



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK CONSERVATION COMMISSION

MAY 4, 2015

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, May 4, 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
Cynthia Glenn
Gage Perry
Councilor Jody Vaillancourt

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

Also in Attendance:

There are currently two open positions on the Commission; one full-time member and one alternate member. Chairman Tenhave noted receipt of a letter of interest from a Merrimack resident for the position of alternate member. Individuals interested in the full-time position or an opportunity to be considered as an additional alternate member should contact Becky Thompson in the Town Manager's Office or the Chairman at TTenhave@MerrimackNH.Gov.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. NED Pipeline

Commission to have a general discussion on the Northeast Energy Direct (NED) project and any immediate actions it may wish to take.

Commissioner Perry commented on the filings, and remarked one from the Army Corps of Engineers was pretty explicit; they don't feel the filing is anywhere close to being ready. They laid out a lot of the problems stated by others.

Commissioner Glenn noted at the most recent ROST meeting, a representative of the Amherst Conservation Commission was present and discussed the Preliminary Environmental Assessment Report prepared by the Pipeline Environmental Impact Assessment Committee of the Amherst Conservation Commission. One of the items included in the report related to testing the proposed location every 100'. The thought behind that was concern for the possibility the location could contain hidden dangers one would want to identify prior to such a project coming through, e.g., barrel containing materials that could be harmful to the environment.

Commissioner Perry questioned whether the Town Council has received a response to the amended Survey Agreement. Councilor Vaillancourt responded she is not aware of any response. The requested changes

forwarded by Kinder Morgan were to remove the requirement for an employee of the Town to be present during any and all surveys and the requirement to share their findings with the Town prior to filing. Although the Council agreed to an amendment that would require a copy of the finding to be provided prior to submission to FERC as opposed to prior to finalization, the Council did not approve the request to remove the requirement for an employee of the Town to be present for survey work.

Councilor Vaillancourt spoke of a meeting conducted with Kinder Morgan in the Town of Amherst. Although technically a public meeting, no public input was included. She stated her belief the meeting was neither televised nor recorded; however, formal meeting minutes are expected to be made available. Town Manager, Eileen Cabanel, Assistant Town Manager, Paul Micali, Ron Miner, Superintendent, Merrimack Village District, and Councilors Harrington, Mahon, and Boyd were in attendance. The biggest takeaway was that Amherst says they are technically not recommending an alternate route, but they are kind of pointing to the direction of an alternate route through Amherst and Merrimack. Also discussed was the real possibility a metering station could be proposed for Merrimack. Definitive information is being sought on that; however, only vague answers are being received at this time.

Chairman Tenhave commented he has not seen any information relative to the scheduling of scoping meetings. When asked, Commissioner Glenn stated questions to be proposed during scoping meetings have been discussed during ROST meetings. She spoke of having provided Commissioners with a list that was devised and utilized for brainstorming. However, further discussion has not occurred. Chairman Tenhave remarked the list included "Use New Hampshire method for wetlands determination", and questioned if the belief is that would actually occur. He spoke of the process requiring field work, etc. Commissioner Glenn stated her impression that was the belief.

Chairman Tenhave stated he has not yet had the opportunity to file Commission documents with the Federal Energy Regulatory Commission (FERC). He requested Commissioners give consideration to the types of questions to pose during scoping meetings. He requested Commissioners forward to him thoughts/recommendations so that he can create a working list for consideration by the Commission as a whole. He reminded Commissioners not to engage in back and forth discussion via email.

Councilor Vaillancourt commented on discussions around inclusion of pipeline information on the Commission's website; specifically how to go about requesting FERC schedule a scoping meeting in Merrimack. She questioned the decision of the Commission with regard to that. The information posted to the Commission's website informs visitors the proposed project would go through the Horse Hill Nature Preserve (HHNP) and Gilmore Hill Forest. Links are provided directing visitors to both the Town and Nashua Regional Planning Commission (NRPC) websites for additional information. Chairman Tenhave stated he had intended to include information on requesting scoping meetings; however, had overlooked that. The information will be added.

2. Grater Woods Pamphlet and Police Patrols

Commission to review the Sub-Committee's pamphlet and make some decisions on moving forward with targeted Police patrols of Grater Woods. Specifics about type, number, costs, etc. will be part of the discussion. This is a continuation of our meetings involving the Police Department last fall and will be preparation for another meeting with the PD.

