



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

MARCH 6, 2017

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, March 6, 2017 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

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

Members of the Commission Absent:

Also in Attendance: Rob Lavoie, 19 West Road
Brett Vaughn, 123 Wilson Hill Road

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

There being no objection, the Commission went out of the regular order of business to take up Item #2.

- 2. Rob Lavoie (applicant) and Scott and Christine Pierce (owners)** - Review for a recommendation to the Planning Board of a minor subdivision of one lot into two lots. The parcel is located at 19 West Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6B, Lot 121.

Mr. Rob Lavoie, Applicant, stated the desire is to divide the property located at 19 West Road into two lots. He noted a substantial wet area to the right-hand side of the property, and his desire to be present to answer any questions the Commission might have with regard to the project.

Commissioner Tenhave commented it appears the existing gravel drive is within the wetland buffer. Mr. Lavoie stated that to be correct. In its current state, it is gravel, and the intent is for it to remain that way. Commissioner Tenhave noted within the wetland buffer and the gravel drive is a utility easement, and questioned the kind of utilities planned. Mr. Lavoie stated the lots will have private wells. However, the easement was put in place just in case there is the desire for Town water in the future. There is currently above-ground power. The above-ground power is on the opposite side from the wetland. Any proposed upgrade would be to the north (opposite side from the wetland). When asked if there are any storm water

culverts, trenches, etc. in the gravel drive to direct water, Mr. Lavoie stated there are not. Commissioner Tenhave stated concern if there would be extensive utility work done in the wetland buffer. Mr. Lavoie stated no utility work would be done in the wetland buffer. If done, it would be to the north out of the wetland buffer. The only thing that could be put in is Town water.

Commissioner Tenhave stated concern with the potential for fertilizer use in any area that close to such a large functional wetland. The Commission would recommend the Applicant avoid fertilizer containing phosphorous. He noted the Commission typically recommends soil testing be performed prior to the use of fertilizers as it may be that fertilizers are not necessary at all. The New Hampshire Cooperative Extension can perform soil testing at a minimal cost. Mr. Lavoie remarked he had assumed that would be a comment the Commission would make. Commissioner Tenhave also suggested consideration of sanding the drive as opposed to the use of de-icing compounds. Chairman Perry requested any plantings be native.

The Commission returned to the regular order of business.

1. Brett W. Vaughn (applicant) and Farrell Family Revocable Trust (owner) —

Review for recommendation to the Planning Board of a Lot Line Adjustment between three existing lots and Subdivision plan resulting in a total of four residential lots. The parcels are located at Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation District and Flood Hazard Conservation District. Tax Maps 4A, Lots 003, 004 and 022.

Mr. Brett Vaughn, Applicant, stated Parcels A, C, and E, identified on the plan, are to be transferred to Sean Farrell. Parcels B and D are intended to become part of Tax Map 4A/Lot 022. Mr. Vaughn stated he owns Tax Map 4A/Lot 010, which is intended to be a lot line adjustment with Tax Map 4A/Lot 022. Parcel B is currently owned by Sean Farrell. Parcel D is currently owned by Mr. Vaughn.

Commissioner Tenhave questioned if the end result was intended to be the creation of a few buildable lots. Mr. Vaughn stated there would be 4 buildable lots that would be on what is currently 136 Wilson Hill Road (Tax Map 4A/Lot 022 to 4A/022-1, 4A/022-2, and 4A/022-3).

Mr. Vaughn commented the parcel that would be close to wetland is 4A/022-3. That house will have to be up tight to the road; probably at the minimum setback.

Chairman Perry requested clarification the project is going before the Planning Board for lot approval, e., no construction plans, etc. Mr. Vaughn responded there is nothing going on at this time. He noted conditional approval was received the previous week. One of the conditions was a recommendation from the Commission. He noted the existing barn has to be taken down, and the house on the other side is too close to the road to remain and will also have to be taken down. Commissioner Tenhave questioned if there is current drainage coming off the roadways, etc. onto the site. Mr. Vaughn stated there is a culvert that crosses the road on the east line of 4A/022-1. There was discussion on that, and comments made by the Planning Board that that not be disturbed.

Chairman Perry commented the Planning Board letter includes statements such as catch basins on the north side of the road not being connected. Mr. Vaughn stated there had been discussion with the Highway Department around a comment made in the first plan that the catch basins were connected, and they were not. The desire was for clarification that the notation had been incorrect.

