



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK CONSERVATION COMMISSION

MARCH 16, 2015

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, March 16, 2015 at 6:35 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

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

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

Also in Attendance: Melissa Lezama
Jack Stinus
Ryan Powers, 12 Lynn Drive
Jeff Littleton, Moosewood Ecological

Chairman Tenhave informed the viewing audience of the special meeting of the Town Council scheduled for Thursday, March 26th at 7:00 p.m. at the James Masticola Upper Elementary School All Purpose Room. The agenda will include an informational session with Kinder Morgan (8:00 - 10:00 p.m.).

PUBLIC COMMENT - None

APPOINTMENTS

1. Envirothon - Melissa Lezama

Commission to hear about the local Envirothon chapter in Merrimack.

Ms. Melissa Lezama informed the Commission Envirothon is a national competition where students compete in different areas such as aquatics, soil, wildlife, and forestry with an end result of solving an identified problem, e.g., promote more sustainable agriculture, effective resource management, etc. The subject put forth this year was urban forestry. Students will study the Watson Park area to identify what the community has done that has impacted the area and what types of activities could be undertaken to improve the area.

Ms. Lezama stated there to be approximately eight students participating who are assisted by two advisors. When asked about their familiarity with Watson Park, Mr. Jack Stinus stated, at this time, what they have gathered is schematics of the layout of the park.

Chairman Tenhave noted the area was once the site of a factory. It has served as both a tannery and a shoe factory. The identification of contaminants required the site to be cleaned. As part of that process, the structures were demolished. Mr. Watson purchased the site and donated it to the Town. Test wells remain onsite and continue to be used for routine sampling. The Park is under the jurisdiction of the Parks & Recreation Department. Chairman Tenhave stated there may be historical information available at the Library, and noted the site was last named Harcross Chemical.

Mr. Stinus stated the Director of Parks and Recreation informed him the department contracts with Bay State Forestry, and suggested he contact them. Chairman Tenhave stated the Forester is Michael Powers. He offered to provide contact information.

It was suggested the Town Center Committee (Committee) may be more active in the area than any other group, and would have information on recent history. Ms. Lezama was provided with contact information for several members of the Committee.

Chairman Tenhave commented a number of trees have been planted in the area. The only native trees are along the river. Baboosic Brook flows into the Souhegan River, and eventually into the Merrimack River. Councilor Mahon commented on the Master Plan the Committee put together, which may include a planting concept. He spoke of the Town being awarded a \$500,000 grant to complete the trail that begins in that area and runs up the river. Chairman Tenhave spoke of the plan to connect Watson Park from behind the High School, under the highway, and over to the Wildcat Falls Conservation Area. There is a pedestrian bridge near the highway, which will tie in so that individuals in the southwest section of Town will be able to walk across the pedestrian bridge, through the trail, and arrive at Watson Park.

Ms. Lezama stated there is a training day scheduled for March 28th, during which students will be taught about analyzing soil pits, identifying tree samples and animal tracks, etc. The State competition is in May. It is there that the problem will be stated. Once aware of the problem to be solved, participants have a period of 45 minutes to create a presentation about their particular area. If successful at the State level the group would continue on to the regional competition, which then leads to the national competition. The program is sponsored through the High School.

Councilor Mahon commented some ten years ago the U.S. Department of Agriculture began a big push in New Hampshire on Urban Forestry. He suggested that department could be another resource that could be utilized. Chairman Tenhave spoke of the Town's GIS system and the Nashua Regional Planning Commission (NashuaRPC.org) as other possible resources.

When asked about the work of the Commission, Chairman Tenhave stated the Commission has a few roles in Town. For the Town, the Commission reviews projects that fall within the Aquifer Conservation Area, which is most of the Town of Merrimack given all of the water for Merrimack residents, with the exception of those serviced by Pennichuck Water, comes from underground; either private or Town wells. In order to have drinkable water the need exists to protect the aquifer. The Commission reviews impact(s) to water that could be caused by development, e.g., resulting from salt on the road, fertilizers, etc.

