



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK CONSERVATION COMMISSION

JUNE 6, 2016

MEETING MINUTES

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

Tim Tenhave, Chairman presided:

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

Members of the Commission Absent: Michael Boisvert

Also in Attendance: Carl Soderberg, Able Ebenezer Brewing Company
Patricia Cook
Mark Cook, 8 Seaverns Bridge Road
Randy Haight, Surveyor, Meridian Land Services, Inc.
Steven Auger, Project Manager, Hayner Swanson, Inc.

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.

PUBLIC COMMENT

Mr. Carl Soderberg informed the Commission he is the owner of Able Ebenezer Brewing Company and a Board member with the Chamber of Commerce where he serves as the Chairman of the Education Committee. It is in that capacity that he was before the Commission.

Mr. Soderberg spoke of yearly scholarships granted to Merrimack High School Seniors to assist in the financing of their post-secondary education. The scholarship fund is one aspect of the Chamber they wish to grow. Although significant at this point, they have grand ambitions for the future, and feel this is a great way to invest in the future of the community.

To that end, the Education Committee began exploring events it could host throughout the year that would help raise money to beef up the scholarship fund. One of the ideas is the running of an off-road bicycle race. He commented Merrimack is, by square mileage, one of the largest if not the largest Town in the State of New Hampshire, and has a very robust trail system that a lot of people don't take advantage of. It is believed conducting a race in Merrimack would be a great way to highlight the Town and the trail systems as well as bring revenue into the scholarship fund.

Mr. Soderberg spoke of having presented the idea to the Grater Woods Sub-Committee, which shared the opinion Grater Woods is probably the best area to host the race for the first year. Mr. Soderberg noted Vice Chairman Caron has stated a willingness to design a course, and the reason for his attendance before the Commission was to seek its support of the event. He noted the Chamber is fully supportive of the endeavor and has volunteers ready to help host the event; set-up, break-down, marketing, etc. They are prepared to handle everything from start to finish. Understanding the trail system is something that came to be through a great deal of time and effort,

the desire is to ensure it is respected. If the event goes well, it is something the Chamber would like to continue on a yearly basis.

Chairman Tenhave questioned the timeframe being considered, and was told the target is for late August/early September. If it can't work out this year, they will push the event out to next year. Chairman Tenhave commented if wishing to utilize the school parking area, the School District would have to be included in the discussion. Mr. Soderberg stated an understanding there are a lot of different departments that would have to be involved, e.g., school, police, etc.

Chairman Tenhave noted when doing events such as this the Town typically likes to see a Liability policy to provide coverage in the unfortunate event someone were injured during the event. Mr. Soderberg stated the Chamber is prepared to address such issues.

Commissioner Perry commented on the presentation Mr. Soderberg made before what was a nearly full Sub-Committee, and noted everyone was pretty much onboard. Some brainstorming was done with regard to pre and post activities, and the idea was well received. Shannon Barnes is a member of the Sub-Committee as well as the Chairman of the School Board. Mr. Soderberg stated Ms. Barnes indicated the need to go before the School Board, but was confident the School Board would likely get behind the event. The idea is to conduct the event during a weekend. There are a good many details that would have to be worked out with various departments as well as the logistics of hosting the event. The trail system is an asset for the Town, and they would not want it to become something that is abused, overused, or damaged. That was one of the concerns they had coming in; this is a great idea, but do we have everything we need to make sure we are not harming a Town asset. Chairman Tenhave stated proper route placement would help with that.

Commissioner Perry commented Adam Dodge, Sub-Committee member, is also a member of State 9, a bicycle club that would like to host the event; help with timing and protocol of the race. As a result there are a lot of volunteers already lined up.

Commissioner Perry reiterated the need to coordinate with the School District as well as the Parks & Recreation Department as he suspects Bishop Field would have to serve as a staging area. It was noted the Merrimack Youth Association (MYA) uses that field for soccer during that time of year. However, they coordinate the use through the Parks & Recreation Department. Mr. Soderberg noted Chief Doyle, Merrimack Police Department, is on board, and simply needs to understand what roads would be closed, for how long, and the number of participants anticipated so that traffic control could be coordinated.

Chairman Tenhave remarked he is not sure there is anything more the Commission would need to do. Commissioner Perry suggested the event be posted at the kiosks to inform users of the increased use. Chairman Tenhave noted the Sub-Committee would make the Commission aware should it believe there is the need for further involvement on the part of the Commission.

APPOINTMENTS

1. Visit with Patricia Cook - Memorial Bench at Horse Hill Nature Preserve

Commission to discuss a proposal by the Cook family to place a memorial bench in the Horse Hill Nature Preserve in memory of their granddaughter - Emma Cook.

Ms. Patricia Cook stated her Granddaughter was very active in the Town. She was a graduate of Merrimack High School, and was attending college in Pennsylvania when she passed away in March. Ms. Cook stated the desire to place a memorial bench at the Horse Hill Nature Preserve (HHNP). She provided drawings of what the bench would look like, and noted it would be professionally installed. The desire is for the bench to include Emma's name and a piece of artwork that a friend of Emma's drew, which would be engraved onto a ceramic plate and made part of the bench.

Ms. Cook stated the family would be responsible for all associated costs, and when asked she stated a specific location has not been identified as she was uncertain if that would be determined by the Commission. Ms. Cook stated she had contacted Ms. Thompson in the Town Manager's Office, who referred her to the Commission. She had been informed the HHNP may not be the appropriate location, and the Commission may have another suggestion such as Wasserman Park, etc. Ms. Cook stated the HHNP to be her first choice, but that the family was open to another suggestion.