Vice Chairman Caron commented the pamphlet is more informational in nature than the model used at the HHNP. Information includes trail categories, identifies how the parcel is managed, reminds dog walkers to pick up after their dogs and all users to leave the park in the same condition they found it, and provides contact information for the Commission as well as the Merrimack Police Department.

The brochure was designed to be something that could be handed out by the Police Department as a means of educating users on acceptable activities/behavior.

Commissioner Perry stated the tip of the North arrow is barely visible on the map, and suggested the copy be adjusted to show the complete legend and arrow.

Councilor Vaillancourt questioned the colors, and noted the absence of a key identifying the meaning of the colors. Vice Chairman Caron remarked the key is in the wording. Commissioners Perry and Glenn agreed it would be helpful to include a key.

Chairman Tenhave spoke of viewing one of the newest HHNP pamphlets, which were outsourced for printing. He is pleased with the quality of the paper used, and stated the printout itself was very well done. The weight of the paper leads him to believe the pamphlet could be retained by users and utilized on several occasions before wearing out.

Chairman Tenhave stated the intent to request Lt. Tarleton attend the next meeting to set into action what the Commission would like for police patrols. He stated his belief the desire, at this time, is for patrols to be targeted in Grater Woods.

Vice Chairman Caron remarked there is somewhat of an issue with ATVs at the parcel the Commission manages at Wasserman Park; however, the issue is with a single individual. Chairman Tenhave commented that parcel prohibits motorized vehicles, and stated concern the tracks left behind by the motorized patrol itself could encourage unwanted behavior. Vice Chairman Caron stated he and Commissioner Perry re-plastered certain areas with the no motorized vehicle signs a few weeks back. He visited the area the previous day and witnessed tracks right past the signs. It is clear signage is not sufficient.

Commissioner Perry spoke of issues occurring on the Gateway Trail leading to the school. He suggested it would be worthwhile for patrols to cover the entire length of that trail. Chairman Tenhave questioned if Matt Shevenell, Business Administrator has been made aware of the situation. Vice Chairman Caron stated he has not reached out to Mr. Shevenell to make him aware of the issue. However, he is of the belief a member of the Grater Woods Sub-Committee would have made him aware. Chairman Tenhave stated he would send Mr. Shevenell an email message informing him the Commission is considering police patrols and would like permission to utilize Police ATVs all the way to the school property.

Commissioner Glenn questioned if the police patrols could be publicized. Commissioner Perry suggested the pamphlet and the kiosks could note the property is patrolled by the Merrimack Police Department.

Vice Chairman Caron remarked he would not want to see any ATVs, including Police Department ATVs, on the Red Maple Trail. He spoke of how soft the trail is. Chairman Tenhave requested Vice Chairman Caron provide documentation describing current conditions so that he may forward the information to the contractor that performed the work to see if it can be addressed.

Councilor Vaillancourt questioned whether there has been discussion around consequences of violating identified trail use. Vice Chairman Caron stated the desired outcome to be education of trail users. Commissioner Perry stated the desire is for residents to utilize the property and adhere to use restrictions. He noted the Commission has no enforcement ability.

Councilor Vaillancourt commented education is important; however, she believes there are users of the property that choose to ignore the posted restrictions, and she would like to see fines handed out. Chairman Tenhave stated that would require an update to the Ordinances. The Commission has been pondering the idea of an Ordinance update, but being a set of volunteers, there is only so much that can be accomplished. Vice Chairman Caron remarked the Commission has some infrastructure pieces that need improvement. The Grater Woods Sub-Committee needs to do a better job of showing different user groups what is and is not allowed usage. There is the need to establish boundaries and then post them. He suggested the need for additional gates and kiosks as a means of educating users. The Sub-committee plans on coming before the Commission in the near future with a request for funding to hire a contractor to do this type of work, e.g., rock placement, grading of trails, etc.

With the completion of the pamphlet, the Sub-Committee can begin work on various projects and get the infrastructure addressed while the police are providing educational assistance. Next year is the year where enforcement should come into play.

Chairman Tenhave spoke of having patrols during the summer, fall, and winter. He suggested a schedule be identified that goes through December 1st at which time the results could be evaluated.

When discussing the amount of time to be expended on patrols, Vice Chairman Caron noted Lt. Tarleton Had stated ½ an hour is the time it takes to load the equipment, unload it, etc. If calling for a 1-hour period for trail monitoring, only ½ an hour would actually be spent on that activity.