The Commission is established per State Law (RSA 36-A), which charges the Commission with watching over the natural resources of the Town including water, animal and plant life, etc. The Commission has the ability to establish a fund for the purpose of conservation and to utilize that fund to purchase and/or manage land and conduct conservation type activities. The Commission currently manages or owns approximately 1,500 acres in Merrimack. The Commission has three large parcels (Horse Hill Nature Preserve, Grater Woods, and Wildcat Falls) for which it has established sub-committees to assist in their management. The sub-committees are made up of volunteers.

Chairman Tenhave remarked a lot of the Commission's properties came through purchase or donation. Back in the '70s and '80s it was commonplace to take a large track of land, cut it up for houses, and then the little pieces left over, areas that didn't quite work or were wet, were donated.

Chairman Tenhave noted the Commission has its own website; MerrimackOutdoors.org.

2. Ryan Powers

Ryan wants to discuss his concerns and suggestions for updating Merrimack Code/Ordinance - Chapter 111, specifically in regards to Wildcat Falls Conservation Area.

Mr. Ryan Powers noted the agenda stated his attendance was specific to Wildcat Falls; however, his interest is in all conservation areas having trails. He spoke of enjoying winter recreational activities such as snow shoeing, and his disappointment with conservation areas closing half an hour after dusk. Chairman Tenhave clarified Chapter 111 only covers five of the properties. Mr. Powers remarked although the Commission manages Grater Woods, it is not called out as a conservation area. It is where residents tend to flock to in the winter as it is not contrary to Town Code to utilize the area in the evening hours.

Mr. Powers requested the Commission request the Town Council amend the Code to permit certain activities after dark either for a particular time throughout the year or based upon a schedule, which changes for the winter months. Mr. Powers noted the latest the sun sets during the summer is 8:30 p.m., which would result in a 9:00 p.m. closing time. He suggested a 9:00 p.m. closing time for the entirety of the year. Another suggestion was a 7:30 p.m. close time for the winter months, which would accommodate residents wishing to utilize the areas after work hours.

Commissioner Boisvert commented on how enjoyable it can be to go out on the frozen pond on a clear winter night. Chairman Tenhave stated some of the five properties are deep behind homes. Mr. Powers acknowledged it would not be appropriate for some of the properties. He would like to see such a change primarily for Wildcat Falls, the Horse Hill Nature Preserve (HHNP), and Grater Woods. Chairman Tenhave stated the HHNP has no hours associated with it. Mr. Powers jokingly commented that would lead back to the agenda item, which stated his interest to be in the Wildcat Falls area.

Vice Chairman Caron remarked once reaching the Quarry Trail from the HHNP and crossing Naticook Road, users enter an area that is part conservation and part Parks & Recreation property. The Parks & Recreation piece is subject to Chapter 142 under the Parks Code. The Greens Pond parcel, which is managed by the Commission, is not called out in Chapter 111. He suggested signage may be appropriate to delineate the areas.

Chairman Tenhave commented it has been recognized for the past few years that revisions are needed for Chapter 111. Different parcels owned by the Commission that are not in Chapter 111 have some rules designated in their Deeds and are not identified in Town Code. Speaking with regard to Wildcat Falls, Chairman Tenhave stated a number of the neighbors like the idea of the time limit as there have been instances of vandalism. The parking lot situation for that area also makes it difficult as it goes behind a few homes.

Mr. Powers stated his understanding that headlights, vandalism, etc. could be issues to residents in the area. However, with time limits in place, some who would utilize the area are denied that opportunity. He suggested there could be an age restriction for after dark activities such as snow shoeing. He stated his belief the camping provision requires someone over the age of 18 or 21. Chairman Tenhave remarked it may be a nice compromise to say there are some parcels that are wide open and some that are more restricted, and if you want to enjoy that sport you are not precluded from doing that; however, maybe not on the property of your choice.

Chairman Tenhave stated Mr. Powers is more than welcome to bring his suggestions to the Town Council. Councilor Mahon remarked if wishing to appear before the Council Mr. Powers could make an appointment. He noted it would be helpful to identify specific actions he would like to see the Council take. He commented on the concern of residents in the Wildcat Falls area have with the possibility of illegal activity occurring after dark.

