



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

MAY 7, 2018

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, May 7, 2018 at 6:35 p.m. in the Merrimack Memorial Conference Room.

Chair Gage Perry presided:

Members of the Commission Present: Michael Boisvert
Cynthia Glenn
Gina Rosati
Tim Tenhave, Alternate Member (arrived at 6:37 p.m.)

Members of the Commission Absent: Matt Caron, Vice Chair

Also in Attendance: Don Laliberte, Horse Hill Nature Preserve Sub-committee
Lynne Wenz, Horse Hill Nature Preserve Sub-committee

PUBLIC COMMENT

Don Laliberte, Horse Hill Nature Preserve Sub-committee

Spoke of an email the Chair sent out regarding issues discussed at a previous meeting concerning work being conducted at the entry from Naticook Road into the Eversource property and on the powerline easement. He spoke of a meeting conducted after that communication and questioned if the meeting was a direct result of the communication. Chair Perry stated it was in response to the email. He and Commissioner Tenhave were in attendance. Eversource had on hand a Biologist, Naturalist, and Project Manager. The area was walked, and the representatives were made aware of the concerns. They walked the area where problems have occurred, and they indicated a willingness to address it.

Commissioner Tenhave prepared and distributed a summary of what occurred at the meeting. Mr. Laliberte spoke of having received it and being pleased with the level of detail. He remarked, from what he could see, Eversource completed the work they had to do in that area and put up signs on the intersections from Old Kings Highway and the Loop Trail going over the unpaved road. They also put telephone poles in a horizontal manner over the trail from Naticook Road on the east and west sides.

He was uncertain if a gate would be erected. Chair Perry stated the Commission would be made aware when Eversource is ready to erect the gate.

Mr. Laliberte noted an email he sent to Commissioner Glenn on April 23rd questioning if there would be discussion on how Eversource plans to work on towers 114 and 115, which are near the Horse Hill Summit Trail and if they plan on continuing the unpaved road through the wetland, and to the top of the hill by Tower 115. He questioned if that was addressed when the Commission representatives met with them. Commissioner Tenhave stated his belief all that remains is what they will do near Peaslee Road. They can only do that in the fall when they can shut the whole line down.

Mr. Laliberte stated concern with wooden poles; towers 114, 115, and 116 are between the wetland and Long Pond. He questioned how those would be addressed in the future. Chair Perry remarked they indicated they inspect the poles and replace as needed. He does not believe there to be any immediate plan to replace those poles. It was clear the Commission is interested in that area and will be notified in advance of any future work on Commission property.

Mr. Laliberte commented on his disappointment a member of the Sub-committee did not participate in the meeting.

Lynne Wenz, Horse Hill Nature Preserve Sub-committee, questioned whether Eversource has a deadline for completion of the work. Chair Perry stated there to be no deadline noting the property and the line is that of Eversource. Ms. Wenz stated they have an easement on the property. Chair Perry stated the road was put in to the furthest point intended and the poles will be replaced. Ms. Wenz stated the area near Farmer Road was not done. Commissioner Tenhave remarked that part of the project will happen in the fall. To do that part of the project, they must shut the whole line down, and that is the only time they can coordinate it.

Ms. Wenz agreed with the desire for improved communication. She commented when she last spoke with a Biologist from Fish & Game who wishes to go out to the area for an excursion, it was mentioned they must wait a few weeks because the season has not yet started. Commissioner Tenhave commented the fact that Fish & Game got involved and there were questions raised, created some issues the Commission had to deal with Eversource on directly. Fish & Game was contacted by someone representing themselves as a member of the Conservation Commission, which created some issues that had to be dealt with. The Commission wanted a face-to-face meeting to explain the concerns, understand their needs, and walk away with an understanding of how Eversource would leave things. Leading up to and the start of the meeting was fraught with issues that had to be addressed because of miscommunications. People were upset and looking to understand what was going on. That damaged the relationship, which he now believes to be corrected.

Ms. Wenz stated she has never misrepresented herself and has had a relationship with Fish & Game for some time. She noted the Sub-committee voted to investigate the matter, and she believed she was doing her job. Commissioner Tenhave commented he understands there was no ill intent. He spoke of appreciation of the Sub-committee being the eyes and ears of the Commission on the property, which is exactly what they want the Sub-committee to be doing, but when it comes down to certain legal aspects, the Commission, in its Charge by the Town Council, must act as a body. Ms. Wenz remarked that is where better communication comes into play.

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

NEW BUSINESS

1. Review of Property Exhibit for Fields Farm Conservation Area

Chair Perry noted the map provided the Commission from Meridian Land Services, Inc. Commissioner Tenhave commented the Woods Road that goes around the Tomasian development does exist but is not a clear road everywhere. That parcel is a piece of land designated to become Commission property in the future.

