

MERRIMACK CONSERVATION COMMISSION

MAY 20, 2013

MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, May 20, 2013 at 6:35 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Gage Perry (arrived at 6:45 p.m.)
Simon Thomson
Eber Currier, Alternate

Members of the Commission Absent: Ron Davies
Thomas Lehman
Robert Croatti, Alternate Member
Councilor Thomas Mahon

Also in Attendance: Newton Coryell, Chairman, Horse Hill Nature Preserve Subcommittee
Adam Jacobs, Operations Manager, Public Works Department

Chairman Tenhave appointed Alternate Member Currier to serve as a voting member.

PUBLIC COMMENT - None

APPOINTMENTS

1. Horse Hill Nature Preserve Sub-Committee

Members of the Horse Hill Nature Preserve Sub-Committee to update the Commission on its current activities, plans for the future, and make requests of the Commission

Mr. Newton Coryell, Chairman, Horse Hill Nature Preserve Sub-Committee, informed the Commission all is going well at the Horse Hill Nature Preserve (HHNP); there are no major issues and none were experienced during the winter months. Work done a few years ago to mitigate washout problems, etc. has proven fruitful as the trails are in good shape. Gravel located onsite will be used to re-grade the parking lot over the summer months. Mowing will begin shortly.

Mr. Coryell informed the Commission of the sub-committee's desire to reposition the trail that goes up to Blodgett Hill, which is steep and hard. It is hoped the work will be done as part of an Eagle Scout project. When asked if there is any type of assistance the Commission could provide, Mr. Coryell replied, at this time, the property is pretty self-sustaining and issues being addressed are maintenance related. He noted Vice Chairman Caron has provided assistance, in the past, in the form of materials needed, etc. The only question he posed was whether anything was occurring with Old Kings Highway.

Adam Jacobs, Operations Manager, Public Works Department, responded addressing the area is on the work list; however, no specific date has been identified. Mr. Coryell remarked it is becoming difficult to get in and out of the area of the Watonic Bowman Archery Club, which has shoots scheduled for the near future. When asked about a schedule of events at the club, Mr. Coryell offered to provide a copy. Vice Chairman Caron stated his belief the next shoot from the parking lot would take place on June 8th. Mr. Coryell remarked people driving cars in the area are leery as it is getting pretty washed out. He stated his belief it has been about four (4) years since the area was last addressed. Vice Chairman Caron spoke of a brush fire that occurred in the area a few weeks ago. The forestry truck that entered the area to distinguish the fire had difficulty getting through and exited out Gerard Drive. Mr. Coryell explained the area in question is from Queens Way down to the bow club. The other end, by Gerard Drive, is also suffering washout. Mr. Jacobs agreed to get some material placed in the area prior to June 8th.

Commissioner Currier commented one of the successes of the HHNP is the parking, particularly on Amherst Road, which has been expanded. He commented it will be nice to have the area around Watonic Bowman addressed as traffic will be increasing. Mr. Coryell noted Watonic Bowman allows their parking lot to be used by visitors of the HHNP, and he would hate to see that resource lost due to an inability to keep up the town road.

Chairman Tenhave noted the Forester would likely be asked to walk the property and provide an update to the Commission given it has been nearly 10 years since forestry work was done.

2. Public Hearing on Beaver Activity and the Water Level of an unnamed pond

Commission to hold a public hearing on beaver activity and water level of an unnamed pond, Tax Map Parcel 5C-850. Pond located south of Baboosic Lake Road, east of Jessica Drive, north of Mayflower Drive and west of Minuteman Avenue.

Chairman Tenhave declared the Public Hearing open at 6:45 p.m.

Adam Jacobs, Operations Manager, Public Works Department, stated the Town is in charge of maintaining beaver issues as they impact public infrastructure, roads, culverts, etc. In his presentation (copy attached), Mr. Jacobs provided information regarding State law and Conservation Commission policy regarding beaver control. He spoke of how activity would be addressed whether on public or private property and the necessity to utilize the least impact approach unless addressing an emergency situation. He noted all activities are subject to local, state, and federal laws, and identified the different approaches as; 1) installation of water level control devices, 2) breach of dam/portion of dam, and 3) trapping (conventional or live). He noted beaver and the effects of their activity are the responsibility of landowner(s) on whose land the activity occurs. The Town becomes involved if there is activity on public property or if activity on private property is affecting or threatening public improvements.