Mr. Powers suggested language could be added to the Commission's website identifying which areas are subject to the restriction and which are not. Chairman Tenhave responded he would be happy to update the website to include that information. Mr. Powers stated that alone would alleviate the concerns that brought him before the Commission.

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Visit with Jeff Littleton of Moosewood Ecological

Commission to discuss the Environmental Study it is conducting with Jeff on the Horse Hill Nature Preserve and Gilmore Hill Memorial Forest. Updates, modifications, additions, etc. may be acted on so that the project is what the Commission wants to have done.

Mr. Jeff Littleton, Moosewood Ecological, provided Chairman Tenhave the signed contracts, the indemnification form, W9, and auto and general liability insurance certificates. Chairman Tenhave asked for clarification the version of the contract provided incorporates the updates the Commission requested, and was informed the changes requested by the Commission were included as well as the information the Town Manager requested regarding the amount of liability insurance coverage.

The consensus of the Commission was to accept the contract as presented.

Mr. Littleton informed the Commission he has reviewed the files the Commission made available via the drop box on the website. Some he had read through in prior years during work on the Biodiversity Conservation Plan. He commented there is a good deal of information included in the files. He also has quite a bit of information from his prior work. Nothing sticks out to him as far as additional information that would be needed. He will contact the Nashua Regional Planning Commission to see if there is any specific data that was gathered for any of the properties he will be reviewing.

Any GIS data developed as part of the project will be the property of the Commission. Photographic documentation will also be provided. Photographs and GIS data will be used to document significant finds.

Chairman Tenhave spoke of having forwarded a Fish & Game report regarding species they have uncovered. Mr. Littleton stated he read through that information and had a lengthy conversation with Mike Marchand, Wildlife Biologist II/Wetlands Biologist, NH Fish & Game, the prior week. He spoke of having worked with Mr. Marchand on several properties in the area that have some interesting species. One of the conversations he had was based on his desire to understand where these species are going and where they are using the property. He is adjunct faculty at Antioch. They have radio telemetry, which he believes he will have access to. At this time, he is trying to determine whether it is functional. Fish & Game also have a few receivers, which they utilize. Mr. Marchand is supportive and would provide a permit to allow for trapping. There would be the need to purchase transmitters (\$200-\$300/ea.), which would be attached to animals. Mr. Littleton will have an intern working with him on this project. The intern could conduct a lot of that work. Utilizing that equipment, would provide a sense of where the critters are going and at what time of year, e.g., nesting season, etc. The transmitters would be removed after this season, and could be reused at a later date.

When asked how many would be needed, Mr. Littleton stated a desire for 2-3, which he would like to attach to females during the trapping process. When asked, he stated he was unaware of the actual cost of the receivers; however, believes it cost prohibitive for him to purchase on his own. Commissioner Perry requested Mr. Littleton provide him with information on the type of equipment, manufacturer's name, etc. Chairman Tenhave commented he can see a lot of value in the information that would be obtained as it would provide a better understanding of impacts.

Chairman Tenhave spoke of abutters who have spotted species and may have historical information that could be shared. Mr. Littleton suggested it would be best if the individuals were contacted by the Commission and provided with his contact information. He is aware of the areas where animals were documented previously on the HHNP and has read Mr. Marchand's report and has discussed it with him at length. There are two particular species he is interested in. Mr. Littleton stated his intent to contact the Police Department to make them aware of his presence on the properties.

Mr. Littleton questioned whether the original Master Plan for the HHNP has been updated, and was informed it has not. Chairman Tenhave clarified the Master Plan has not been updated, and the Definitive Plan, which was done after the Master Plan, has not been updated. A review of the drop box area on the website indicated the absence of the Definitive Plan. Chairman Tenhave will see that it is posted.

Mr. Littleton stated Eversource owns the right-of-way of Gilmore Hill; however, the Deed states the landowners have the right to cross the property. He questioned how that relates to him. Chairman Tenhave stated he would be an agent of the Commission which would lead him to believe he would have that right.