It was noted there are a few benches located at the HHNP; one near the kiosk, one further in the woods in memory of one of the previous owners of the property, and a few strategically located near beaver ponds. He questioned if there is a specific location the family would prefer such as a specific scenic area. Ms. Cook commented it would be ideal for the bench to be placed in a scenic area.

Mark Cook, 8 Seaverns Bridge Road

Introduced himself to the Commission as Emma's Father, and commented he and Emma walked the HHNP together for years. The family was thinking of an area near Beaver Pond. He is aware of the location of the first bench and that there is a second bench approx. 1/8 of a mile up on the left, and suggested a location in that vicinity would be preferable. When asked, Chairman Tenhave stated there is a bench located on the side of the kiosk.

Mr. Cook noted the area when you enter the trail, head towards the left, and go up the first hill. He noted the top of that hill has a nice scenic overlook, which would be a nice area for the bench to be placed.

Commissioner Perry questioned how the bench would be brought to the site, e.g., would it require an ATV to transport. Mr. Cook stated the family would cover the cost of whatever is necessary. Vice Chairman Caron suggested an ATV could traverse the hill, but it would be difficult for a truck to travel that trail. Ms. Cook commented the installer would be pouring a footing, and they had not previously given any thought to the weight of materials, etc. Chairman Tenhave noted the Commission is currently in the process of re-doing the parking lot, and there may be opportunities for benches at the beginning of the trail, which would certainly be less expensive in terms of placement, and a bench would certainly be utilized in that area.

Vice Chairman Caron remarked the Spaulding Foundation area is an area the Sub-Committee has always thought of for a bench. The area is located on the opposite side of the Amherst Road parking lot. It is a beautiful meadow-type area. Chairman Tenhave stated it to be the foundation of an early settler to Merrimack. Currently the area consists only of the foundation itself. At one time a fence surrounded the area; however, over time it fell into disrepair. A scout project is planned to revamp the area, which will hopefully be done this year. A vehicle can gain access to the area through a locked gate.

Chairman Tenhave reiterated, once the HHNP parking lot is completed, there will be opportunities there as well. It is an area where the bench would be visible, and would get a lot of use. Mr. Cook responded that would be a nice area as well. Ms. Cook stated agreement.

Chairman Tenhave spoke of the Sub-Committee that oversees the property, and noted the information was forwarded to members. When asked, Commissioner Glenn stated she had not been contacted by any members of the sub-committee.

Chairman Tenhave questioned the will of the Commission. Councilor Vaillancourt questioned whether a timeframe is known for placement of the bench. Ms. Cook stated the gentleman who is building the bench would need a 5-6 week leeway. Councilor Vaillancourt suggested when the parking lot work is complete (start of July) family members might wish to visit the area to identify a spot that suits them. She requested Commissioner Glenn serve as a liaison between the sub-committee and the family. The Commission could take a formal vote at this time, and Commissioner Glenn and the sub-committee could move the project forward. Mr. Cook remarked the timing would be perfect; Emma's Birthday was September 4th, and they might be able to place the bench on that date. The Commission was in agreement.

Councilor Vaillancourt commented her son went to school with Emma, and she believes the bench will be a beautiful tribute to Emma. She thanked the family for coming forward. Chairman Tenhave agreed the bench would be a great addition to the property.

MOTION BY COMMISSIONER TENHAVE TO AUTHORIZE THE PLACEMENT OF A BENCH IN MEMORY OF EMMA COOK AT THE HORSE HILL NATURE PRESERVE AND THAT COMMISSIONER GLENN ACT AS THE LIAISON BETWEEN THE FAMILY AND THE COMMISSION AND HORSE HILL NATURE PRESERVE SUB-COMMITTEE TO WORK OUT SPECIFIC DETAILS WITH REGARD TO PLACEMENT

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED

6-0-0

Councilor Vaillancourt spoke of having met Emma on a few occasions, and commented she felt as if she knew her through her son who was in band with her and attended many classes with her. Emma was also big into theatre. She commented the Celebration of Life in Emma's honor was in a room packed full of kids. She spoke of the beautiful impact Emma had on so many people.

Mr. Cook commented he knew his daughter impacted a lot of lives, and spoke of her helping two kids get through high school; drove them to summer school, etc., but he had not realized the magnitude of the number of people she helped. She was an amazing person. He commented the picture that will be engraved on the plate for the bench encapsulates her spirit. Mr. Cook stated appreciation for the Commission's time and consideration, and reiterated the family believes the bench will be a nice addition to the HHNP because it is a beautiful area and Emma was a beautiful little girl.

Chairman Tenhave requested Commissioner Glenn be notified of when the bench will be dedicated.

STATUTORY/ADVISORY BUSINESS

1. Meridian Land Services, Inc. (applicant) and The M. Robin Warren Revocable Trust

Review for recommendation to the Planning Board of a minor subdivision of one lot into two lots. The parcel is located at 17 Knollwood Drive in the R (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 292-02.

Randy Haight, Surveyor, Meridian Land Services, Inc., stated the project is a two-lot subdivision of a 12.6 acre lot. The lot is L shaped having frontage on Knollwood Drive (40') and Joppa Road (311'+). In February, the Applicant went before the Zoning Board of Adjustment (ZBA) and was granted a Variance for a reduced frontage lot of 40' off of Knollwood Drive.

Mr. Haight stated the existing house is on Knollwood Drive, and will retain 7.6 acres (approx. 900' deep), and the new lot will take on the frontage from Joppa Road, and will be 5 acres in size.

Chairman Tenhave stated his belief there was some confusion on when the applicant needed to come before the Commission. He had not been aware there was a need for the project to come before the Commission, and when he became aware the meeting schedule did not work. As a result this meeting was the first opportunity for the matter to come before the Commission.