Mr. Jacobs explained the procedure followed when a new beaver impact area is found: The Public Works Department notifies the Conservation Commission of issue(s) resulting from beaver activity; the Commission will address the issue(s) at its next available meeting and determine responsibility factors, e.g., public or private property and impacts. After determining responsibility, the Commission would move forward with a course of action. If the Town is responsible, employees of the Public Works Department could be utilized to address the issue(s) or a licensed trapper could be hired. Mr. Jacobs displayed a photo of a beaver box and explained the box would be placed at a predetermined water level and would allow beaver to build up around it. The box is open underneath allowing water to flood up on the upstream side, flow through the box, and cascade to the downstream end. The device serves to slow beaver activity.

Mr. Jacobs displayed photos of 17 Powderhouse Road. He stated the department received a complaint from the property owner that part of the property, not previously affected, is now under water. A site visit was conducted and plans that were generated when the manmade dam at the other end of the impoundment was built (1998) were reviewed. In 1998, the water level was about a foot and a half lower than it was this spring. To alleviate some of the impact to the property owner, the level was brought down to a little more than half that distance (approx. 13") to try to get closer to the water level that existed when the man made dam was constructed. Mr. Jacobs stated the desire is not to have too much water upstream of the dam. If the beaver dam were ever to let go it could result in catastrophic failure of the manmade dam as well.

Mr. Jacobs noted there are two outlet control structures in place; manmade dam embankment and riser (secondary overflow structure). With the beaver dam being 50-75' upstream (at about 2-3' higher elevation than the primary overflow of the manmade dam) the area basically has a dam within a dam, which holds back a good amount of water to keep the water in the pond high. If beaver are really active they will move down to the lower impoundment and start to plug the manmade structures, but for the most part they are content to build the upper dam, which is where the beaver box is installed.

Mr. Jacobs commented there are about half a dozen sites around town that, at any one time, have active beaver populations affecting public property. A quick search of the work order system indicated there to be 29 sites that have had beaver at one time or another which the Town has become involved with. Presently there are about 6-9 sites with Town involvement.

The question of beaver pipes came up. Mr. Jacobs stated the PVC beaver pipes should be 60-80' long to be effective. The idea is to get them as far away from the beaver dam as you can because when natural flow occurs it will drag all of the junk from the pond and slowly clog them up, similar to the beaver box.

Edward Pelissier, 6 Minuteman Avenue

Noted the beaver box, having the grate located at the top, allows water to flow through when the level gets high, which keeps it from being clogged with sediment. He believes that would be a mechanism that would work well at

the pond. He remarked the pond is supposed to be a conservation pond; however, there are very few markers around the area. He questioned how far off the water is controlled by the Commission.

Tom Howe, 29 Patten Road

Stated he has been in town for almost 40 years, his younger brother lived down on Pilgrim Ave., and he knew the residents of that sub-division. He commented the property at 17 Powderhouse Road has experienced the worst water damage. He spoke of the increased water level of the pond over the years, and suggested when reaching this point, the water level should be addressed.

Mr. Pelissier

Stated it is easier to control a beaver pipe than the box that is in place now. He suggested the water be kept at a steady level rather than breaking the dam and having the water level reduced by 3' leaving stumps, etc. visible.

Mr. Howe

Stated the only remedy property owners cannot do on their own is dismantle the beaver hut. He suggested there should be a way to control the activity through use of overflow structures. He spoke of the lodges and their increasing size and number. He was unsure of a solution that would satisfy all concerned, but suggested reducing the water level would improve the situation.

Mr. Pelissier

Commented most of the trees the beaver like to eat are gone, and suggested the issue will resolve itself within a few years. He asked for clarification of the amount of property controlled by the Commission.

Chairman Tenhave referred to a GIS generated map and identified the area owned by the Town/Commission (close to the edges of the water body). He explained the procedure that was put in place over 10 years ago states the Commission is required to establish who is responsible and then determine what action should take place. He stated the beaver dam itself is clearly on Town property and the lodge is within Town boundaries. He noted the Commission does not have control of the full water body.

Jacqueline Thompson, 17 Powderhouse Road

Stated she is losing land because of the activity taking place, and is concerned with the resale value of her property. She commented had she known 25 years ago that she would be in the position she is now, her and her Husband would have never bought the house. She remarked, although she lost some of her property last year, this year has been even worse.

Charles Buker, 136 Baboosic Lake Road

Mr. Buker stated he has lived at his residence his entire life. He spoke of losing land because of the increasing water level. He recalled fishing the pond when it was a quarter of its current size and the hot fishing spot in town. He spoke of the abutter notification he received, which spoke of recent beaver activity. He stated the beavers have been in the pond for 51 years. He commented private land has been impacted drastically over the years. He noted the dam was broken down a few weeks ago, which moved the beavers up to his property. He commented it is no small task to break a beaver dam down. He stated he has broken them down and fought with the beavers although he has never hunted or trapped them.

