grade.

The consensus of the Commission was to recommend the plans identify use of straw bales as opposed to hay bales, that the soil be tested to determine if fertilizer is necessary, and if deemed necessary that it is slow-release Nitrogen, no phosphate fertilizer.

2. **Gregory E. Michael, Esquire (applicant) for 427 D.W. Highway, LLC. (owner)** — Review for recommendation to the Planning Board of a site plan to construct a third Multi-Family residential unit. The parcel is located at 427 D.W. Highway in the C-2, (General Commercial) and Town Center Overlay Districts. Tax Map 5D-4, Lot 076.

Gregory Michael, Esq., Bernstein Shur, stated the Rivet Funeral Home abuts the property. Mr. Rivet purchased the adjacent property and rebuilt an existing duplex. As part of that development, he also built a large garage with an upstairs. Part of the site was for parking for the funeral home as well as parking, as needed, for the site itself. As the space upstairs was not needed, and because the property is in the Town Center Overlay District, which fosters mixed use, he decided to put in a third apartment above the garage. That was approved by the Zoning Board of Adjustment (ZBA), but required a site review given it would be a third dwelling on the lot.

Attorney Michael suggested the property is probably in the Aquifer Protection Zone near the river, which is why it would be before the Commission. He noted, were it not for the upstairs dwelling, the site review would not be required, and the project would not be before the Commission.

Parking calculations require 11 spaces for the utilization of the site. The area denoted on the plan as the location for five additional parking spaces is currently gravel, and would be paved to accommodate the spaces. The issue at hand is what impact, if any, the additional pavement would have. He suggested there isn't much impact, and stated an Engineer reviewed the site. Attorney Michael pointed out the area of the plan where it identifies an existing leaching catch basin within the parking area, and stated it is not currently in that location. It is not currently onsite, but is being installed as part of the project. It was noted Mr. Rivet discovered one of the sewer pipes wasn't running in the right direction. That has been fixed through the installation of a new sewer interconnect, which will provide additional protection to the river area.

Attorney Michael reiterated the focus is what, if any, impact would result from the additional five spaces, e.g., that area being paved. Although it could be left as gravel, he believes it best to pave the area, and that any runoff, e.g., oil, etc. would be collected. The proposed leaching catch basin would pick up runoff from the existing site as well. The Engineer reported the following: "I performed a site inspection of the property on May 16th to evaluate the existing improvements to the site, and was pleased to find that our client and his site contractor had incorporated leaching basins into the site to help mitigate some of the existing improvements. The addition of the residential unit over the garage triggers the multi-family parking requirements and requires the construction of the five additional spaces. Please see the attached plan. The five new spaces will be constructed in the vicinity of one of the existing leaching basins depicted on the plan. The new parking area will be graded to drain to the existing leaching basins, and therefore, all of the new pavement will be mitigated by the structure. Given the sandy soils onsite, the installation of the leaching basins, and the depth of the seasonal high water, we do not anticipate any negative impacts resulting from construction of the additional spaces."

Chairman Tenhave commented the site is very flat. Attorney Michaels noted the area dips slightly to the road and up, and would allow any flow to go into the basin. Chairman Tenhave remarked Town staff raised a comment about the existing parking spaces that support the funeral home. Attorney Michael stated they would be granting an easement for those. When asked if there would be some form of separation between the older and new parking spaces, Attorney Michael stated there would likely be a nose curb put in. Chairman Tenhave questioned if sheet flow would be allowed between the two parking areas so the existing leaching basin will continue to catch the water from the funeral home. Attorney Michael stated that could be looked at. He suggested that to be an easy fix if required. When asked, Attorney Michael stated his assumption the Engineer looked into the volume of

water and whether it can be supported by the existing catch basin. He noted the Engineer would be at the meeting of the ZBA. Chairman Tenhave stated that to be his only concern; that the leach basin will support 11 parking spaces. He stated his assumption Mr. Rivet is prepared to manage the maintenance/clean out of the catch basins, and Attorney Michael stated that to be true.

Attorney Michael stated the plan to be to utilize sand and salt substitute as needed to maintain the parking area. Chairman Tenhave remarked the leaching basins are not piped and therefore they don't pipe into the storm water system of the Town. Attorney Michael stated that to be correct.

Chairman Tenhave stated his appreciation for the quick reaction Mr. Rivet took in addressing the previous issue from last week.

Councilor Vaillancourt remarked the funeral home needs additional parking. She commented some of what she has discovered with what happened with the new home gives her concern for more residential use on this particular property and additional parking spaces with the close proximity to the river. She commented she does not believe there is anything that the Commission would have purview over, but she is concerned about the affects this would have on the river considering what was discovered, which thankfully has been rectified.