Mr. Haight stated the Planning Board approved the project with conditions one of which was to come before the Commission. He stated the Knollwood Drive end of the L shaped lot is partially within the Aquifer Conservation District. The new lot is completely outside of the Aquifer District.

Chairman Tenhave commented the part that caught his eye when reviewing the plans is that on the Joppa Road lot the north property line includes language regarding a potential wetland buffer. Mr. Haight stated that to be correct. Chairman Tenhave stated Note #10 states "Wetlands on private land abutting Tax Map Lot 6C/292-2 were not delineated. Additional regulatory buffers may apply to the subject property." He questioned if the dot/dash line that was used for the potential wetland buffer is a complete 40' from the property line and that is why that line is used; because they are not sure where the wetland is. Mr. Haight responded there is an approx. line of where the wetland is along the drainage ditch. What they are doing is holding that dimension away from the drainage ditch. However, they were not able to investigate it because it wasn't on their property, and they did not have permission to.

Chairman Tenhave reiterated it is true then that the single dot and dash line is 40' from the property line. Mr. Haight stated that to be correct, and noted that was identified as a caution. Chairman Tenhave stated appreciation of being cautious around wetlands and maintaining the buffer. He questioned, and was informed the wetlands that are on the parcel in question were delineated.

When asked how sewer and water is being handled for the two lots, Mr. Haight stated the existing house has its own septic system and well. With the other lot, when the plans went before the Planning Board they said because it is a five-acre lot, and does not require State sub-division approval, it wasn't necessary to identify septic. However, Meridian wished to ensure there was a viable septic location, which is why a test pit was done. That is shown as the round circle near the setback line.

Chairman Tenhave noted the Town's GIS system shows a wetland just north of the abutting property, which does not show up on the plans. Mr. Haight stated their Wetland Scientist walked the site, and did not identify that. He

added it may have had water at the time of the GIS photos, but not necessarily qualify as a wetland. Chairman Tenhave stated understanding.

Commissioner Perry questioned if there are current plans for a structure on the new parcel, and was told that, at present, the plan is simply for a subdivision of the parcel. He asked and was informed any future plans for construction would not come before the Commission.

The consensus of the Commission was to inform the Planning Department staff that any items the Commission would be concerned about have already been addressed in the plans.

Chad E. Branon, P.E. of Fieldstone Land Consultants for Red Oak Property Management, Inc. (applicant) and Turkey Hill Road 136 Trust (owner)

Review for recommendation to the Planning Board for a subdivision of one lot into two lots. The parcel is located at 136 Turkey Hill Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 386.

Chairman Tenhave stated the Applicant has requested a continuance in response to comments he raised, and copied the Commission on, which were really a reiteration of the Planning Department's comments. The project will be before the Commission at a later date.

2. Hayner Swanson, Inc. (applicant) and Pennichuck Water Works (owner)

Review and respond to a request for authorizing an expedited DES wetlands permit of an overflow outlet structure with a shoreland impact. The parcel is located along Manchester Street. Tax Map 1D, Lot 1-1. The Commission originally reviewed this project on 2/1/2016 but without the wetlands permit being known.

Steven Auger, Project Manager, Hayner Swanson, Inc., remarked he was before the Commission at its February 1st meeting with regard to Pennichuck's 36" raw water main project. At the time the project was before the Commission because of buffer impact with regard to what is Phase II of that project. Positive input was received from the Commission, and the project proceeded on to the ZBA on February 28th where a Special Exception was granted to work in the buffer. From there they moved on to amend the existing Shoreland Permit, which was received from the State a year ago as part of Phase I of the project. It was during that review that they discovered they are required to have a Dredge & Fill Permit as well. Although the project does not impact any wetlands, work is proposed within the wetland buffer. Should the Commission move to sign the application the project would be eligible for an Expedited Permit.

Mr. Auger provided a brief synopsis of the project. Pennichuck has two main water supplies as a way of accessing their treatment plant off of Concord Street. One comes from the Merrimack River, which loops its way up through Bowers Pond and then down into Harris Pond and the other is the Pennichuck Brook.

Should the Harris Pond become contaminated, for whatever reason, it would put a stop to the treatment plant that serves their portion of Merrimack customers. They would not be able to supply them water. To address this possibility, they are constructing a little over 7,400' of a 36" water main, which ties in from their line on Manchester Street that comes from the Merrimack, runs across dry land, and eventually ties back into their existing line, which would access the treatment plant. In the event something does happen to Harris Pond, they will still be able to supply their customers.

Throughout that design process they came to realize that in the event the treatment plant should ever have to cease service of water entering from the existing pipe it would create a big pressure buildup in the pipe. What has become Phase II of the project is the construction of an overflow structure, which will pipe down through a 3' x 4' concrete culvert and outflow from a headwall into a riprap constructed along the edge of the shore.

The project was before the Commission back in February because the work to create the headwall and riprap from the headwall would occur in the buffer.

Mr. Auger reiterated the project proceeded through the ZBA and reached the point of amending the Shoreland Plan when they became aware of the need for a Dredge & Fill Permit specifically for the area of the buffer where the headwall and riprap would be located.

Chairman Tenhave noted the permit language cites a 600 sq. ft. permanent (375 sq. ft.) and temporary (225 sq. ft.) impact. The project was before the Heritage Bureau last week, and the review request has been submitted. The Heritage Bureau identified two species that are located near the site, but because work is being performed late in the season there should be no impact. Mr. Auger stated the larger issue is related to a few Bald Eagle nests. The Heritage Bureau was not concerned because both nests are well on the other side of Harris Pond and far away from the proposed work and because of the time of year when Eagles nest. The contractor Pennichuck has contracted with for this work has stated, in the body of their agreement, that the earliest they can start this portion of the project is September 6th. It is more likely they won't get to actually constructing the outlet control structure until around mid-October. That timeframe would be well outside of the nesting season.