He stated when the development was put in the developer sat in front of the Planning Board week after week fighting to get the lots in. During those discussions he promised there would be an alleviation system just like that at Naticook Road to keep the water level at a prescribed elevation (within 2" above/below). The plan was approved, and within 2 days he sold 83 preapproved building lots to starter homes and washed his hands of everything. Mr. Buker stated he fought the Planning Board and the Board of Selectmen on the issue and informed them they destroyed all of the waterfront property. He spoke of the buffer zone he fought to have implemented. The desire was to clear cut down to the water. The developer got what he wanted, sold the property, and the pond and stream were destroyed.

Mr. Buker stated his belief two years ago the Public Works Department sent two employees to the pond and they ripped about 3' of the dam down, which destroyed the entire ecosystem of the pond. As an example, the fishing is no longer an activity that is fruitful. He reiterated after fighting with the Planning Board and the Board of Selectmen, neither of which would take responsibility, he came to the conclusion in order to get anywhere he would have to hire an attorney and sue the Town, which is something he was not willing to do.

He questioned whether a permit is required to tear the dam down. Mr. Jacobs stated local officials are exempt from the permit requirement. Mr. Buker questioned who is responsible to keep the situation under control when the developer had been charged with construction an alleviation system, which never took place. He suggested placement of a 12" perforated pipe 40' into the pond would eliminate the problem as no beaver will make a mud pile from the bottom of the pond 6-8' up to plug 100 holes going up. He suggested 4" pipe would be bound up within a matter of days. He stated a concern with control measures occurring on one end of the pond having an impact on the other end. It was noted the lower the water level goes the more the pond becomes a mud swamp infested with mosquitos. He stated his recommendation the dam be controlled.

He spoke again of the agreed upon touched measures the developer was supposed to address and noted there wasn't even follow up to ensure the removal of filter paper and hay bales, which are bordering his land and sitting rotting. He reiterated addressing one individual's concerns/property is affecting 12 others. When asked, Chairman Tenhave stated the Commissioner was looking to determine what is believed to be an appropriate water level. Mr. Buker stated that to have been agreed to during the Planning Board process. Chairman Tenhave noted the concrete structure Mr. Jacobs showed in his presentation has a base level, but that level would mean bringing the swamp down another 2'. Mr. Buker responded that is not the base level.

Chairman Tenhave remarked that is what it is now. Mr. Buker stated the water level was reported at the time, and agreement was reached the water level would remain steady. Chairman Tenhave stated, at present, the only thing controlling the water level is the current beaver dam. If that were to let go the water level would decrease significantly as it drained through that concrete structure, and the area would be left as mud. Mr. Buker stated the ecosystem is already gone and all that remains are turtles and frogs. He stated the fish have been wiped out because of inappropriate actions by the Public Works Department years ago.

Chairman Tenhave questioned whether the current water level is viewed as high or average. Mr. Buker stated his desire to see the water level increase 6-8" from where it is now. It was suggested the recent drop of approx. 20" was too great of a drop. He remarked, once drained, what is left is a smelly swamp with mud. He stated a desire to at least see the mud covered up. He remarked the mud is rotting debris from years of leaves, trees, etc. that have fallen in there. He reiterated his desire for the original agreement to maintain a certain level to be located and reviewed. He stated that to be the level the pond should be.

Ms. Thompson

Stated just last year grooves started to be made in the land as a result of the water level. This year she had one area that looked like its own pond. She approached the PWD and employees of the department conducted a site visit. She provided photographs of the area. She had wanted the employees to build the area up somehow, and was informed they could not. She questioned how she should proceed. She spoke of her concerns with regard to her property value. She remarked she had two contractors come to her home the prior year and questioned the construction of a retaining wall. She was told the wall would have to be 10' back from the water, which would not leave much land remaining on that side of the property. She spoke of the size of the burrow and noted residents at the other end of the pond do not want to bring the water level down because they are not being affected. She spoke of improvements she has made on her home and her concern the water issue will make it impossible to sell.

Chairman Tenhave questioned whether the water level has been increasing over the past few years. Ms. Thompson stated it has been rising for the past two years.

Mark Watkins, 8 Minuteman Avenue

Stated his belief the water level did not rise last year. He witnessed the level against his dock, which remained steady all season long. He noted the town dropped the water level at one point (6-8"); however, within 2-3 days the beavers dammed it and the level came back up. He stated when the level was reduced recently it resulted in

a terrible odor and an increase in the number of mosquitos. When asked what the change in elevation was, Mr. Watkins stated his belief it was reduced nearly 2'.