Commissioner Perry spoke of discussion of a staggered schedule for monitoring and the desire to start off with a smaller number of hours, and increase, if necessary. He suggested if the patrols occur 3-4 hours/week and motor

vehicle traffic continues to be seen, consideration could be given to increasing the number of hours/patrols. Vice Chairman Caron stated a preference for mountain bike patrols. Councilor Vaillancourt remarked she was unaware the Police Department would be charging the Commission for the cost of the patrols. Chairman Tenhave noted the associated cost is not within the department's current budget or the budget for the next fiscal year, and grant funds are limited. Waiting another budget cycle is not an option. Either way, it would be taxpayer funds covering the cost. Vice Chairman Caron suggested beginning with a two-month period (June/July) for 4 hours/week after which results could be reviewed. Commissioner Perry stated the need for a map that details precisely where patrols should occur. Vice Chairman Caron stated he has a map that includes all areas, and suggested it be used, and spots where patrols are needed be clearly marked on the map. Commissioner Perry noted there are trails that are not documented on the maps that are handed out to the public, e.g., trails extending from private property, trails the Commission wishes to close, trails that traverse wet areas, etc.

Chairman Tenhave spoke of requiring documentation of the patrols, number of contacts, etc. as a means of informing the public of the efforts and results. He suggested the documentation could mirror that which is required by grants. He will request a copy of the documentation required by NH Fish & Game, and provide the information to Commissioners for discussion at the next meeting.

NEW BUSINESS

2. Watson Park Kiosk

Commission to discuss and potentially make plans for the Kiosk provided to the Commission at Watson Park by the Rotary.

The kiosk is three-sided and rather large (4 x 8). An email was sent to Matthew Casparius, CPRE, Director of Parks & Recreation, questioning if he has any plans for the kiosk. He has responded he does not.

Commissioner Glenn questioned if the kiosk would be equipped with Plexiglass, and was told that would be up to the Commission to determine and fund.

Commissioner Perry suggested the Crimeline poster would be a good addition to the kiosks. Vice Chairman Caron recommended posting the information on the Souhegan River. Chairman Tenhave suggested the Commission make George May, Chairman of the Souhegan River Local Advisory Committee aware one side of the kiosk could be dedicated to information the committee would like to post. The Commission was in agreement.

Vice Chairman Caron suggested, and the Commission agreed, that the kiosk include information on the future plans for the Town Center Committee Trail. Chairman Tenhave suggested dedicating one side to the Heritage Commission to add information on the industry that was once in the area. The Commission was in agreement.

Councilor Vaillancourt suggested including a "No Lifeguard on Duty" posting. Chairman Tenhave noted there is a poster placed in the area where users enter the water. There is also one on the kiosk located in the parking lot. He suggested another could be added at the top of the new kiosk.

Vice Chairman Caron spoke of adding a dedication to Harold Watson.

Commissioner Perry suggested another tri-fold could be created identifying each of the properties and some including information on each. Chairman Tenhave stated a desire to see such information. Vice Chairman Caron suggested an advertisement for the Commission's website.

Chairman Tenhave requested a volunteer to oversee the work. Commissioner Perry questioned if it might be an opportunity for the Boy Scouts.

1. Annual LCIP Boundary Walk of Wasserman Conservation Area

Commission to make plans for its annual review of the Wasserman Conservation Area in accordance with our LCIP responsibilities to the State of NH.

Chairman Tenhave remarked last year Vice Chairman Caron did the lion's share of the work. The previous year he and Commissioner Perry conducted the review. A copy of last year's report was forwarded to Commissioners. The report has to be completed on a yearly basis. For the past few years the area has been walked in the month of May.

Vice Chairman Caron and Commissioner Perry volunteered to conduct the review.

Chairman Tenhave informed the Commission he communicated, via email, with Steve Walker of the Conservation Land Stewardship Program, Office of Energy & Planning. Mr. Walker informed him it is approaching the time for him to conduct his five-year review of the property. Mr. Walker suggested the Commission give consideration to a Stewardship Plan for the property. Chairman Tenhave informed him of his belief the Commission has a simple management plan for the property, and has discussed the idea of creating a more detailed plan inclusive of the 20± acre parcel located adjacent to it.