MOTION BY COMMISSIONER PERRY TO SIGN THE EXPEDITED PERMIT FOR THE PROJECT
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
6-0-0

There being no objection, the Commission recessed at 7:18 p.m.
The Commission reconvened at 7:22 p.m.

OLD BUSINESS

1. NED Pipeline

Commission to have a general discussion on the NED project and any immediate actions it may wish to take.
Discussion to include:

- What are the next steps

Commissioner Rosati remarked, at its last meeting, the Commission discussed the Town of Brookline's letter requesting reimbursement for funds expended in this regard. In an email sent the previous day, she questioned to the Brookline Town Administrator, Tad Putney, she questioned if he had considered or heard anything concerning all of the affected towns filing a class action suit. His response was essentially that he had not. They have been advised that each town identify the amount expended in this regard, submit the information in written form to the Federal Energy Regulatory Commission (FERC), and to ensure the letter makes its way onto social media. In the event Kinder Morgan should bring such a project forward in the future, information pertaining to a request for reimbursement would be on file.

Councilor Vaillancourt commented although she cannot recollect precisely the total amount expended, it was in excess of \$60,000 in attorney fees alone. Commissioner Perry spoke of the amount of man hours expended. Councilor Vaillancourt commented at least half of the Town Manager's time was expended on this matter over the past year in addition to man hours expended by other Town departments.

Chairman Tenhave questioned if it is known whether or not the Town Council or the Town Manager intends to take any action at this time. Councilor Vaillancourt responded she does not believe there are any plans to. She stated she would bring the idea up for consideration at a future Town Council meeting. If nothing else, they could share publicly the amount expended on legal fees.

Chairman Tenhave stated his belief the Commission should follow through whether in unison with the Town or on its own. There is the need to understand which direction that will take.

Chairman Tenhave suggested the Commission consider doing something referred to as a postmortem; review what was done, how the Commission reacted, whether there are lessons to be learned, etc. as well as determine how to collect and archive all of the pertinent data. Commissioner Rosati stated she has collected every article that has appeared in the Nashua Telegraph, and would be happy to archive it within the Town files.

The consensus of the Commission was to collect all pertinent data to be archived. Commissioner Rosati volunteered to serve as the point person for this effort.

Councilor Vaillancourt noted she shared with the Town Council the Commission's decision to move forward with the ecological assessment of the parcel, which would have been impacted by the proposed route for the pipeline.

Chairman Tenhave stated his belief the goal is to try to get the New Hampshire Department of Transportation to donate the parcels that about that property, which is something that has been tried on two occasions and never come to fruition.

Councilor Vaillancourt questioned how the Commission would wrap the matter up with its legal counsel. Chairman Tenhave stated he does not believe the Commission has ever been billed.

Commissioner Glenn will reach out to legal counsel to bring the matter to a close.

Chairman Tenhave requested Commissioners give some thought to how the process played out and if having any thoughts on how the process could have been improved upon, to forward those thoughts to Commissioner Rosati for inclusion in the file.

Chairman Tenhave commented in the early days of the proposed pipeline it was the Town of Hollis that was fighting it, and Merrimack did not get involved. Unfortunately, the Town was not aware of a lot of what was occurring as it was all being run through the Merrimack Village District (MVD). Councilor Vaillancourt stated the MVD was aware of the proposal for about a year, and there was no communication with the Town government at all.

Commissioner Perry commented he does not believe Kinder Morgan was trying to involve people through a lot of that phase of the project. Chairman Tenhave remarked the Town of Hollis reached out to the MVD because the proposed pipeline would have impacted their aquifer. The MVD didn't let anyone else in Town know what was going on.

Councilor Vaillancourt remarked lessons have been learned as a result of that process. She commented on the different manner in which the issue of PFOAs is being handled. She stated the Town Manager is being far more proactive pushing for information, organizing meetings, and pushing the MVD to inform its users.

Commissioner Glenn informed the Commission the final remaining eminent domain bill failed. Councilor Vaillancourt commented they were common sense measures, all of them, and it wouldn't have prevented a pipeline from coming through, it would have protected the people of New Hampshire should a proposal like this happen again. She stated there to have been one Representative from Merrimack, Jeanine Notter, who voted in support of all of the House Bills. Although Representative Notter disagreed with a couple of points believing there were some unintended consequences to some of them, because so many people in Merrimack reached out to her requesting she support the bills, she did. She was the only one of 8 representatives from Merrimack that did so.

2. Website Update

Commission to discuss next phase in our website update including a proposal from Wetherbee Creative.

Chairman Tenhave stated since the Commission's last meeting, he received a project proposal that takes us to the next step. There are basically two parts to the proposal; to do the actual website update similar to how the Commission described and the other is how to handle regular maintenance.

Councilor Vaillancourt stated her opinion the original cost for the revamping was reasonable, and that the Commission would get a lot for its money. The monthly maintenance cost is large, and she is not certain the need for monthly maintenance is enough to justify it. The Commission had discussed a less frequent maintenance schedule, which she believes is what should be considered further.

Commissioner Perry spoke of his efforts to utilize the mobile version of the website. He commented on the difficulty he had navigating it, and that in each instance he reverted to the desktop version of the website. He questioned if the intent was to have two versions or if it was to simply move to a mobile version. Chairman Tenhave stated his understanding it would be developed so that it would render itself differently on a mobile device. It would sense that it was a mobile device, but would not be a separate page.