Mr. Littleton stated the wetlands evaluation will be part of the ecological assessment. There is the need to define where the zone is, e.g., all wetlands on each one of the properties or just looking within the right-of-way in a certain buffer associated with that. They will want to determine the number of wetlands in the area as well as functions and values. He will utilize the New Hampshire Method, which was recently revised, and has been used in the State for quite some time. The original had 14 different functional values that you assessed. The revised version has 12. It is a comparative wetlands evaluation. He remarked he does this type of work for towns interested in prioritizing wetlands for conservation or looking at wetlands mitigation or the Aquatic Resource Mitigation (ARM) Fund, which will probably be bumped up if this project goes through as there will be quite a few wetlands impacted.

Having the evaluation affords the Town the opportunity to understand the functional values of the wetlands that may be impacted. If the desire were to perform the assessment on the Town level, as suggested in the Master Plan, such an assessment would prepare the Town for mitigation for any type of project that comes along and impacts particular functions and values. Many are now satisfying the requirement for mitigation through paying

into the ARM Fund. Chairman Tenhave commented the Commission has tried not to encourage that as the desire is to keep mitigation local.

Mr. Littleton stated focus would be on the three properties. If the desire were to extend the assessment to a Town-wide wetlands evaluation, that could be done, and could then, as the Master Plan suggests, allow the Town to go for prime wetlands designation.

The functional values are: ecological integrity, wetland dependent wildlife habitat, fish & aquatic habitat, groundwater recharge, sediment trapping, nutrient trapping, flood storage, shoreline anchoring, water-based recreation, scenic quality, educational potential, and noteworthiness, which really takes a look at how special it is, e.g., it may be a rather small wetland, that may have rare species.

Some of the most important ones for the proposed project are ecological integrity, e.g., health of the system, wetland dependent wildlife habitat, fish & aquatic habitat, groundwater recharge, sediment trapping, and nutrient trapping (both look at water quality), and noteworthiness. The New Hampshire Administrative Rules state if you are interested in looking at prime wetlands designation, you have to pick ten of the functional values. He recommended adding flood storage, educational potential, and scenic potential, which would prove helpful should the Town determine to conduct an additional evaluation at a later date or, given the current circumstance, to expand the present request to include the entire Town.

As part of the assessment, within the areas for each of the functional values is a series of questions that are asked. One is the size of the wetland; less than 10 acres, 10-50 acres, or over 50 acres. A quantitative rank is assigned, which allows for comparing one wetland's ecological integrity with another's. This helps with landowner management of wetlands and can also identify areas for restoration, which is another part of the New Hampshire method. It is a great educational tool for citizens as well as boards, committees, etc. That is one part of the project. Some of this work is completed sitting in an office using GIS to map information.

Chairman Tenhave spoke of having included in the drop box area (website) a scanned map of wetland systems in Merrimack. He remarked back in the '80s and '90s some of the Commission members followed the prior version of the New Hampshire method and ranked some of the wetland systems. Some of the data for the main wetland system that goes through the middle of the HHNP was located. He questioned if that would be of value. Mr. Littleton commented he would enjoy having the data to review; however, spoke of the strength behind having the same observer as the previous review, e.g., different observers may score something differently. Keeping the process systematic is important.

The other portion of onsite visits is looking for species of concern and a variety of other animals like otter, bear, moose, bobcat, etc. A variety of these can identify the health of a system, e.g., beaver is a keystone species. If you remove beaver out of the landscape you will really change the wildlife diversity in an area. When beavers come in otters come in, turtles come in, etc. Commissioner Perry spoke of the GIS layer being created for identification of beaver. A rough draft is expected to be provided to the Commission in April.

Mr. Littleton stated 2008-2009 was the season during which he identified a great many potential vernal pools on the HHNP. He will utilize the previous data to visit the areas for confirmation. At the time some were out of season, and the species that had used them had already moved back into the uplands. The project will include mapping of fine scale habitats and looking at any unique natural communities. He stated he has a good sense of what is occurring on these properties. He noted a very interesting rare community was found at the Gilmore Hill Memorial Forest with some interesting organisms not associated with the right-of-way.