Commissioner Rosati questioned if the Commission, at this time, should be concerned with the potential for future construction on the site(s). Commissioner Tenhave stated it should as the current opportunity is the last time the Commission would see any plans relative to this site. Assuming the lots are permitted, unless they decide to move the building structure into an area that would encroach on a wetland, the Commission would likely not see any future plans for the site(s).

Councilor Mahon commented nothing can occur until all of the stated conditions are met and the plans signed by the Planning Board. Commissioner Tenhave commented the soil information indicates there are likely no issues related to leach fields, etc.

When asked, Mr. Vaughn stated the plan to be for a simple subdivision; four lots, no road design, etc. Chairman Perry noted there will be no curb cuts; driveways will come up and meet Wilson Hill Road. Mr. Vaughn stated there to have been discussion on that. The suggestion was made that within reason the Applicant do his best to peel back where possible, e.g., 5-6' on either side. They talked about the fact that the stone walls are not ideal, and could be rebuilt a little further back, etc. The conditions cited in the Planning Board minutes of February 21st stated: "the intent to provide 3-5' of cleared and graded space within the right-of-way along the frontage of the newly subdivided lots, in lieu of a sidewalk and where feasible."

Commissioner Tenhave commented beyond the Commission's typical remarks, the project is pretty straightforward. It will be difficult for placement of structures in a few places.

Chairman Perry noted the Commission's consistent recommendations of no de-icing compounds of any sort are utilized or that the use of de-icing compounds be minimized, and that applicators be Green SnowPro Certified and the Commission's preference for use of low-phosphate, slow release nitrogen fertilizer. He added the desire for attention to be paid to sticking with native plantings. Mr. Vaughn stated his understanding of the stated desires; however, noted the parcels, at some time, will be sold. He stated he has his real estate license, will be selling the lots himself, and would be happy to forward along that information.

Commissioner Tenhave spoke of a different project being handled by Mr. Vaughn; a large sub-division that was thought to be a cluster and became more of a conventional lot subdivision; specifically if there is the potential for the back lot to be available to the Commission in any way. Mr. Vaughn responded that he did not purchase the back lot. The current plan takes his lot, wraps all the way around the back, and puts a buffer in between all of the houses. It leaves the existing lot with some 30± acres. For the sake of going to the Planning Board they took about where it starts to abut the houses and will propose some kind of a restrictive easement.

Vice Chairman Caron spoke of the house (4A-10) on the north side of Wilson Hill Road, which will be taken down, and questioned if there is anything planned for that parcel. Mr. Vaughn stated there would be another lot there, which will be addressed as part of another plan.

OLD BUSINESS - None

NEW BUSINESS

1. Forestry options for Grater Woods: The Commission to discuss different options.

Vice Chairman Caron commented the Grater Woods Sub-Committee discussed the parcel coming in from Wilson Hill Road. Coming from Wilson Hill Road, the new parcels that were purchased for Grater Woods include the one that runs behind the houses, the one that was the old shooting pit, which has been closed off, and the two Conservancy parcels (small, wet). Of the four, the one that was the location of the old shooting pit was logged 5± years ago. Chairman Perry commented no one would want the lumber in that area (full of slugs). Vice Chairman Caron remarked the Conservancy parcels and what then goes to the boundary line (where the Skyline Trail was put in), and below that (drop-off) are areas he does not believe would be desirable to a logger. The area now borders a complete clear-cut to the south. He suggested the only area with timber value to be the old Homestead parcel, which is around the beaver pond the Commission is trying to protect by redoing Grater Road.

Vice Chairman Caron remarked where the Sub-Committee's discussions ended was the question of why logging is being discussed.

Chairman Perry remarked the Commission does not have an active forestry plan for that section. Typically a forestry plan is paid for through a logging event. If logging does not make sense, another means of covering the cost will have to be discussed. He remarked there will be some level of forestry that would occur with the cutting of the road.

Commissioner Tenhave noted the last plan for the Homestead parcel did include some forestry work that could be done on the parcel. At one time Dan Cyr was asked to look at the area to see if it would be

possible to bring in logging trucks, etc. Mr. Cyr's response was it would be expensive to do the road work on South Grater Road to bring in the trucks. At that time, the Conservancy properties were not in the hands of the Commission, and it was unlikely that the Commission would get permission to put a forestry landing on that parcel. As a result, the Commission did not pursue that activity. There was nothing compelling that said the forestry work had to be done. The Commission desires forestry work is done before extensive trail work.