Councilor Vaillancourt stated her understanding when the changes are made to the website it will take into account that a lot of people pull up the maps with their phone, and would make it easier to read. She stated her belief, even if not perfect, it would be preferable to what exists today. Commissioner Perry commented he does not have much difficulty using a mobile device to access the Commission's website in its current form.

Chairman Tenhave remarked the only mobile websites he has used and tends to use on a regular basis are those of newspapers or television stations. They tend to work vertically. Just getting to the spot where you click the button and view the map it would be a very vertical type activity with a mobile phone. All of the information you need to see widthwise can be done when your phone is in an upright position as opposed to a horizontal position. The screens, pictures, etc. would all fit. There might be some information you wouldn't have on the mobile version because it would be more about just getting to the data.

Commissioner Perry commented he feels the way the proposal was written it would be a reorientation of the data not necessarily a different type of webpage where it would be sorting data out in a different format.

Chairman Tenhave stated the desktop version of the website will be changed; moving the information that changes regularly up to the top to avoid having to scroll through the website. When it comes up you will instantly know the information is different because it wasn't there the last time the page was brought up. The mobile version will reorient the information and may or may not include pieces of the main desktop website. Typically when you go to mobile you lose a lot of the pictures, etc.

Commissioner Perry stated his desire to ensure we don't limit people on a mobile device to only use the mobile version. Chairman Tenhave stated they would need to ensure that when it pops up users have a means to go to the desktop version.

Chairman Tenhave questioned the will of the Commission relative to the website redesign; cost and services that will be provided. The proposal addressed the process of creating a design and the review process with the Commission. Chairman Tenhave agreed to serve as the point person on the Commission.

Commissioner Perry remarked he shares the concerns raised relative to the proposed monthly maintenance fee. Chairman Tenhave stated the quote to be an hourly cost, and remarked if the desire is for updates to be done, the Commission should determine the number of hours over what period, etc. Ms. Wetherbee has stated the Commission could feed her pictures and raw information and the content could be generated and fit in. As an example, if the Commission wished to highlight an upcoming event on the website photos could be sent along with pertinent information and she could take it from there or the Commission could do all of the layout, etc., and just have them clean it up. The Commission could contract with Wetherbee on a monthly basis, and they would be responsive to every request as it comes up or the Commission could take on the responsibility of the day-to-day activity, and only utilize Wetherbee for a new page, property, etc.

Commissioner Perry stated a preference for an hourly rate to be utilized during times when the Commission desires updates to be made. He questioned if that is the way updates are handled currently. Chairman Tenhave stated the Commission does not currently have a retainer with Wetherbee, and has not paid them any money since the update done 4 years ago. Commissioner Perry commented Ms. Wetherbee continues to be responsive. Chairman Tenhave spoke of the time that went into providing the proposals, and remarked he had informed her if she wished to bill the Commission for her activities he would be open to bringing that to the Commission.

Councilor Vaillancourt suggested the Commission consider having regularly scheduled updates performed on a quarterly basis. She commented that would require the Commission to plan ahead and ensure information is provided for events such as the proposed bicycle race, e.g., would need to plan several months ahead. She suggested if that were tried the Commission would be able to determine if such a schedule meets the needs. Commissioner Perry stated his support of that type of a schedule.

MOTION BY COMMISSIONER CARON TO PROCEED WITH THE RECOMMENDATIONS AND COST PROPOSAL FOR THE REMODEL OF THE COMMISSION'S WEBSITE AS PROVIDED BY WETHERBEE CREATIVE IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000) AND AUTHORIZE THE CHAIRMAN TO APPROVE ADDITIONAL EXPENDITURES UP TO TEN PERCENT (10%) OF THE TOTAL COST OR FIVE HUNDRED DOLLARS (\$500.00). FUNDS ARE AVAILABLE IN FUND 53.

MOTION SECONDED BY COUNCILOR VAILLANCOURT

MOTION CARRIED

6-0-0

MOTION BY COUNCILOR VAILLANCOURT TO ACCEPT THE PROPOSAL FROM WETHERBEE CREATIVE FOR DESCRIPTIVE SUPPORT AND MAINTENANCE OF THE COMMISSION'S WEBSITE AND CONTRACT ON A QUARTERLY BASIS FOR UP TO 3.5 HOURS/QUARTER AND A COST OF UP TO TWO HUNDRED AND FIFTY DOLLARS (\$250.00) QUARTERLY. FUNDS ARE AVAILABLE IN FUND 53

MOTION SECONDED BY COMMISSIONER ROSATI

ON THE QUESTION

When asked, Councilor Vaillancourt stated the intent of the motion was to limit the service to 3.5 hours quarterly. Commissioner Perry remarked he is uncertain of the amount of time necessary, and would not want to limit the amount of information the Commission could forward.

Chairman Tenhave suggested if the Commission were to have a packet of information it wished to be added to the website, which would result in the quarterly hours being exceeded, it would be necessary for a motion to authorize the additional time needed.

Vice Chairman Caron commented on the upcoming mapping project, and stated agreement with the motion as stated and the understanding there may be instances where additional hours would need to be authorized.

Commissioner Glenn questioned if the intent was to authorize quarterly payments for a period of one year. Councilor Vaillancourt stated the Commission should make a point to have a formal discussion to revisit it.

When asked about a start date, Councilor Vaillancourt remarked three months after the acceptance of the new website, Ms. Wetherbee should expect the Commission to provide information for an update.