Councilor Vaillancourt questioned where the current management plan could be found. Chairman Tenhave stated he would have to search through the records kept in the Community Development Department.

Vice Chairman Caron spoke of having utilized a GPS the prior year, and questioned whether it is a requirement to do that every year. Chairman Tenhave responded it is not a requirement to take GPS coordinates, but they like to have that information as it confirms the property was walked, e.g., time stamped, etc.

Chairman Tenhave stated a desire to participate as did Commissioner Glenn. The walk was scheduled for 8:00 a.m. on Sunday, May 10, 2015.

3. Sub-Committee Assignment Change and the Annual Appointments

Commission to discuss making a new ex-officio assignment for the Wildcat Falls Conservation Area Sub-committee and then discuss our annual appointment process for all our open sub-committee seats. Note our annual appointments are to be made by 7/31 of each year.

Chairman Tenhave stated Commissioner Kras has served as the ex-officio member of the Wildcat Falls Sub-Committee. She has been unable to participate in recent meetings, and her availability for future meetings is unknown. He commented he has not had the opportunity to follow-through with her as intended. However, minutes of recent meetings indicate the Sub-Committee is functioning well. Chairman Tenhave remarked, as it is the newest sub-committee, he would prefer it have a member of the Commission in attendance on a regular basis.

Chairman Tenhave offered to give up his seat on the HHNP Sub-Committee to serve on the Wildcat Falls Sub-Committee. Commissioner Glenn would take over on the HHNP Sub-Committee.

The Commission stated agreement. Chairman Tenhave will inform the sub-committees of the change.

Chairman Tenhave noted appointments to the various sub-committees are made at the July meeting. Ex-officio members of the various sub-committees were asked to reach out to existing members whose terms are expiring to determine interest in continuing to serve.

OTHER BUSINESS

- **Beaver Management and Water Level Control Activities**

Commissioner Perry informed the Commission he spoke with Tracy Tarr, GZA GeoEnvironmental, Inc. (GZA), earlier in the day. The plan is being put together, and the first final draft should be provided to the Commission in time for its next meeting.

Commissioner Perry informed the Commission he has provided Wastewater with the list of areas the Commission is looking to address this year. The Town is moving forward on one or two of its areas. Location #s 11; Hitchin Post Lane and 30; Wildcat Falls Trail SW pond off Hemlock Dr. are the two areas the Commission has had intermittent issues with. Commissioner Perry stated his intent to walk the areas with Beaver Solutions and seek a quote to move forward in addressing the areas. He reminded the Commission the costs previously identified were estimates.

Commissioner Perry spoke of the device put in the back of Mitchell Woods, which has been working well, went through the winter without problem and maintained an acceptable water level up until that very day when it was viewed to be up 8-10". During a discussion with one of his neighbors, he was told the water level rises when water is released up at Merrymeeting Drive. There is evidently some manual control device up across the street on the other side of the road that he was previously unaware of. Whoever is managing that is doing a good job;

waiting for it to be relatively dry and the water level to be down, etc. He stated his intent to look into who is responsible, and suggested it might be a great location for another water leveling device. When asked, he stated his belief the release of the water has not overwhelmed the device that is in place.

Chairman Tenhave questioned the area Wastewater is looking at, and was informed they are looking at #6B; Cathy Street. There is the need to discuss what will occur with Lyons Road as Cathy Street will impact Lyons Road pretty dramatically.

- Annual Seedling Giveaway for May 9th at Currier Orchards

Commissioner Perry stated the Seedling Giveaway is scheduled for Saturday, May 9, 2015 between the hours of 9:00 a.m. and Noon at Currier Orchards.

Commissioners Perry and Caron stated they would be in attendance. Commissioner Perry noted Commissioner Boisvert has stated a desire to attend as well.

The general consensus of the Commission was for tags to be purchased and used in identifying the seedlings.

- HHNP Parking Area, Wetland Review

Chairman Tenhave stated the parking lot on Amherst Road for the HHNP is typically full. Its size is based on several factors one being the desire to stay outside of the wetland buffer zone (wetlands mapped in early 2000s). The work was done by Brad Knight as mitigation for not installing sidewalks on some of his development work further down Amherst Road and along Peaslee Road.