Commissioner Perry stated his only concern was voiced with the question of flow rate. Chairman Tenhave commented without the storm water report, which the Commission is used to seeing, it was necessary to raise the concern about the catch basin. Attorney Michael remarked when they got into the project, the site was already built. The only addition is the paving of those five spaces. He stated he can appreciate everybody's thoughts, but, with all due respect, he does not think that amounts to a hill of beans in the snow and the context of this plan on this site. He added the lot does provide some additional parking for the funeral home.

Attorney Michael remarked in the Town Center not everything is perfect. There are many places where there are businesses that today might be difficult to get approved. They do their best to straighten things out and bring them into conformance, which is what is being done with this site.

OLD BUSINESS

1. Gate Installations on Grater Woods

Commission to discuss the progress of the gate installations along South Grater Road. The Commission may need to look at an alternative gate construction due to ledge and rock encountered in the area where the gates are necessary.

Vice Chairman Caron stated three of the four gates are installed. The one that was left incomplete is the furthest south gate (in the area where the beaver pond is overflowing the old road). They dug some 15 holes in the area, ran into granite, and the deepest they achieved was 40". They typically try to bury the poles 4'. Two poles are needed to support this, the longest gate at 16'. Being unable to dig deep enough, the gate was not placed.

The contractor believes he has a solution, which would be to take a second gate and affix it to trees in the area. With that second gate the first gate could be placed with a helper wheel on the other end. Then the gate will swing, and instead of digging a hole on the other side, the gate can be chained to a tree on the other side. They looked at laying sleepers in and the fabrication was going to cost thousands of dollars.

Vice Chairman Caron commented the proposal would add another gate, which adds another level to deter people from trying to go around the gate.

Commissioner Perry asked for additional clarification. Vice Chairman Caron stated the first gate would be placed along the trail. A 12' gate would be affixed to the group of trees in the area where the original gate was intended to be located. The 16' gate would be placed across the road from the corner of that gate with the helper wheel to allow the gate to swing.

Commissioner Boisvert questioned if the terrain is such that it will allow the gate to roll across the road, and was told it is. Vice Chairman Caron stated the only area they may have to cut into, to a small degree, is the hillside.

Chairman Tenhave asked for clarification there would be a gate that swings across the road, but has a wheel to support it so it doesn't sag and hit the ground. It will be chained to a tree. He questioned where the second gate would be. It was explained the second gate would stop people from going through the area to the opposite trail.

That gate/fence would serve as a barrier, and will not move. It is the pivot point to support the gate that will swing.

Vice Chairman Caron stated the additional cost to be \$500.00.

Councilor Vaillancourt stated her only concern to be the lifespan of the trees the gate is anchored to. Until that time, this is a viable option. Commissioner Boisvert remarked it is likely to require more maintenance than the other gates in the future. Commissioner Perry stated eventually the tree the gate is affixed to will die. Vice Chairman Caron commented they considered using one of the trees as the post, but then it would die quickly. Spreading it over three trees and having it not be the main support (wheel is the main support) will be helpful. It provides the additional benefit of not having to move rocks to construct the fence. Now the fence exists. Chairman Tenhave questioned if the wheel structure is adjustable, and was told it is.

MOTION BY COMMISSIONER TENHAVE TO MODIFY THE PROPOSAL TO ALLOW FOR THE ADDITIONAL FIVE HUNDRED DOLLARS (\$500.00) PLUS OR MINUS TEN PERCENT (10%) CONTINGENCY. FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER BOISVERT
MOTION CARRIED
7-0-0

Vice Chairman Caron spoke of sign installation, and stated a representative from the School District is working to schedule a meeting with Alpha Tractor and Dig Safe to look at the two areas for the signs. Alpha Tractor has already repaired the signs, and they are ready to be installed. The signs were originally built by the PWD, and identify trail names (School Loop Trail and Gateway Trail).

Vice Chairman Caron and Chairman Tenhave both stated they have not heard any updates regarding the road closed signs. Chairman Tenhave noted Director Fox is aware the Commission is interested in being notified of when the signs are prepared so that they can be placed and the gates closed.

Vice Chairman Tenhave questioned the will of the Commission with regard to chains/locks. Chairman Tenhave commented the Commission has utilized lock boxes. Vice Chairman Caron noted the exception is Conservation Drive, which has a lock with a combination. Chairman Tenhave stated the need for emergency personnel to have access, and for the Commission to ensure whatever is done with the gates is in line with what the Fire and Police Department are currently using. If that is using the same boxes the Commission currently has, the box would be mounted, and the key would be placed in the box. The chain and lock would be purchased regardless. The purchase should be paid out of Fund 53. Chairman Tenhave suggested the work be done, and the cost reimbursed.