Commissioner Perry spoke of the desire to identify areas where items of interest are found that may not fall within the right-of-way, but instead migrate off into another area, e.g., private property. Mr. Littleton stated he would identify such areas. Chairman Tenhave remarked as the pipeline pathway becomes more concrete it may be important to be aware of those areas as it could be that the Commission should contact the private property owner to gain access to allow for further review.

Commissioner Perry questioned the area of buffer from the actual right-of-way noting concern with the impact of installing a 36" pipe, e.g., amount of width of installation space that requires. Mr. Littleton stated his belief that has not yet been made known. It is something that will have to be determined. He noted he would be looking well beyond the area of the right-of-way. Councilor Mahon remarked the information Kinder Morgan submitted to the Federal Energy Regulatory Commission (FERC) the prior Friday contained a lot of proposed siting for construction locations, how much land they would set aside for the pipeline right-of-way, and how much land is

being set aside on both sides of the centerline of the pipeline for additional work areas. Based on his cursory look there is the need to go deep. They have a fairly good idea of where they will encounter problems evidenced by their setting up of additional proposed work areas or storage areas such as on either side of roads because of jacking up of the road or wetlands, not necessarily in Merrimack but in other towns where they had done that. That can be reviewed to learn what they believe they will run into as they put this preliminary piece together.

Chairman Tenhave commented the FERC website can be difficult at times. Councilor Mahon stated the documents can be downloaded from FERC's website; however, unless downloading each document individually, they download as a ZIP file, which takes an inordinate amount of time.

Chairman Tenhave stated if Mr. Littleton believes there to be particular FERC or Kinder Morgan documentation that would be helpful and he experiences difficulty obtaining it, he should contact the Commission for assistance so that his time could be spent more productively. Chairman Tenhave remarked there should be quite a bit of data about the impact of putting in a pipeline of that size.

Chairman Tenhave stated he has gathered abutter information, which could be used when areas of interest are noted. He used the example of the northwestern corner of Gilmore Hill where the Commission's property comes together with property of the Merrimack Village District (MVD), Atrium Medical, and the parcel owned by the homeowners on Scott Drive. The MVD has already provided permission to do whatever is necessary on their property.

Chairman Tenhave spoke of the potential the Commission may require additional assistance from Mr. Littleton after the completion of his report should discrepancies arise between the report and the final application submitted by Kinder Morgan. Mr. Littleton stated he anticipated that possibility.

Chairman Tenhave remarked, although there is concentration on the area where it is believed impact would result from the Kinder Morgan pipeline project, the intent is for the project to cover the entirety of the parcels. The HHNP is a much larger parcel in total, and the desire is to ensure the wetlands are identified, etc. He noted changes to the water system at the north end of that property, which were caused by the beaver dam on the Watson property. Commissioner Perry spoke of the need for a separation of the two parcels within the report so that there remains a document that states what is located on the property regardless of whatever project is going on. Mr. Littleton remarked having a report for each property may require some additional time however, he does not see it as an obstacle at all.

Chairman Tenhave noted a housing development occurring on the west side of Blodgett Hill just off Commission property. A good deal of tree clearing has occurred as well as limited blasting and roadwork. That may have resulted in changes to that side of the HHNP. Commissioner Boisvert remarked if the pipeline does go through a piece of property, the machinery that will be utilized will result in a change to animal habitat. Councilor Mahon questioned if there would be impact as a result of the mitigation property for which the easements were not filed. Chairman Tenhave stated that parcel would be reviewed; the area along Naticook Road by Greens Pond Road (dirt road). The approximately 50 acres of land on the southeastern portion of the HHNP was purchased with funds from the Environmental Protection Agency (EPA). The Commission is looking to put a protective easement on it as was intended to occur in 2002 when the property was purchased. Mr. Littleton questioned if there are any other areas of the HHNP that have permanent protection, and was informed there are not. When he specifically asked about Gilmore Hill, Chairman Tenhave stated its protections are only what are identified in the deed.

Vice Chairman Caron commented while in the area of the Long Pond, where the heron rookery is, he witnessed two herons in the nests. Mr. Littleton found that interesting given the weather conditions. He intends to visit the area at the end of the week/beginning of next, and stated he would be curious to see if they are still in the area given the lack of food source, e.g., open water.