Chairman Tenhave stated he would request Ms. Wetherbee put together a revised proposal that addresses all of the issues discussed. The Commission will have the opportunity to review the new proposal at a future meeting. He commented it would also provide the opportunity for Ms. Wetherbee to modify terms should she feel that necessary.

MOTION WITHDRAWN

3. Review mapping proposal from Nashua Regional Planning Commission - GIS Dept.

Commission to discuss the proposal it received and the discussion it had with the NRPC GIS Department to help the Commission with making better maps and related items.

Chairman Tenhave spoke of the presentation provided by Sara Siskavich, GIS Manager, and Ryan Friedman, Sr. GIS Planner, Nashua Regional Planning Commission (NRPC). He was provided a Word version of the proposal, which involves a two-stage project: 1) mapping, which would take the multitude of map products on the Commission's website and unify their look and feel, give them a similar brand, and impose some consistency with the amount of detail and 2) story maps, which would be an addition to the website and more dynamic to the user.

Vice Chairman Caron commented he is not a fan of the story maps. Councilor Vaillancourt commented story maps are great, but she is uncertain, for a conservation commission of a Town our size, with the funds available, that they are worth the cost. She stated her preference for funds to be expended on an updated website and improved mapping.

The consensus of the Commission was to forego the option of story maps.

Vice Chairman Caron commented the remaining aspects of the project will require the support of the Commission. Chairman Tenhave stated agreement noting each major property would likely consume 3-8 hours. Commissioner Perry questioned if it would be worthwhile to begin with some of the smaller properties to gain a better understanding of the time required. Chairman Tenhave stated the need for a consistent map structure going forward. Having the NRPC hold the data and put it together is a great way to get it done. Commissioner Glenn stated her support of the project.

Chairman Tenhave remarked regardless of which properties we begin with, we will do them all. It is just a matter of coordinating when it will be done, which is why the timeline originally was so long. The NRPC has acknowledged this is not a project that will be completed in a month's time.

Chairman Tenhave spoke of the tremendous amount of mapping Donald Laliberte has already done of the Horse Hill Nature Preserve (HHNP). He suggested that data could be re-collected in a format that gives the precision. He commented there will be the need for someone to accompany the NRPC when mapping Grater Woods and the Wasserman Conservation Area. Vice Chairman Caron remarked the project will also require the Commission

to put up some discontinued trail signs, etc. to back up the maps. The project is a commitment that goes beyond time and dollars.

Councilor Vaillancourt suggested starting with the Wasserman Conservation Area and the HHNP because it has been established for so much longer. Grater Woods could be saved for last; there is a lot going on with that property. Chairman Tenhave stated agreement.

Commissioner Rosati questioned the timeframe for the project. Chairman Tenhave noted the NRPC could not begin the project before July 1st. The timeline goes out to August of 2017.

The Commission discussed the quote that was provided (\$8,100 total), and the desire not to include the story map in the scope of work (\$1,200).

Chairman Tenhave reiterated the work will require interaction on the part of the Commission and volunteers to go in the field. He stated a willingness to act as the key person with regard to the logistical aspects of the project. However, he does not feel comfortable as the guide for Grater Woods or the Wasserman Conservation Area. Commissioner Perry stated that could be coordinated.

MOTION BY COMMISSIONER GLENN TO ACCEPT THE PROPOSAL FROM THE NASHUA REGIONAL PLANNING COMMISSION TO CREATE MAPS FOR THE WASSERMAN PARK CONSERVATION AREA, GRATER WOODS, WILDCAT FALLS, AND THE HORSE HILL NATURE PRESERVE EXCLUDING THE STORY MAP LINE ITEM, AT A COST OF SIX THOUSAND NINE HUNDRED DOLLARS (\$6,900) AND AUTHORIZE THE CHAIRMAN TO APPROVE ADDITIONAL EXPENDITURES UP TO TEN PERCENT (10%) OF THE TOTAL COST OR SIX HUNDRED NINETY DOLLARS (\$690.00). FUNDS ARE AVAILABLE IN FUND 53

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED

6-0-0

NEW BUSINESS

1. Water for maintenance at the Horse Hill Nature Preserve

Commission to discuss the installation, use, and process that needs to be followed for a water faucet at HHNP utilizing the current water line that originates from a well on the property.

Chairman Tenhave stated the item was placed on the agenda in response to a request of the sub-committee. However, there were no members present to speak to the item.

Chairman Tenhave informed the Commission after viewing the parking lot the prior Saturday, he spoke with Roland Roberge who informed him the water line runs different than had been believed. The parking lot activity will not interrupt the water line, but in order to get something near the kiosk there would be a need to cut into the existing line or a faucet could be put in the middle of the line, and anyone wishing to utilize it would have to walk out to a faucet in the middle of the woods. Mr. Roberge suggested it may not be done.

Commissioner Perry questioned the distance. Chairman Tenhave stated he is uncertain, and had expected members of the sub-committee to be in attendance to respond to questions. He has, through email, posed a number of questions that will have to be answered if considering putting a faucet in the area.

Chairman Tenhave stated he will ascertain whether there remains interest on the part of the sub-committee, and if there is, will place the item on a future agenda.

OTHER BUSINESS

- Update on Land Donations

Chairman Tenhave stated the land donation known as Tax Map 6B/159 has been completed; the Commission now owns another parcel over by Brookside Drive.

The land donation associated with the Chestnut Hill development has not progressed any further. He continues to wait for the developer to decide they want to move forward with the project/donation. Last week the Mitigation

Coordinator for the New Hampshire Department of Environmental Services (NHDES), Lori Sommer, questioned the status. He is unaware of what reply she may have received. Chairman Tenhave remarked he has informed the folks at Meridian Land Services that he is waiting on the donor to move forward.