The consensus of the Commission was to authorize Vice Chairman Caron to purchase the necessary equipment, and be reimbursed for the expense.

NEW BUSINESS - None

OTHER BUSINESS

- Update on Land Donations

Chairman Tenhave stated he has been in contact with Mr. Clinton from Meridian Land Services, Inc. regarding the land donation at the Chestnut Hill development. He has been meeting with Town staff, they are moving forward with the necessary work, and the land donation is still on track for late summer. Mr. Clinton requested the process of formally accepting the Deed be explained to him. Chairman Tenhave will pass along that information.

- Update on HHNP Parking Lot

Chairman Tenhave stated the project is complete, and looks good. The gate that prevented people from going down the Loop Trail was removed to support the installation of the parking lot. Director Fox has indicated that will be reinstalled.

Chairman Tenhave stated the need for some maintenance in this area as well as a few others. He suggested the Commission could discuss this during its July meeting. It may be that with all of the areas identified, the Commission could consider contracting that work out. He suggested a maintenance plan should be in place for

all of the emergency access points, and that a contractor should be engaged for that work. He noted in addition to the Gateway Trail is the Red Maple Trail, the Loop Trail at the HHNP, Old Kings Highway, Mitchell Woods, and perhaps the trail that goes near the river in Wasserman to ensure that stays open all the way to the dam. It was noted the gate at Mitchell Woods is unsightly and in need of repair.

Chairman Tenhave stated he would speak with Lori Barrett, Operations Manager, PWD to see if she has interest in that as an activity for the department. If not, outside contractors could be sought.

Councilor Vaillancourt spoke of email correspondence among the Commission regarding the HHNP. The Commission discussed a proposal that was received from an individual willing to remove rocks from a trail, and the question was asked of whether or not the Commission would be in agreement with that. The other question posed was the possibility of creating a bypass trail around the rocks so the bicycle riders/mountain bike riders didn't get injured as a result of the rocks.

Councilor Vaillancourt stated her impression the consensus was to leave the rocks in place. Chairman Tenhave pointed out if creating new trails, which a bypass on the HHNP would qualify as, you have to come before the Commission with a formal proposal and a public discussion has to occur. Chairman Tenhave added that is the same process the Commission would follow with all of its properties. He noted the sub-committees need to follow that process as well.

- Update on no-cut buffer area along the HHNP and Wasserman Heights

Chairman Tenhave stated the Town hired a gentleman to review the area that was cut within the no-cut buffer as well as near the trail that was damaged. He looked for erosion issues trying to gauge how many trees were removed, etc. Chairman Tenhave remarked he personally has photos of a skidder and a bobcat and lots of large logs laying on the property owner's property. He was concerned there were large trees removed. The contractor viewed the area, and reported he does not believe there were that many trees, and that they didn't amount to a whole lot. Being confused by that report, Chairman Tenhave joined the contractors on a walk the prior Friday. They walked the entirety of the no-cut buffer, which is the east side and the north side of the abutter's property; 100' in.

They were correct that within the confines of the buffer there were very few trees removed; somewhere in the order of 10-20, the majority of which were a few inches in width. There were some larger ones, but very few. Trees are re-growing. There are no signs of erosion within the no-cut buffer. The question then was where did all of those logs come from, and the only answer is they were taken down outside of the no-cut buffer where the property owner has the ability to do that.

There is a path cut through the woods where that fence is intended to go, but whoever did the cutting was smart enough to not disturb trees within the no-cut buffer not realizing that. Where the large trees were removed, there are a number of other trees in that area. If you were to look through the forest or the canopy it would be difficult to know trees has been cut.

Chairman Tenhave stated having had the opportunity to walk within the confines of the no-cut buffer, he is in agreement there isn't an erosion problem within that area. They didn't go outside of the buffer. He suggested it is probably not worth trying to calculate and going after the property owner to replant trees. Nature will probably take care of that. The only issue that remains is there was some damage to the trail, and does the Commission wish to pursue requesting the land owner provide a donation to the Horse Hill Fund, and that the Commission and the Sub-Committee perform any necessary repairs.

Councilor Vaillancourt questioned if the dollar amount would be left up to the discretion of the homeowner or if there is one that has been identified. Chairman Tenhave commented the suggestion he received from Town staff was the same as what he had suggested; \$100.00. He added his suspicion the landowner would cover the cost that the Town has invested into the report that was done, etc.