Chairman Tenhave questioned the will of the Commission with regard to contracting a Wetland Scientist to take another look to help determine whether there is room to increase the size of the parking lot. Vice Chairman Caron commented he was in the area over the weekend and had almost assumed the parking lot was growing because someone is clearing. Chairman Tenhave noted Newton Coryell, Chairman and Roland Roberge, Vice Chairman, HHNP Sub-Committee have been cleaning up along the border to try to rid the area of stuff that has been growing up into the trees. Vice Chairman Caron commented the area is improved due to their efforts.

Chairman Tenhave suggested another alternative would be to ask Kyle Fox, Deputy Director/Town Engineer, Public Works Department, to identify what is plausible for the area, and then determine if there is a need to contract with a Wetland Scientist to map the wetland/buffer.

The consensus of the Commission was to move forward with contacting Deputy Director Fox.

- Update on Environmental Impact Study for HHNP and Gilmore Hill Memorial Forest

Chairman Tenhave stated the transmitters should be on hand for the turtle survey. There were no additional updates.

- Website Update; to learn if the Commission wants to pursue an update that would be placed on a future agenda

Chairman Tenhave questioned the will of the Commission. Commissioner Perry noted the difficulties in manipulating the calendar, and stated he would be contacting the web designer to determine if there is a simple resolution.

Chairman Tenhave suggested the Commission revisit the question of an update in the fall timeframe.

- Trail GPS

Chairman Tenhave informed the Commission of his receipt of an email from Ryan Friedman, Senior GIS Planner, Nashua Regional Planning Commission, stating his desire to re-engage on the trail GPS activities. He will meet with Mr. Friedman on May 8th to gain additional clarification on what that would entail.

- GIS Meeting

Commissioner Perry noted Tracy Tarr and Commissioner Boisvert attended the GIS meeting. The next meeting is scheduled for 10:00 a.m. on May 7th. Commissioner Perry stated he would not be able to attend, and questioned if another Commissioner would like to. Although it is believed Commissioner Boisvert will be in attendance, the date of the meeting was not known until recently. Ms. Tarr's notes from the last meeting will be forwarded to Commissioners.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. April 20, 2015

The following amendments were offered:

Page 1, Line 25; replace "TTenhave@MerrimachNH.Gov" with "TTenhave@MerrimackNH.Gov"
Page 1, Line 47; add "x 36'" after "36'" so that it reads "36' x 36'", and remove "(to 36')" after the word "widened".
Page 1, Line 51; delete the "." after (3 sided) and add ", and"
Page 3, Line 30; add "and" between "flat" and "soils"
Page 4, Line 13; last sentence should read: "The plan would be to also incorporate an Alteration of Terrain (AoT) permit."
Page 4, Line 38; replace "number" with "amount of"
Page 5, Line 31; replace "Vice Chairman Caron and Commissioner Glenn" with "Commissioners Glenn and Perry"
Page 6, Line 39; add "will" between "needs" and "be"

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

4-0-1

Councilor Vaillancourt Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn spoke of attending one of the wildlife action plan sessions put on by the New Hampshire Association of Conservation Commissions (NHACC). Attendees were put into groups and participated in discussions of threats to wildlife. The event was somewhat of a brainstorming session. Information gathered will be sent out in the near future. Commissioner Glenn offered to forward the information to the Commission.

Vice Chairman Caron spoke of fire danger, which is very high due to lack of rain. Councilor Vaillancourt stated the Fire Department was currently addressing a brush fire on Scott Drive. She stated it to be the 3rd or 4th such fire in the past several weeks.

Commissioner Perry spoke of upcoming training classes the NHACC will be conducting. He specifically mentioned a grant writing class being conducted in Peterborough. Chairman Tenhave informed the Commission and the viewing audience the HHNP Sub-Committee is interested in scheduling a work day for the 27th of June. Those already on the email list will be provided additional information. Anyone interested in being put on the email list can make a request at MerrimackOutdoors@MerrimackNH.gov. or utilize the contact sheet posted to the website.

Commissioner Perry stated the Grater Woods Sub-Committee is looking to update one of the Appendices in the Management Plan for some of the projects that have been ongoing and need to be done. He questioned how to go about doing that. Chairman Tenhave noted, after the last revisions, the report was accepted by the Town Council. Proposed amendments need to come before the Commission. He suggested the next step would be for the Commission to make the Town Council aware of the proposed changes.

ADJOURNMENT

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

5-0-0

The May 4, 2015 meeting of the Merrimack Conservation Commission was adjourned at 8:19 p.m.

Submitted by Dawn MacMillan