- Update on HHNP Parking Lot

Chairman Tenhave stated a lot of the early site work has been completed, e.g., stumps gone, etc. There has been some excavation of material, and it looks like they are getting ready to complete the excavation and build up. Kyle Fox, Director, Public Works Department, sent an email stating they are looking to close the whole parking lot down for a few weeks in order to finish the project.

Vice Chairman Caron noted he went by earlier in the day, and found the lot closed. There were vehicles parked up both sides of the road. Commissioner Perry questioned if there is signage in place informing users they can park at Naticook Road. Commissioner Glenn suggested that notice is probably posted on the kiosk. She noted she did see a sign at the other entrance. Commissioner Perry suggested signage providing the actual address. Councilor Vaillancourt spoke of having seen several cars parked on Naticook Road on her way to the meeting.

Chairman Tenhave questioned if there was action needed by the Commission. Vice Chairman Caron responded there is an issue, but it is not a safety concern; vehicles are off the road. He added we will not be able to stop vehicles from parking there. Commissioner Glenn stated her recollection the sub-committee plans on installing no parking signage on the road after the parking lot project is completed. Chairman Tenhave stated the Town would have to make that decision.

Chairman Tenhave noted although there is a longer contingency time period, it is believed, given the way the project is moving forward, that it will be completed in two weeks.

Chairman Tenhave commented Mr. Roberge had mentioned it may be that when the Amherst Road repairs are done, there may be some readymade materials that would only have to go a ¼ of a mile up the road, get dropped, and get spread, and we may end up with a parking lot surface similar to the one at Wasserman Park.

- Update on gate installations and signage at Grater Woods

Vice Chairman Caron stated the two gates are installed. In order to avoid going through the wetland, the contractor installed the gates on one side, and will go around and do the other side from Wilson Hill. Those were the two gates where a definitive decision was made as to location. Members of the sub-committee were able to walk the area the prior week, and make decisions on where the remaining two should be placed/oriented. It is believed the remaining two gates would be installed on June 11th.

Chairman Tenhave stated he was informed by Director Fox that the signs are on order. He will forward to the Commission an email that provided a depiction of the appearance of the signage. It was not clear who would be responsible for installing the signs. Vice Chairman Caron stated the Amherst side is already clearly marked "subject to gates and bars".

There is the need to make a determination with regard to chains or locks once the signage is placed. The gates should not be locked until discussing how access will be gained with police and fire. It was suggested emergency services in Amherst should also be made aware of how to gain access.

- Update on recent Grater Woods trail walk and trail plans

When asked, Vice Chairman Caron stated a trail walk was conducted with the sub-committee. There is now talk of doing a trail walk for the D2 and D3 trails only. That came about at the last sub-committee meeting during which the sub-committee was informed of how they propose trails, which they did not feel was quite appropriate. The understanding by the Right Riders is that the Stewardship Plan with their D trails on it meant that they could construct them without much conversation with the Commission and/or sub-committee.

Commissioner Perry stated that has never been the case. It was discussed originally when the proposed trails were included; that they were proposed trails and would have to be flagged and marked, etc. It is pretty evident that they are now being built and ridden. Chairman Tenhave stated D2 is on a parcel of land owned by the Conservation Commission, Deeded to the Conservation Commission. He stated his opinion, if anyone is on our

property doing something that is not authorized, they are liable for arrest and prosecution. He stated he would prosecute to the fullest extent of the law people who knowingly do that.

Chairman Tenhave stated the D3 trail is partially on Town property that the Commission has been charged to manage, which also has a conservation easement on top of it. The D3 trail will overlap (in some areas) the road intended to provide for emergency access. The engineering has not been done to determine where the D3 trail would be. Therefore, he does not believe D3 trail activities go beyond proposition until the Commission does the engineering that determines where the emergency road should go. He noted there are uplands involved, forestry concerns, and emergency response concerns.

Councilor Vaillancourt stated there is a reason the membership of the sub-committee is made up the way it is; so that that group of townspeople will have a voice. She stated the rules apply to everybody not just those that choose to follow them. She added these are conscious decisions. In her opinion, this activity is an act of doing something that they know they are not supposed to do. She commented they apparently don't want to wait for however long it takes for the process to go through. When you participate in a sub-committee and then you get to a group this large and all-encompassing a lot of times you have to address things that may not be of personal interest to you, but that is part of the work you do on behalf of the Town. Individuals who want a certain type of use on this property who are not willing to follow the process and do the work, they don't get to create trails on property that everyone else is working so hard to manage and make cohesive.

She stated she does not have a problem with saying this is going to stop, we will prosecute. She remarked the Commission is aware of who is doing this, and the time for games is over. Vice Chairman Caron stated a lot of evidence of unauthorized use was seen on the constructed and signed trails; motorized use on non-motorized trails. He stated his belief that activity has increased recently.

Vice Chairman Caron noted a few new trails have been signed, they are getting a lot of use, and a good deal of feedback has been received from hikers. The sub-committee has observed some trails that are not currently on the map, but are being and have been used. The question has come up of how the sub-committee goes about proposing them as trails. There is also a desire to understand how to go about discontinuing trails that should not be used, e.g., signage, etc.

Chairman Tenhave stated for trails the sub-committee wishes to bring into the system there should be a mapped discussion of the location and an opportunity for the Commission to view the trails. From there a vote can be taken to authorize them as trails. If they are added to the trail system they have to be added in as a category, e.g., A, B, C, or D.