Commissioner Rosati commented there is a lesson to be learned, and she is not sure how to get that out to the public. She questioned how you impress on people if you live near conservation land, there are certain rules to be followed. Chairman Tenhave responded what tends to happen is when there are restrictions on a property and it changes hands, the Deeds don't necessarily reflect the information. In this particular case, the very first Deed for the property when the subdivision went in was very clear that there was a no-cut buffer, it referred to the Site Plan, which is also recorded properly at Hillsborough County. By the time it got to the 2nd or 3rd owner some

of that language got dropped, yet each one refers to the previous Deed. If a landowner followed that trail the information would be known.

This landowner and the firm that she hired didn't follow the paper trail to ensure what they were doing was appropriate. If they had, they would have come across the Site Plan that said there is a 100' no-cut buffer, what that buffer meant and the trail easement that the Commission has along a portion of that buffer. They could have also gone to the Town to ask what that means because it was granted to the Town. The lesson to be learned is before you do anything on your property make sure you understand the boundaries of your property.

Vice Chairman Caron stated his opinion \$100.00 is not nearly enough. That will not buy one tree that is tall enough to mark a boundary. He commented if going down Quarry Trail it takes a left and the cut goes straight through. People are following that into someone else's backyard now. There need to be a few trees or something there. Commissioner Rosati stated agreement, and suggested perhaps \$100/tree. She remarked if using log markers or something similar to redirect users of the trail, there will be an associated cost. She suggested an amount in line with \$500. She commented \$500 would be more of a statement, more in line with the value of the damage that was done, and would be more of a warning to others. Commissioner Perry suggested the Commission could look to determine the cost of a certain number of trees at a particular size and the cost involved with planting.

Chairman Tenhave stated in order to do that there would be the need to calculate the number of trees that had markers that were removed. Commissioner Perry restated to block off that section there would be the need for 2-3 trees that are of a particular size, and the planting and maintenance of them for the first year.

Vice Chairman Caron remarked this is not something the Commission would look to volunteers to do. This is something that a professional is needed to do. A professional took the trees down. Now we need a professional to go back in and put them back up.

***There being no objection, the Commission recessed for five minutes at 8:47 p.m.
The Commission reconvened at 8:51 p.m.***

Chairman Tenhave displayed photos that showed the 100' line of the no-cut buffer and the cut that came across (approximately 8'). It was noted the property owner wished to put a fence up. There was the need for an area wide enough to get a bobcat in to bring material onsite. To fill in trees to reestablish where the trail goes would require 2-4 trees. Councilor Vaillancourt commented the work that was done created another trail. Chairman Tenhave commented it begs the question do we abandon the current trail and utilize the one they provided us. It is a more direct path. Vice Chairman Caron noted it is lower and wetter.

Commissioner Rosati questioned the kind of trees that would be desired. Commissioner Perry stated they would have to review the area and see what is indigenous to that area.

Chairman Tenhave stated if the desire were to have something to place blazers on, a significant number of trees would not be required. He stated concern with bringing in a contractor to do work; would the end result be what the Commission wished for, and would it do more damage to bring equipment in there and potentially create erosion issues where there really doesn't seem to be any. It was likely beneficial that the ground was mostly frozen when the initial work was done.

Vice Chairman Caron remarked he was thinking of a contractor with a posthole digger to dig the hole and bringing the tree in with the root ball in a wheel barrel. Chairman Tenhave remarked to put the ball in you will have to create a hole that is 3-4' wide and 4' deep. It is known there is a great deal of granite out there. He suggested another alternative would be to utilize some of the downed logs to create the path. Once the areas of disturbance are no longer being used any forest will allow nature to regenerate.

Vice Chairman Caron stated that is not what we had, and it causes a lot of problems. If you put a downed tree in a low, wet area water will stop there instead of going where it should go. If you put a tree there with a blaze on it, it identifies the trail.

Chairman Tenhave stated the ball is in the Commission's court to identify what it would like to be done, and the Town will negotiate from there.

Chairman Tenhave commented when considering the \$100 donation, at the time he thought there was significant tree damage, and there would be monies coming from that, e.g., fine, etc. The other thought was to utilize a monetary value that could be used for more significant projects anywhere on the HHNP, and then the Commission could mitigate the trail issue in this location on its own. He suggested there to be other things that could be done on the HHNP, with a donation, that are more pressing than this.

The suggestion was made that the Commission request replacement of a total of four trees of like timber; two on either side of the cut path to recreate the corridor of the trail.

Councilor Vaillancourt stated her opinion money from the homeowner to rectify damage that was done on this part of the trail should be put towards restitution for this part of the trail. She stated her belief what was being proposed was a reasonable expectation. Commissioner Boisvert remarked if he were the homeowner paying restitution he would want to see it applied to that area.