2. NED Pipeline

Commission to review, suggest, and approve comments it wants to make to FERC. May also discuss plans, actions, and any other related items.

Chairman Tenhave spoke of the draft letter to FERC, noting recommended amendments. The intent was to express the Commission's position as a stakeholder as well as its opposition to the proposed route for the project.

The Commission discussed the proposed amendments, agreed upon additional amendments, and reached agreement on a final document (copy attached).

Councilor Mahon suggested the Commission prepare an additional request that focuses solely on the desire for a Scoping Meeting to be conducted in Merrimack.

There being no objection, the Commission recessed at 8:28 p.m.

The Commission reconvened at 8:33 p.m.

Chairman Tenhave reiterated the Town Council meeting of Thursday, March 26th will include an informational session with Kinder Morgan. A request has been made for the Commission to submit, in advance of the meeting, any specific questions it would like to be addressed. Chairman Tenhave stated his belief Kinder Morgan will present a 10-15 minute overview followed by questions posed by the Town, and the remainder of the available time will be set aside for public comment/questions. Councilor Mahon noted the discussion will be moderated by the Town Moderator, Lynn Christensen.

The following questions were suggested:

- What activities will be allowed and what will be restricted once the pipeline is in place
- Type and frequency of maintenance and whether the Commission would be notified of such activity
- Information on herbicides that would be utilized in the area
- Identification of emergency response procedures
- What is the normal practice for addressing mitigation for wetland impacts

Councilor Mahon spoke of past instances where issues have been raised regarding arsenic along utility right-of-ways and whether that is a byproduct of herbicides or something that naturally occurs in the type of rock located in New Hampshire. Chairman Tenhave remarked, at one point, the Commission requested PSNH perform their mowing during winter months to avoid disruptions during the early spring season, mud season, and later in the year as critters are trying to find their homes for the winter. He suggested, if reaching a point where easement agreements would be made, such requirements should be stipulated.

Chairman Tenhave stated concern around valve stations. There is a lot of space going across the HHNP, and he suspects there will be some valve spots located there. He would like to see if there is a way to influence where such infrastructure is placed. Commissioner Perry questioned where the compressor stations would be located. Commissioner Boisvert stated there is one proposed for Mason.

Commissioner Boisvert questioned the eminent domain process; specifically if there is a process to address disagreement over mitigation. Chairman Tenhave noted if an agreement cannot be reached, it becomes a legal matter. FERC states, within its own documentation under eminent domain, that it will not become involved in the eminent domain proceedings to determine what equal or appropriate value is. That is between the parties and the courts if agreement cannot be reached.

Commissioner Perry questioned the appropriateness of questions regarding the relicensing of stations located up north for two-way gas flow. Without a spike coming into Merrimack the project will not have any positive impact on the Town. He suggested they have not justified any need for eminent domain. Chairman Tenhave stated his belief that is not a question Kinder Morgan has to answer to the Commission or the Town. Councilor Mahon remarked they have to make their case for necessity with FERC. Vice Chairman Mahon commented the Legislature has stated it is needed. Commissioner Glenn clarified the Legislature has stated the need for gas not for this pipeline.

Councilor Mahon stated the question regarding emergency response procedures will be whether they are going to utilize automatic shutoffs so that if an anomaly occurs in the system it shuts down. There are two types of switching, one of which being the automatic. Some of that is addressed in the initial draft report put out in December. As for the Fire Department's involvement, the Chief has stated there will be additional training required each year, e.g., drills, etc.

Councilor Mahon spoke of access roads that would be put in to provide access to valves, etc. There is a lot of infrastructure that goes along with the proposed project some of which will traverse wetlands. Chairman Tenhave stated the preference for mitigation for wetland impacts to be local projects rather than contributing to the ARM Fund, which could be utilized for projects outside of Merrimack. He stated the need for local projects to be identified and ready to go.