Commissioner Tenhave remarked when the idea was brought up a few months prior, the thought was that a forestry project could help offset the cost of fixing the road. If there isn't much timber value, he questioned if it would be worth doing. He stated his belief a forestry plan should be done on the new parcels at some point. With the potential of the Chestnut Hill area coming to the Commission later in the year, it is likely the best course of action would be to wait until that time so that it could all be done at once.

Commissioner Boisvert commented during the Commission's walk of the parcels, he noted the timber was terrible on 3 of the 4 lots. The only one that had any beautiful hardwood trees was the parcel located behind the houses. Commissioner Tenhave commented the Commission has historically stayed at least a few hundred feet away from rear property lines. Vice Chairman Caron remarked if staying a few hundred feet away, you are in a wet area.

Commissioner Tenhave commented it probably does not make sense especially given the donut has just been completely logged out. Had the Commission had the opportunity to own that parcel it would have made sense.

Chairman Perry spoke of the cut that was done on the Chestnut Hill development. Commissioner Tenhave noted the permit states the intent to transfer the conservation parcels as well as put up property line markers, designate vernal pools, etc. before they start on the project that the permit is for. The question is what the permit is for. If you look to the letter of the law, the permit is all about doing the culvert work and re-doing Old Blood Road. Had they actually started the work on the road that would take them all the way out to the school on one side and the current pavement on the other side. Chairman Perry stated no work has been done towards the school. Commissioner Tenhave responded if that part of the project had been started that would mean they have started the project, which would require them to meet the needs of the permit. He does not believe they have actually started the project. But it does say that they are moving forward, which means that those two parcels, about 100 acres, will be in the hands of the Commission.

Commissioner Tenhave remarked, at this time, there is not a whole lot that could be done in terms of forestry work. He reiterated the desire for a forestry plan.

Vice Chairman Caron commented another thing that came out of the Sub-Committee meeting was a member who has not been to a meeting for almost a year questioned what was going on with the new marking along what was to be D3; one of the motorized bike trails. Vice Chairman Caron stated he does not believe they have any desire to move forward on that trail or any other because they have not been to a meeting or contributed. Chairman Perry commented they are just going to ride them anyway. Vice Chairman Caron stated the Sub-Committee's consensus was to start decommissioning the trails that are being ridden without any active participation or improvement/contribution. He requested guidance from the Commission as to how to proceed with that.

Commissioner Tenhave stated his opinion if the trail the Sub-Committee is considering decommissioning is in the original Stewardship Plan a more formal process would have to be undertaken and that intent announced. If trails that consideration has been given to, but are not in the Stewardship Plan or a trail that the Commission has formally approved since then, they should be shut down as they are not approved trails at this point. Chairman Perry added there is no other choice. Commissioner Tenhave commented if the Commission does not try to stop bad behavior it means it is encouraging bad behavior. If not an approved trail it should not be used.

Vice Chairman Caron commented he wished to be sure as at one time there was a formal request, and there was active back and forth discussion. Now that the members are not attending meetings there is no longer that back and forth. He believes the desire is not there. However, he has been out there every day for the past week, activity is now picking back up, and it is not the time for that activity; mud season.

The inner gates are not closed right now because that trail was never constructed. Closing the inner gates was discussed at the Sub-Committee level and with the Commission, but the fear is what will happen when the gates are closed; because D3 wasn't built, where will they go? Chairman Perry questioned if they should be closed. Vice Chairman Caron stated the water is completely over what used to be the road. The berm that was on the west side of the road no longer exists. It is just pond to the slope on the east side. There is no more road. The bypass trails comes down on the inside of the gates, and it is so washed out that you have to be a talented motorbike operator to make that turn. D3 needs to exist for the motorized users to have a viable option around that, but it doesn't exist. Commissioner Tenhave remarked when the road is finally rebuilt there will then be something for them to ride on. Chairman Perry questioned if the gates should be closed, particularly for mud season.

The consensus of the Commission was that the gates be closed.

2. Duties of project coordinators: The Commission to discuss specific duties of commissioners have when leading a project.