Commissioner Rosati stated she would like this issue published in newsprint so that residents can see this is what the homeowner did, this is what was wrong with what the homeowner did, and this is the resolution. Several members of the Commission responded that could have unintended consequences. Councilor Vaillancourt noted this is not a common occurrence, and she believes word will get out if the Commission requests restitution.

Chairman Tenhave commented the reality is issues with encroachments happen a lot more than you think. He stated he could provide numerous examples of existing encroachments. Vice Chairman Caron spoke of having seen three trees that had burls removed from them.

The consensus of the Commission was to request replacement of a total of four trees of like timber; two on either side of the cut path to recreate the corridor of the trail. The desire would be for size to be comparable to what was removed. However, the size requirement will be consistent with what is believed to have the best likelihood of surviving transplant.

Vice Chairman Caron stated, when the time comes, he will place four stakes in the ground to indicate where the trees should be planted.

- Update on encroachment into Wasserman Conservation Area

Chairman Tenhave stated the plans are now up for final approval with the Town. The Commission will be informed when the project is complete.

Chairman Tenhave noted the Commission typically conducts its annual walk of the property in May. He suggested the walk be postponed until the fall when the project will have been completed. It is possible that, at that time, the trail map project could also be complete.

Chairman Tenhave stated the Nashua Regional Planning Commission (NRPC) was looking to speak with Vice Chairman Caron regarding the Wasserman Conservation Area. He requested they reach out to Vice Chairman Caron directly.

It was noted with the NRPC contract the Commission decided to move forward with, the Wildcat Falls property will be mapped first. It is a smaller property and is well defined. That is the property that will be used to establish the format the Commission prefers for the mapping.

- Update on Anheuser Busch Volunteer Opportunity

Commissioner Perry stated he has not had the opportunity to address this as of yet.

- July 18, 2016 meeting, by-law review and sub-committee appointments

Chairman Tenhave noted the July 18th meeting is the Annual Meeting where appointments will be made for Chairman and Vice Chairman. In addition the Commission will conduct a review of the Bylaws. It is typical that this meeting is utilized to also address appointments to sub-committees. He requested Liaisons to the sub-committees identify terms that are expiring, members who may wish to take on a different role, e.g., alternate to full position, etc.

Councilor Vaillancourt remarked last year she encouraged the Commission to seriously consider making one of the positions on the Grater Woods Sub-Committee a formal School District Liaison. She again encouraged the Commission to consider that noting there has been a lot of really productive work collaborating with the School District. She spoke of the fantastic job Ms. Barnes is doing as a citizen representative on the sub-committee, she is not formally a School Board representative on that sub-committee. Councilor Vaillancourt stated her belief there should be a formal representative on the sub-committee because of the co-ownership the School District has with that property.

- NED Pipeline

Councilor Vaillancourt remarked, at its last meeting, the Commission discussed the NED Pipeline, and questioned if the Town Council intended to send a letter to Kinder Morgan similar to the one the Town of Brookline submitted requesting reimbursement for monies expended. That request was brought before the Town Council, and a draft is being prepared for the Council's consideration. She noted the Town of Merrimack has expended \$79,596.33 on legal counsel alone.

- Souhegan Watershed Association

The Souhegan Watershed Association monitors the entire length of the Souhegan River and part of the Merrimack River for their aquatic health. Water samples are tested for pH, phosphorus, dissolved oxygen, temperature, and bacteria.

Chairman Tenhave noted there is a line item in the Town's budget that contains the \$200.00 the Commission provides to the Association. A request has been made for the monies to be paid.

The consensus of the Commission was to move forward with that payment.

Chairman Tenhave noted George May, President, Souhegan Watershed Association, is also looking for volunteers to help out with that effort in different areas along the river. He stated his belief there is only one area within Merrimack where assistance is needed. Anyone interested and willing to be trained and participate in this effort, which takes place 4-5 times a year, can reach out to him for additional details. Commissioner Perry commented it has been suggested in the past that the school be contacted. There are students that may be interested in volunteering. Chairman Tenhave stated he would pass the information along.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. May 16, 2016

The following amendments were offered:

Page 1, Line 59; insert "to" between "converging" and "where"
Page 3, Line 30; "google" should read "Google"
Page 3, Line 59; replace "copes" with "copies"
Page 4, Lines 34, 36, 40, 50; replace "leech" with "leach";
Page 6, Line 58; replace "a" with "as" following "idea"
Page 8, Line 19; insert a comma after "July"

**MOTION BY COMMISSIONER GLENN TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
7-0-0**

Merrimack Conservation Commission. June 6, 2016

The following amendments were offered:

Page 1, Line 11; Commissioner Boisvert should be listed as absent
Page 5, Line 40; "Riprap" should not be capitalized
Page 6, Line 23; insert a comma after "future"

Page 7, Line 22; insert "the only" before "one"
Page 8, Line 36; correctly spell "COMMISSION'S"
Page 8, Line 47; correctly spell "FIFTY"
Page 10, Line 15; replace "7-0-0" with "6-0-0"
Page 11, Line 44; add "trails and" after "proposed" and remove "were not trails"

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

6-0-1

Commissioner Boisvert Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn remarked she wished for the minutes to note the Kinder Morgan application has been formally withdrawn by Kinder Morgan.