Commissioner Tenhave commented, as a resident of Windy Hollow Drive, he is aware the Deeds do not reflect any ownership in that parcel by the property owners. The 20± acres that go around the development will become Commission property, and the Commission could then choose to include it as part of Fields Farm. It could also be used as a trail extension from the Horse Hill Nature Preserve (HHNP). Users could park at the HHNP lot, walk a short distance down Amherst Road, and pick up the Fields Farm property.

Commissioner Tenhave noted the map does not include perennial streams, vernal pools, all the stone walls, the cellar hole, location of where the barn used to be, etc. There is a great deal more field work that needs to be done. He would like to see the additional work done and the property reviewed again to identify a location suitable for a public boat launch.

Chair Perry echoed the remarks regarding the need to ensure there is a delineated streambed and riparian zone. Commissioner Boisvert questioned if the boat launch would be in addition to or in place of the bridge access. Commissioner Tenhave remarked it remains up for debate; there are some who would like it to be in addition. He believes the Town would prefer a replacement; shut down the bridge access.

Commissioner Boisvert suggested a site walk during which the Commission could identify aspects of the site.

OLD BUSINESS

1. Continued discussion regarding Skylar Park clean up

Chair Perry noted the no-motorized signs did not last more than a weekend. The police were notified. When asked, Commissioner Tenhave noted State RSAs relative to OHRVs require landowner permission. Commissioner Boisvert questioned State law that protects the watershed. Chair Perry commented it is within a certain proximity, but people were driving right through Naticook Brook.

Commissioner Rosati questioned where within the Town residents can ride ATVs and was informed of the ATV park located near the landfill.

Commissioner Boisvert spoke of having walked the property with Mark Twardoski who is very interested in preserving the riverfront. During their walk they came across a truck coming up from the floodplain area of the property. They spoke with the driver who commented there are no signs. Commissioner Tenhave remarked an individual riding on the parcel is aware it is not their property and of the requirement to get landowner permission. For the most part, those riding there have been doing

so for years. Commissioner Boisvert stated a desire to have representation present from the Police Department, the Town Council, and the Sub-committees for the June 2nd clean-up day. Commissioner Tenhave stated the need, as part of the clean-up activity, for new, larger signs to be erected. It is believed, once foot traffic picks up in the area the situation will change.

Commissioner Boisvert stated Mr. Twardoski is working to have a backhoe available for the clean-up day. The Town has committed a backhoe and two trucks for the project. He and Commissioner Rosati will work to provide a write-up or request a reporter do a story for the Merrimack Journal informing the public of the event. Posters could be put in public locations.

Commissioner Boisvert will reach out to the Lower Merrimack River Local Advisory Committee, Nashua Regional Planning Commission (NRPC), Town Council and the membership of the sub-committees. He will arrange to have available trash bags, water, first-aid kit.

2. Continued discussion regarding Grater Road / ARM Project

Commissioner Tenhave stated the submission was made, included a rough estimated cost, and identification of in-kind work the Town would provide. The request was made that the ARM Fund cover 2/3 of project cost up to the \$55,000 requested. If the project cost exceeds that, the Commission would cover the difference.

The State's website explains the site committee will review and provide comment particularly if believing the project should go forward to a full proposal (formal proposals due by end of August). Whatever decisions the State makes must be approved by the Army Corps of Engineers and eventually approval by the Governor's Executive Council. Commissioner Tenhave commented, if approved, he would not expect receipt of funds until 2019.

Commissioner Tenhave stated the need for a more formal plan to be in place so that a bid specification could be created (by end of June and placed on the Town's website at the start of July) to solicit interest in and cost estimates for the project (indicating commencement to be summer/early fall of 2019). Chair Perry stated he would reach out to the Public Works Department (PWD) for assistance.

With the bid specification and the responses in hand, the more detailed project plan could be submitted. In the meantime, the Commission should be working on the write-up for the environmental reasons why this project should be supported.

3. 18th Annual Seedling Give-Away

Chair Perry stated the seedlings were picked up over the weekend. The event will take place on Saturday May 12th, 9:00 a.m. - 1:00 p.m. at the Currier Orchards located at 9 Peaslee Road and is open to all Merrimack residents.

The Botanist affiliated with Eversource has expressed an interest in attending to provide information on where Eversource can be of assistance on projects.

Chair Perry commented on gathering data on the types of seedlings given away over the years. The data was used when creating an information sheet, e.g., how tall the seedlings will grow, where to

plant, the amount of sunlight needed, etc. That information sheet will be posted on the Commission's website.

OTHER BUSINESS

- Sub-committee Updates

Wildcat Falls

Commissioner Rosati noted the Sub-committee met on April 26th during which the question arose of whether groups need permission to geocache on Commission property.

Commissioner Boisvert commented the Parks and Recreation Department was interested in doing that at one point. Chair Perry stated that was done in Grater Woods some time ago. It was viewed as a way of getting people to the property and was successful. He stated his belief it is not an activity that needs to be monitored unless a problem comes of it.