Chairman Perry commented the Commission discussed this very briefly at its last meeting. He stated there to be a need for updating/changing the Bylaws when it comes to project coordinators signing invoices, etc. He remarked he has no issue with a project coordinator signing off on Purchase Orders for the smaller cost items, e.g., signs, service agreements for website.

If there are certain duties assigned to a project coordinator, that individual should be provided the authority to follow through with those duties. Commissioner Tenhave stated his support for such a change commenting when the Commission kicks off a project and nominates a Commissioner to oversee it then it should be made clear in the vote/motion that the individual is authorized to sign on behalf of the Commission when it comes to the project. If not-to-exceed amounts are utilized there should be no concern. He suggested the Chair discuss this desire with Tim Thompson, Director, Community Development Division, as there would be different individuals signing off on the Town forms. Chairman Perry suggested there be a form utilized to identify the project, scope of work, signature authority, etc. It was suggested that the Administrator in the Community Development Department could retain the form. Vice Chairman Caron suggested, at a minimum, what could be used is the meeting minutes that identify the project, who the project lead is, the not-to-exceed amount approved by the Commission, etc.

Chairman Perry will draft language to be considered as an amendment to the Bylaws, and a form that could be utilized.

Vice Chairman Caron commented there was an issue with installing the signs for Gateway and an issue with Dig Safe. They have not yet been buried. A vote was taken a while back and funds set aside for that project. He questioned if the authority for the expenditure would carry over calendar year to calendar year or if there is the need for a new vote and identification of funds from the current fiscal year's budget.

Chairman Perry stated his belief it is worthwhile bringing this up again simply to indicate that the approval was provided previously, and the work is ready to begin and the expenditure ready to be made. Commissioner Tenhave remarked there is always the opportunity for a member of the Commission to move to reconsider should he/she has an issue with the prior approval. Otherwise, the matter should simply continue based upon the approval already provided.

OTHER BUSINESS

- **NRPC: Maps**

Vice Chairman Caron stated he has the maps and had them available for the recent Winter Carnival; however, forgot to bring them to the meeting. He commented on how well received the maps were at the carnival. Users of the trails are anxious to have access to them. An adjustment was made to shrink the lines (font), which he felt provided a great improvement. That change was made to all of the trails with the exception of the Loop Trail on the Horse Hill Nature Preserve (HHNP). For that one, because the color choice is white, it looked better thicker.

He had indicated that he would bring the suggestion back to the Commission that all of the lines, except those for the Loop Trail, should be made smaller, and that he would make the NRPC aware of the decision of the Commission.

The consensus of the Commission was to utilize the smaller/thinner lines except for those trails that are the largest physically, e.g., Gateway Trail, Red Maple Trail, etc.

Commissioner Tenhave suggested the Commission should give the NRPC the final go ahead on some of the maps so that they can move on to the other properties. He stated his belief if Vice Chairman Caron is of the opinion a good point has been reached with the HHNP map that they provide that go ahead.

Vice Chairman Caron noted trail descriptions are available for Wasserman and Grater Woods. Commissioner Tenhave stated the Wildcat Falls Sub-Committee met the previous week, and agreed to work on descriptions for the property. Those descriptions will not be ready until the April timeframe.

Commissioner Tenhave suggested a copyright symbol be included on the brochures. Commissioner Rosati questioned if the graphics included on the website are copyright protected. Vice Chairman Caron noted on the map it says MerrimackOutdoors logo courtesy of Wetherbee Creative. Commissioner Rosati questioned if she would be able to utilize any of the graphics in the work around the creation of the Friends of the Commission. Commissioner Tenhave noted the website is copyrighted to the Commission. The specific design is credited to Wetherbee Creative. Graphics he would suspect came out of a package that they put together or have access to. Ms. Wetherbee could always be asked. Councilor Mahon offered to explore the intellectual property issues. He commented perhaps the Town's legal counsel could be asked to provide an informational session for the Commission and other Town entities.