Vice Chairman Caron stated a meeting of the Grater Woods Sub-Committee is scheduled for June 21st at Grater Woods. Those attending should meet at the Amherst parking lot at 5:30 p.m.

Councilor Vaillancourt stated a New Hampshire Department of Environmental Services meeting has been scheduled for 7:00 p.m. on June 29th at the James Masticola Upper Elementary School. The meeting will be televised live on Channel 20. Other towns are invited to attend. Dr. Chan, State Epidemiologist, will be present to answer questions.

The Merrimack Village District will be before the Town Council at its June 23rd meeting to provide an update regarding PFOA Status. The Town Council meets at 7:00 p.m. in the Matthew Thornton Room.

Chairman Tenhave informed the Commission and the viewing audience of a meeting of the Wildcat Falls Sub-Committee scheduled for June 28th. The Sub-Committee is also conducting a Trail Day on Saturday, June 25th at 9:00 a.m. Individuals interested in participating should meet at the parking lot at Wildcat Falls.

NON-PUBLIC SESSION

**MOTION BY COMMISSIONER TENHAVE THAT THE COMMISSION 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 OF
PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY
MOTION SECONDED BY COUNCILOR VAILLANCOURT**

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

Yea: Commissioner Glenn, Commissioner Caron, Commissioner Perry, Commissioner Rosati,
Councilor Vaillancourt, Commissioner Boisvert, Commissioner Tenhave

7

Nay: 0

MOTION CARRIED

*The Commission entered non-public session at 9:33 p.m.
The Commission reconvened at 10:37 p.m.*

ADJOURNMENT

**MOTION BY COUNCILOR VAILLANCOURT TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
7-0-0**

The June 20, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 10:38 p.m.

Submitted by Dawn MacMillan

Lake Naticook Update (1st Annual) June 2016

Lake Naticook Conservation Association

Presenters:

Murray Collette – President

Roger Gettel – Vice President

David Quimby –Liaison to Veteran's Park

Lake Naticook Summary

- Key regional recreational resource
 - Wasserman Park recreational area and conservation land
 - Veteran's Park fields and boat access
 - YMCA Camp Sargent
- Size
 - 62 Acres, Deepest 20 feet, average 11 feet
- Water Quality Pressures (today's update)
 - Milfoil
 - Runoff

Largest Owners	Acreage	Water Frontage (Ft)
Town of Merrimack	165	4140 + Island
YMCA Camp Sargent	22.5	1600
40 Waterfront Landowners	17	3676



Milfoil in Naticook Lake: Status & Control Efforts

- Milfoil is still a major issue for the health of Naticook Lake however progress has been made with control over the last 3 years.
- Milfoil growths located by LNCA volunteer "weed watchers" typically are now relatively small/less mature plants in dispersed locations rather than large areas of growth unlike many NH Lakes are seeing runaway multiple acre growths. The nature of the current control work can be characterized as "whack-a-mole" or "search and destroy", however plants have been found in all areas of the Lake.
- Volunteer weed watchers locate plants ahead of periodic dives and on dive days help divers with locating plants and assist with buoy removal after plants are cleared. These efforts help utilize costly diver time efficiently to maximize value for the town and state taxpayers that fund the dive operations. LNCA volunteers are contributing hundreds of hours per season to the remediation effort.

Naticook Milfoil: Status and Control Efforts; Continued

- Special effort was made to initiate weed watcher activities early this season to facilitate a May dive to remove plants and associated marking buoys ahead of Memorial Day weekend and the Camp Sargent triathlon. This included clearing growths proximate to the boat ramp, where milfoil was originally introduced to the Lake, and Wasserman Park waterfront. These areas are at particular risk for propagation from disturbance/fragmentation.
- On Thursday May 26 two divers assisted by three volunteers worked all day to successfully clear all marked locations. The next dive is planned for late June.
- Favorable early conditions helped volunteers scour the Lake for plants, and we are hopeful the extra early season efforts will pay off in reduced mid season impacts.