The process for unauthorized trails we don't want to have; every trail that is not on the map, that hasn't gone through the approval process is an unauthorized trail. Vice Chairman Caron remarked D4 exists and is being ridden. It has never come before the sub-committee or the Commission. Chairman Tenhave responded D4 doesn't exist legally; is not an authorized trail.

Councilor Vaillancourt questioned how such trails would be shut down. She commented she has seen instances where large boulders are placed in the way of trails, but that does not stop usage. Vice Chairman Caron remarked the use is so great trying to police would be ineffective.

Commissioner Perry noted the last time the Commission purchased property in Grater Woods and was before the Town Council, the issue was brought up of long-term maintenance of properties currently owned. At present, the Commission has access to funds that can be used for the maintenance of existing properties/trails. There will come a time when that is no longer the case. There is the need to have a plan in place for maintaining trails long-term. He spoke of the amount of maintenance required for trails, particularly motorized.

Chairman Tenhave stated D2, D3, and D 4 are probably in a unique category; they were already proposed; however, do not yet have a determination of final location and authorization. He commented the Commission has all of the ability necessary to prevent additional trails understanding the issue of long-term funding is one that has to be considered.

Councilor Vaillancourt spoke of the amount of work that was done on the Gateway Trail only to have it trashed in no time at all. She spoke of the amount of money that would be required to maintain trails of that nature. She remarked it has never made sense to her to invest the money necessary to maintain motorized trails without a steady stream of revenue coming in. If there was revenue being generated specifically for that purpose that

would be another scenario. Chairman Tenhave commented it may reach the point where the Town has to make a decision, e.g., whether or not a portion of the Town budget would be set aside to maintain certain or all trails, etc.

Chairman Tenhave questioned if there is a planned trail walk for D2 and D3. Vice Chairman Caron stated he had not heard back from enough people to schedule a date. He noted the sub-committee was very anxious to get out there, which is why a walk was proposed for the previous week. None of the Right Riders attended that publicly noticed walk. The goal was not to walk those trails; however, as they were in the area, some of those trails were walked.

When asked how he would like to proceed, Vice Chairman Caron stated his opinion the trail walk should consist of the Conservation Commission, the Grater Woods Sub-Committee, and the Right Riders. Efforts will continue to identify a time and date that will accommodate the largest number of participants.

Chairman Tenhave questioned if the desire were to stage cameras, collect evidence, etc., Vice Chairman Caron responded that has already been done, and the information can be made available. Chairman Tenhave requested photos, names, and dates be provided to him. He will take that information to the Police Department, and present it to Chief Doyle.

Chairman Tenhave stated individuals participating in this activity need to be told to stop. If they are caught continuing after being told to stop, he would push long and hard that they be prosecuted to the full extent of the law.

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

Chairman Tenhave stated he is unsure of the current status. He is aware the Town is actively engaged with this issue. They had requested information on the Commission's Forester to pursue having him look at the area. The engineering firm that typically assists with projects felt it would not be in their normal activities to do. Councilor Vaillancourt volunteered to follow-up.

- Update on encroachment into Wasserman Conversation Area

Chairman Tenhave stated the final engineering plan to fix that should be in front of the Town shortly.

- Update on Anheuser Busch Volunteer Opportunity

Chairman Tenhave stated he has not heard from or had the opportunity to reach out to them. Commissioner Perry stated he would follow-up.

- Discussion on potential need for a future non-public meeting related to land negotiations

Chairman Tenhave stated a non-public session would be placed on the agenda for the Commission's next meeting. There is the need to discuss potential negotiations, approve draft meeting minutes, and consider whether or not previously sealed non-public meeting minutes could be unsealed based upon the completion of the activity that had been the subject of the meeting.

Councilor Vaillancourt spoke of a letter sent to the NHDES from the Association at Naticook Lake regarding the boat ramp; not in support of it. She stated her understanding the Town was granted approval by the NHDES to move forward. Director Fox has assured her the Public Works Department will reach out to the Association and try to alleviate their concerns as best they can.

- Beaver Solutions

Commissioner Perry stated the PWD has been in touch with Beaver Solutions, and they will be in Town on Wednesday to take care of the Mast Road and Merry Meeting Drive. Both areas will receive a culvert and fence. Merry Meeting Drive does feed the area behind Madison, which remains a problem. A device was installed at the end of Mitchell Woods, and it seems as though the beaver have now made dams between Madison and that Mitchell Woods area. While Beaver Solutions is in Town, Commissioner Perry will see if time will allow them the opportunity to review additional areas. Vice Chairman Caron noted he was informed this week that the water is back up over the trail on Palmeri Drive. Commissioner Perry will request that area be reviewed.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. May 16, 2016

The consensus of the Commission was to table acceptance of meeting minutes until the next regularly scheduled meeting.

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn spoke of the seedlings she planted leafing out. Commissioner Perry commented on a large snapping turtle he has seen in his backyard for several days. Councilor Vaillancourt spoke of another town-wide meeting being scheduled with the NHDES and, hopefully, the MVD regarding PFOAs. Both June 28th and 29th have been tossed around as possible dates. She will keep the Commission informed.

Chairman Tenhave stated the Wildcat Falls Sub-Committee will be scheduling a meeting. There remains an opening on the sub-committee.

Chairman Tenhave spoke of the July meeting, which is when appointments and/or reappointments to the sub-committees take place as well as Commission elections and a review of the Bylaws.

Chairman Tenhave stated he has expressed the desire to continue as an Alternate member beginning in July.

ADJOURNMENT

MOTION BY COMMISSIONER GLENN TO ADJOURN

MOTION SECONDED BY COMMISSIONER CARON

MOTION CARRIED

6-0-0

The June 6, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 9:08 p.m.

Submitted by Dawn MacMillan