NEW BUSINESS - None

OTHER BUSINESS

- Beaver Management and Water Level Control Activities

Commissioner Perry stated GZA will begin working up a matrix. They have 4-5 items they feel are still outlaying. They will make all of the shape files, and will provide a draft report for review and comment. They are waiting on the Commission to provide information on the GIS system. They anticipate the final draft to be before the Commission by April 1st. They would like to be able to provide the final report by April 20th.

- Duck Boxes Update

Vice Chairman Caron informed the Commission the shipment of 12 duck boxes was received (2 more than expected as it was a better shipment for the contractor). The contractor was supportive of the work of the Commission, and is anxious to hear if the egg yield from the boxes is greater than that from other boxes.

Vice Chairman Caron stated Commissioner Boisvert and he put up 5 of the boxes in Grater Woods; three different ponds at varying heights. Two were installed on Greens pond and 3 on Long Pond. Remnants of wood duck boxes were found in the area. When asked, he stated he cited a lot of different studies, which vary in the number and proximity of boxes. The only consistent comments were that it is easier for the ducks to locate if along a migratory path and to keep the opening away from the weather facing direction.

- Police Patrols on Grater Woods – Where Are They?

Vice Chairman Caron stated the Sub-committee has the pamphlet drafted. It will be completed and approved at the Sub-committee's April meeting. It should be presented to the Commission at its first meeting in May.

- Additional Trail Markers for Wildcat Falls Conservation Area

The need expressed at the last meeting was for an additional 400 markers. Vice Chairman Caron stated each sheet generates 290 shapes. The cost was stated to be approximately \$167/sheet.

MOTION BY COMMISSIONER TENHAVE TO AUTHORIZE THE PURCHASE OF TWO SHEETS OF MARKERS. FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
6-0-0

Chairman Tenhave informed the Commission New Hampshire's Annual Land Conservation Conference, Saving Special Places will be conducted on Saturday April 11, 2015 at the John Stark Regional High School in Weare, NH between the hours of 8:00 a.m. and 3:45 p.m. Attendance at this conference is not typically covered through the Commission's budget.

The Society for the Protection of New Hampshire Forests sent a letter thanking the Commission for its \$250.00 renewal.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. January 5, 2015

The following amendments were offered:

Page 2, Line 19; replace "five (5)" with "four (4)"
Page 3, Line 37; add "to" between "continuing" and "flow"
Page 4, Line 47; replace "Mr." with "Ms."
Page 4, Line 53; add "it" between "stated" and "was"
Page 5, Line 15; "Muskrat" should not be capitalized
Page 5, Line 20; add "that" between "belief" and "all"
Page 5, Line 22; replace "at" with "on" and add "Road" after "Hill"
Page 5, Line 40; add "about" after "talked"
Page 6, Line 30; add "system" after "based"

Page 6, Line 37; add a comma after the word "own"
Page 11, Line 2; replace "e-mail" with "email"
Page 11, Line 28; replace "January 19th" with "January 26th"

**MOTION BY COUNCILOR MAHON TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED**

6-0-0

Merrimack Conservation Commission. January 26, 2015

The following amendments were offered:

Page 2, Line 12; add "in" between the words "put" and "a"
Page 2, Line 52; add an "m" before "ost"
Page 3, Line 30; add "not" between "does" and "take"
Page 4, Line 48; replace "us" with "is"
Page 10, Line 55; replace "undertaken" with "undertake"

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

6-0-0

Merrimack Conservation Commission. March 2, 2015

The following amendments were offered:

Page 1, Line 20 and Page 2, Line 9; add "Bedford" before "Design"
Page 10, Line 28; amend the sentence to read: "The distance between the edges of the wellhead protection area between wells 3 and 4 is the only hole Tennessee Gas has to get the gas pipeline through to the river."
Page 11, Line 24; add "53" after "FUND"
Page 11, Line 53; replace "Robinson" with "Robertson"

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

6-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Residents were reminded to be cautious of thinning ice particularly in areas around tree trunks, which hold heat causing the ice to be thinner in those areas.