Naticook Milfoil: Looking Forward

- Our understanding is the current season budget is for up to 10 dive days. Two dive days have been used to date with the next dive pending scheduling for late June. Intervals between dives depend on plant findings by volunteers with expectation for one dive every 3-4 weeks through end of season (as late as divers will dive).
- Continued effective control efforts are critical as the explosive growth rate of milfoil will quickly erase gains during any lull in efforts.
- Early season dives are extremely important to remediation efforts and to maximize the aesthetic and recreational value of the Lake. The goal is for two May dives or better next year. 10 dives per season is a good working estimate with hope that with effective management and favorable conditions fewer may actually be used.
- New volunteers are welcome. Critical skill is reliable identification which can be taught. A volunteer diver willing to achieve milfoil certification as a supplement to the DASH contract would be extremely valuable to the effort.

Naticook Lake: LLMP Water Quality Report

- For many years (since 1982?) Naticook Lake has been part of a study of NH Lakes under the UNH Co-Operative Extension Lakes Lay Monitor program tracking the biological health of the Lake. Each yearly report provides a "snapshot" subject to variation from naturally occurring variables each year.
- Parameters tracked include Phosphorus, Chlorophyll a, water clarity, color, alkalinity, ph and specific conductivity plus dissolved oxygen (when there are appropriate temperature profiles present).
- While Naticook is blessed with a higher percentage of shoreline in a natural state than many NH lakes, evidence of human impacts on the water quality are seen in elevated phosphorus samples and specific conductivity readings. Both have trended upwards since 1982 along with resultant Chlorophyll a readings.

LLMP Water Report: continued

- Primary threat to Lake is inputs of sediment and nutrients (nitrogen & phosphorus) from runoff.
- Traditionally the highest phosphorus readings are found at site 6, the "lagoon" at end of Dirt Road where the stream from uphill drains to the lake bringing nutrients from its watershed. The second primary concern is Site 2 (near where the point for the Veterans Park ballfield watering system is, down shore modestly from the boat ramp) has at times shown elevated readings registering in the Eutrophic "poor" category. This suggests that nutrients from the Park ballfields could be finding their way into the Lake during runoff events.
- With the planned work on the boat ramp, best practice would dictate steps to prevent or divert runoff from the road and fields from entering directly into the Lake.

2015 LLMP Report



NATICOOK LAKE

2015 SAMPLING HIGHLIGHTS

Station - 1 Deep

Merrimack, NH

University of New Hampshire
Cooperative Extension

Blue = Oligotrophic
Yellow = Mesotrophic
Red = Eutrophic
Gray = Not Assessed



Figure 5. Naticook Lake Water Quality (2015)

Station 1 Deep (Figure 8) was used as a reference point to represent the overall Naticook Lake water quality. Water quality data obtained in Tables 1 and 2 are surface water measurements with the exception of the Dissolved Oxygen data.

Table 1. 2015 Naticook Lake Seasonal Averages and NH DES Aquatic Life Nutrient Criteria

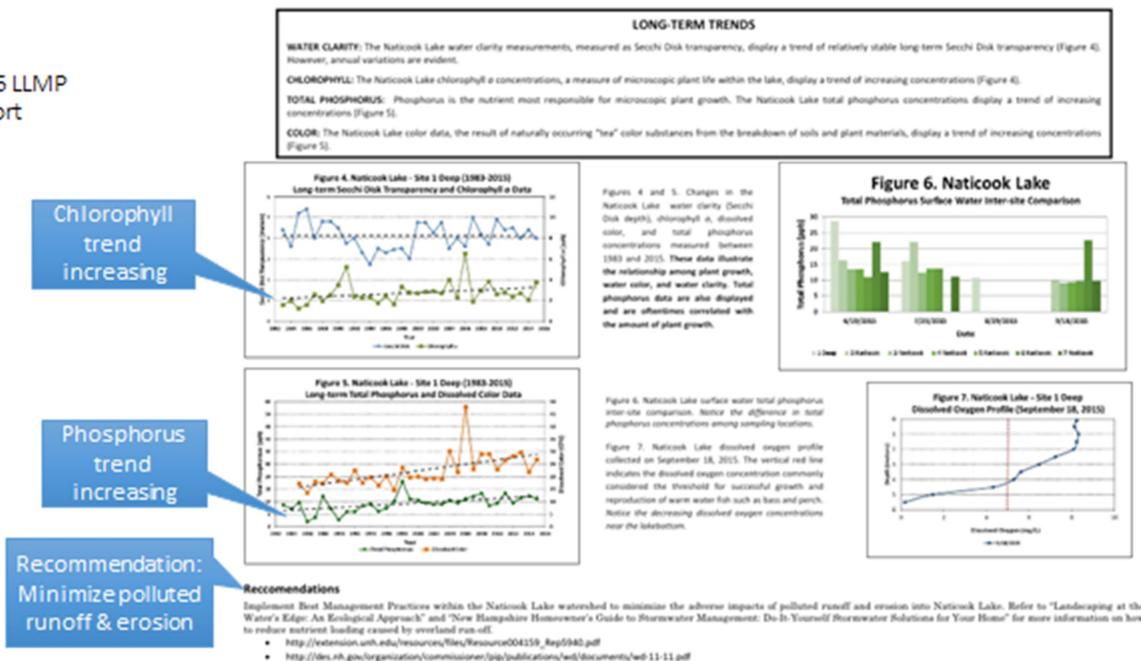
Parameter	Oligotrophic	Mesotrophic	Eutrophic	Naticook Lake Average (range)	Naticook Lake Classification
Water Clarity (meters)	4.0 - 7.0	2.5 - 4.0	< 2.5	4.2 meters (3.4 - 5.4)	Oligotrophic
Chlorophyll a (µg/L)	< 2.5	> 2.5 - 5.0	> 5.0 - 15.0	3.8 µg/L (3.8 - 4.0)	Mesotrophic
Total Phosphorus (µg/L)	< 8.0	> 8.0 - 12.0	> 12.0 - 20.0	13.4 (single sample)	Eutrophic
Dissolved Oxygen (mg/L)	5.0 - 7.0	2.0 - 5.0	< 2.0	Not Assessed	Not Assessed