Commissioner Rosati spoke of a large, partially buried cable, located in the center of a trail off the Connector 1 Trail and Connector 4 Trail leading to the falls. Chair Perry stated the information was forwarded to the PWD and will be looked into. Commissioner Tenhave stated the need to ensure it is not part of the ground wire system for the powerlines. In the meantime, the area could be flagged to highlight the potential tripping hazard.

Commissioner Rosati stated the Sub-committee discussed the Connector 1 Trail erosion repairs, and the need for 2 trenches to be dug and filled with riprap. She questioned who would be responsible for that work. Commissioner Tenhave noted that is the emergency road. The PWD had indicated that would be fixed. Chair Perry will follow up. Commissioner Tenhave remarked the water is running straight down the road and it has eroded out. The ruts need to be addressed and erosion control put in place to stop the large velocity of water coming through there. The best way to do that is likely water bars or some sort of horizontal trenching across the trail.

Commissioner Rosati spoke of the parking lot noting during the last meeting some filling in of the parking lot had been done. She visited the site earlier in the day and saw that it remains rutty. When asked about the possibility of utilizing reground material, Chair Perry responded if there is additional paving done in Town during this paving season, there should be some reground available. He will discuss that with the PWD as well.

Commissioner Rosati spoke of the increase in use of Wildcat Falls, particularly during weekends. The parking lot fills and parking spills out onto Currier Road. Parking is not intended to occur on Currier Road, and in fact residents of the area had been told that would not occur. She questioned whether no parking signs should be put up. Commissioner Tenhave commented at one point it was hoped the Town Center Trail would be in and people could park at Watson Park or at the High School, and there would be a full trail map set up to inform the public of the alternative parking locations. The Town Center Trail has been delayed because they can't yet get under the Chamberlain Bridge. He stated his belief that project was recently discussed at a Town Council meeting. Whether no parking signs could be placed is an action that has to be considered by the Town along with the Highway Safety Committee. There is always the concern if you restrict parking you are restricting it for all, including the residents on that road. He suggested the Highway Safety Committee be contacted to see if that group can identify a solution.

Commissioner Rosati noted the Sub-committee is seeking a new metal “no hunting” sign to replace the existing damaged sign. Commissioner Tenhave indicated he has a sign and will get it up.

Commissioner Rosati noted the picnic bench was put in place and then disappeared. It was located and put back in place.

The Sub-committee would like to post a tick alert in the kiosks. It was noted the State of New Hampshire as well as the CDC have information that could be posted at the kiosks.

The Sub-committee is interested in “Meet Your Park” events. Chair Perry remarked that has been discussed; that each property host and coordinate the scheduling of events so that a few occur each year or perhaps even once a month.

Horse Hill Nature Preserve

Commissioner Glenn thanked Vice Chair Caron for the trail day he coordinated. About 21 members of the New England Mountain Bike Association (NEMBA) participated. They worked on the Summit Trail, which is now complete. They installed water bars and cleaned up Rocky Trail removing a good deal of debris.

The new maps were put up at the kiosks. The kiosk by the Old Kings Highway entrance needs a new piece of Lexan (48 x 42¼). Commissioner Tenhave volunteered to visit the kiosk, take photos, etc., and report back.

Commissioner Glenn questioned if an order has been placed for new maps (1,000). The kiosk needs maps. Chair Perry will follow up.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. April 16, 2018

The following amendments were offered:

Page 1; show Bruce Peterson as having been in attendance
Page 3, Line 20; replace “provide” with “provided”

MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

5-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Tenhave noted the Town Council has an agenda item to formally approve the plan for Chapter 111. He met with members of Town staff who are now comfortable with the project plan. It

will go back before the Town Council for its final approval on Thursday. He will attend the meeting to address any questions.

Chair Perry spoke of having received a call from Jeff Littleton, Moosewood Ecological. The Commission had previously discussed a wildlife assessment of Grater Woods, and Mr. Littleton was questioning if the Commission wished to proceed.

Commissioner Rosati questioned the cost. Chair Perry stated a quote has not yet been requested. Commissioner Rosati questioned if it would be worthwhile to have one in the Grater Woods area where the ARM project will occur. Commissioner Tenhave stated the hope had been to have in place the Chestnut Hill easement and the donut hole area prior to moving forward, but neither are definitive at this point. Given that, it may be worthwhile to move forward with the assessment.

Chair Perry will seek a scope of work and quote from Mr. Littleton in time for discussion at the next meeting.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN
MOTION SECONDED BY COMMISSIONER ROSATI
MOTION CARRIED
5-0-0**

The May 7, 2018 meeting of the Merrimack Conservation Commission was adjourned at 8:30 p.m.

Submitted by Dawn MacMillan