Councilor Mahon spoke of the documentation submitted to FERC by Kinder Morgan the prior Friday. The documents cover the entire project from Pennsylvania to Massachusetts, and consist of separate sections for each segment and each state.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN
MOTION SECONDED BY COUNCILOR MAHON
MOTION CARRIED**

6-0-0

The March 16, 2014 meeting of the Merrimack Conservation Commission was adjourned at 9:24 p.m.

Submitted by Dawn MacMillan

Merrimack Conservation Commission

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www.merrimackoutdoors.org

March 16, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, L.L.C.; Federal Energy Regulatory Commission
("Commission") Docket No. PF14-22-000

Dear Secretary Bose,

The Conservation Commission for the Town of Merrimack, New Hampshire: a properly established Conservation Commission in accordance with New Hampshire State Law RSA 36-A, appreciates the opportunity to submit these comments in conjunction with the pre-filing phase of the Tennessee Gas Pipeline Company's (TGP) proposed Northeast Energy Direct (NED) pipeline Docket No. PF14-22.

We are writing to inform your Commission and the TGP of our interest in this proposed project and to assert that we are primary stakeholders in the application process. As currently proposed, the NED pipeline will traverse four municipal properties in Merrimack, New Hampshire. Two of those properties are actively managed by the Merrimack Conservation Commission (MCC) and they include approximately one fourth (1/4) of the approximate 4.49 mile proposed route within the Town of Merrimack. The MCC was appointed the management authority by the Merrimack Town Council of Merrimack Tax Map Parcel 3B-164 otherwise known as the Horse Hill Nature Preserve in 2006. The MCC was decided the management authority of Merrimack Tax Parcel 3C-73 otherwise known as the Gilmore Hill Memorial Forest in 1997. Given our unique position with these two parcels and their extensive involvement in the proposed project, we expect to have a significant role in what is proposed to be done and decided on and near these parcels of conservation land.

A project of this type runs contrary to the conservation goals stated in the deed for Gilmore Hill Memorial Forest. Further, it runs contrary to the stated conservation and recreation goals of the Horse Hill Nature Preserve when it was purchased by the Town of Merrimack in 2002. These goals were further emphasized in the Master Plan developed for this property in 2003 and later the Definitive Plan in 2006 which resulted in the MCC being appointed the management authority for those 563 acres. It is for these reasons the Merrimack Conservation Commission opposes the routing of the NED project through these properties.

The MCC understands your Commission is following a process defined by Federal Regulations. We will participate fully in your process and openly communicate with your Commission at every opportunity the process allows. We will acquaint your Commission with many of the concerns the proposed route has for our two impacted properties which include, but are not limited to:

Merrimack Conservation Commission

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Merrimack, NH 03054
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March 16, 2015

- Significant open bodies of water, streams, vernal pools, and wetlands with their associated uplands will be impacted and are home to many State of New Hampshire declared rare and threatened species (both animal and plants).
- Two historical sites that date back before the founding of our great nation.
- Recreational trails and wildlife observation areas.
- An underground aquifer that contributes to meeting the water needs of the majority of Merrimack residents and businesses.

The Merrimack Conservation Commission believes a detailed and informative discussion must occur between the MCC, your Commission, and TGP. To help facilitate that discussion, the MCC will make available through its website noted in the header of this letter:

- Our management planning documents.
- Ecological assessment documents.
- Forestry studies.
- Associated maps, charts, and diagrams.

We are also contracting with a New Hampshire company to update our environmental/ecological information and will have that report in the late summer 2015 timeframe.

Given these significant concerns and our sincere desire to be an active cooperative stakeholder in the project, we request that your Commission hold a Scoping Meeting within the Town of Merrimack to insure an exchange of information, concerns, and ideas on these parcels as they relate to the NED project.

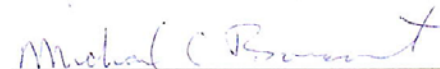
Sincerely,
The Merrimack Conservation Commission



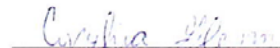
Timothy Tenhave, Chairperson



Matthew Caron, Vice Chairperson



Michael Boisvert, Commissioner



Cynthia Glenn, Commissioner



Gage Perry, Commissioner



Thomas Mahon, Ex-Officio member