* Naticook Lake did not develop a deep water type that is the basis for the dissolved oxygen classification criteria.

Table 2. 2015 Naticook Lake Seasonal Average Accessory Water Quality Measurements

Parameter	Assessment Criteria	Naticook Lake Average (range)	Naticook Lake Classification
Color (color units)	< 100 natural 100 - 200 slightly tea colored 200 - 400 tea colored 400 - 600 not colorable	26.8 color units (25.2 - 31.8)	lightly tea colored
Alkalinity (mg/L)	< 8.0 acidified 8.0 - 10.0 moderately acidifiable 10.0 - 15.0 moderately acidifiable 15.0 - 20.0 not acidifiable	8.1 mg/L (8.1 - 10.1)	Low
pH (pH units)	< 6.5 suboptimal for successful growth and reproduction 6.5 - 8.0 optimal range for fish growth and reproduction 8.0 - 9.0 not colorable	7.8 standard units (range 7.5 - 7.9)	Optimal range for fish growth and reproduction
Specific Conductivity (µS/cm)	< 100 µS/cm 100 - 200 µS/cm 200 - 300 µS/cm 300 - 400 µS/cm 400 - 500 µS/cm 500 - 600 µS/cm 600 - 700 µS/cm 700 - 800 µS/cm 800 - 900 µS/cm 900 - 1000 µS/cm 1000 - 1200 µS/cm 1200 - 1500 µS/cm 1500 - 2000 µS/cm 2000 - 2500 µS/cm 2500 - 3000 µS/cm 3000 - 4000 µS/cm 4000 - 5000 µS/cm 5000 - 6000 µS/cm 6000 - 7000 µS/cm 7000 - 8000 µS/cm 8000 - 9000 µS/cm 9000 - 10000 µS/cm 10000 - 12000 µS/cm 12000 - 15000 µS/cm 15000 - 20000 µS/cm 20000 - 25000 µS/cm 25000 - 30000 µS/cm 30000 - 40000 µS/cm 40000 - 50000 µS/cm 50000 - 60000 µS/cm 60000 - 70000 µS/cm 70000 - 80000 µS/cm 80000 - 90000 µS/cm 90000 - 100000 µS/cm 100000 - 120000 µS/cm 120000 - 150000 µS/cm 150000 - 200000 µS/cm 200000 - 250000 µS/cm 250000 - 300000 µS/cm 300000 - 400000 µS/cm 400000 - 500000 µS/cm 500000 - 600000 µS/cm 600000 - 700000 µS/cm 700000 - 800000 µS/cm 800000 - 900000 µS/cm 900000 - 1000000 µS/cm 1000000 - 1200000 µS/cm 1200000 - 1500000 µS/cm 1500000 - 2000000 µS/cm 2000000 - 2500000 µS/cm 2500000 - 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2015 LLMP Report



Summary Recommendations

- Continue LNCA, Town & DES partnership on Milfoil treatment
 - LNCA members volunteered 440+ hours
 - Town & DES funded state certified divers
- Closer coordination with Conservation Commission
- Continue to work together to identify and address Polluted and Erosion Runoff
 - Veteran's Park boat ramp & fields (Next Discussion)
 - Wasserman Park Runoff from Naticook Road (future discussion)