Vice Chairman Caron suggested there may be a need for a discussion of hours at Wasserman, which are less clear; some trails are open 24/7 and parking lots are closed at dusk and not reopened until dawn. He questioned if the rock wall, which is where the property line is, should be made very clear. Chairman Perry suggested there be a dotted line and writing right across the map listing hours on either side of the dotted line. Vice Chairman Caron commented he spoke with Matt Casparius, Director, Parks and Recreation, who was open to placement of a kiosk. He suggested attending a Parks and Recreation Committee meeting once the kiosk look is approved, and inform the committee of the desire. He stated his opinion everyone would be on board with that. Vice Chairman Caron suggested he come to the next meeting prepared to inform the Commission of the cost of a kiosk. If approved by the Commission he will plan on attending the next meeting of the Parks and Recreation Committee to seek approval for its placement. In the kiosk, hours can be stated very clearly. It was suggested a single-panel kiosk would be sufficient.

The consensus of the Commission was to move forward in that direction.

Vice Chairman Caron noted the contract with the NRPC indicates completion by April. Commissioner Tenhave remarked that was their proposed project schedule. His comment to them was if they reach the point where they have expended all of the funds they planned on expending and there is still more work to be done to make the Commission aware, and the Commission will work with that. There was no concern expressed with the maps being completed one after another as opposed to all at once.

- Duck Boxes

Chairman Perry commented he has not had the opportunity to view the two in his area. Commissioner Boisvert stated he and Vice Chairman Caron went out a week or so prior, and were able to clean the boxes at Grater Woods and the HHNP. Most had eggs; some unhatched and one not completely hatched. Some had signs of foreign birds having utilized them. One new box was put up. A few had fallen and were put back up. There was one box that was still up that had been placed in 2001. The only ones they were unable to get to were located at the White Pine Swamp and the one still standing in Greens Pond. Vice Chairman Caron commented there is still one box remaining should it be needed. Commissioner Boisvert noted it seemed the only empty boxes were on the south side of the dead trees. North facing seemed to be the preference.

- Invasive Study: Gilmore Hill

Chairman Perry noted the Commission had determined this would wait until the weather is appropriate.

- Update on Grater Road bypass road design & construction

Chairman Perry stated Dawn Tuomala, Deputy Director Public Works/Town Engineer, has indicated the work is on hold until weather permits.

- Website Upgrade

Commissioner Tenhave stated the contract for quarterly updates is moving forward. For the first quarter (2nd calendar year quarter; beginning April 1st) there is the desire to update photos (photos being sought; particularly for the lesser known properties), to create pages for each of the three sub-committees; content ideas will be put together and once a page is visible, the sub-committees will be directed to view it and provide input as to what members would like their page to look like, and for the gallery that goes around the property pages as well as the main page to be placed on a gallery page, which would also be a good location for videos. With the creation of a gallery page, users visiting that page would understand they would be viewing a great deal of photos, etc., which would alleviate users unexpectedly utilizing a great deal of data on their mobile devices when visiting the site.

Commissioner Rosati questioned if the Commission wished for her to solicit photos and/or videos from members of the MerrimackOutdoors Facebook page. Commissioner Tenhave was pleased with that idea, noting when a photo is submitted it has to also include permission for the Commission to utilize it. That could be accomplished by a simple statement such as "By submitted a photo you grant permission for the Commission to utilize it." At present, photographs need to go through a member of the Commission for vetting before being placed on the website. Commissioner Rosati volunteered to have photos sent to her, and to manage that input.

- Sub-Committee updates

Commissioner Tenhave noted the Wildcat Falls Sub-Committee has set meeting dates for the remainder of the year, which will be placed on the calendar, once approved by the Community Development Department.

Commissioner Glenn stated the HHNP Sub-Committee would meet the following month.

PRESENTATION OF THE MINUTES - None
PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Councilor Mahon informed the Commission he is not running for office this time around, and he and his wife are putting their home on the market as they have decided to move out of Town to be closer to family.

Commissioner Rosati questioned if the Commission has a specific logo, and was informed it does not. She questioned if the Commission would be agreeable to the creation of a logo; perhaps a contest with children, etc., for the Friends of the Merrimack Conservation Commission. Councilor Mahon remarked they would be an independent organization; if that is the case they can do whatever they want.

ADJOURNMENT

MOTION BY COMMISSIONER CARON TO ADJOURN
MOTION SECONDED BY COUNCILOR MAHON
MOTION CARRIED
7-0-0

The March 6, 2017 meeting of the Merrimack Conservation Commission was adjourned at 8:36 p.m.

Submitted by Dawn MacMillan