Mr. Jacobs stated the target had been 14" and they got down to 16" with the belief as the beaver build up around the beaver box it would raise the level. He stated the water level is currently about 6-10" higher than it was in 1998. He noted when the manmade dam was put in; the actual beaver dam crest was measured with a transit. That was done again to find out how much higher the level was and how much it should be reduced.

Mr. Pelissier

Remarked the manmade dam runs in the area where the large trunk line for the sewer was run. He stated the area is not a dam but rather a berm for the pipe. Mr. Jacobs noted the area is registered as a dam with the State. Mr. Pelissier stated the pond needs to get to a certain level and remain there. Several members of the audience stated their agreement.

Mr. Buker

Commented Boy Scout meetings used to be conducted at the pond so they could teach the kids about the issues around the pond. They have not been able to do that in 2-3 years.

Paul Mueller, 130 Baboosic Lake Road

Stated he has lived in Town since 2005 and has seen the pond dramatically rise and fall. He stated it to be seasonal; when the animals come in and when the Town addresses the water level. His concern relates to the fluctuation. He stated his desire to find a happy medium where the water level can be reduced enough to address the concerns expressed by Ms. Thompson and kept high enough for the other abutters. He suggested the possibility of reducing the water level exposing some mud and allowing time for it to dry out, and then maintain the level as best as possible.

Mr. Pelissier

Stated there to be a slight grade from the home at 17 Powderhouse to the pond. He suggested consideration be given to bringing the end of the property up, through the use of fill, re-loam it, and swale it to avoid backwash towards the structure.

He stated he has contacted the State regarding the pond, and was told they have no records of it and are not interested in it; it is a non-named pond that is privately owned. As far as the State is concerned whoever owns that pond can do whatever they want with it. He noted he had spoken with the New Hampshire Fish & Game a few years back, and they said there is nothing they can do.

Mr. Howe

Commented everyone knows Fish & Game is in the area a lot, they know where the Lake Road is, where Turkey Hill Road is and what cuts in there. He was told they have no jurisdiction over the pond.

Mr. Pelissier

Added Fish & Game have commented they have been trying to get the Town to put a beaver pipe in there for years as it would solve all of the problems. Water would come in off the top, it would be harder for the beavers to plug it, and easier to maintain it. He commented that is what has been done at Turkey Hill. Although it requires routine maintenance, the water level remains relatively steady.

Mr. Howe

Agreed the solution is to lift the frontage up at 17 Powderhouse. He stated a willingness to be the contractor to perform the work if the Town were to provide authorization.

Mr. Pelissier

Stated he has spoken with NHDES and been informed how to address the situation is up to the property owner. Mr. Howe stated he would supply the materials needed to raise the property, but would like to have agreement from the Town before commencing. He suggested it would not be costly.

Unidentified Female Speaker

Questioned whether that would be a viable option. Chairman Tenhave stated work within the wetland buffer zone requires permitting with NHDES. He remarked because the elevations on the opposite side of the road are about the same as on the property, any raising would have to come all the way around. The lot can be raised, with the proper permitting and expense of yards and yards of fill.

Mr. Buker

Remarked the property is unique in that when you come off the road the driveway dips slightly. The waterfront is the lowest around the whole pond. Once you come on the back side of that road everything is buffered. He suggested there would be no need to build up around the road unless the intention was to incorporate a viable boat launch.

Chairman Tenhave stated he is unsure if NHDES would approve a permit to raise the level of the land next to the pond. He touched upon the need to determine who would be financially responsible for lifting the property. Mr. Howe reiterated he would supply the material (rock). Chairman Tenhave noted the permit would have to be initiated by the property owner as that is where the work would take place. Mr. Buker noted there is a good deal of time and expense involved in gaining a permit. Chairman Tenhave agreed and remarked there is an approval process, fees that go along with the permitting, and engineering work that would have to occur.

Mr. Howe

Stated NHDES is willing to work with you as long as you are abiding by State law. He stated increasing the frontage would not affect any abutters.

Chairman Tenhave commented if Ms. Thompson would allow Mr. Howe to speak with NHDES on her behalf, he could explore that possibility. Ms. Thompson stated she would be happy to. Chairman Tenhave reiterated the Commission cannot initiate that type of action as it would occur on private property. He remarked what the Commission can do is try to control the water level. He reiterated the need to determine what an appropriate water level is.

Mr. Jacobs remarked the current water level could be reviewed again to determine how much higher it is at present than the level in 1998 when the sewer trunk was put in and the water became a dam in the eyes of the State Dam Bureau. He suggested the Commission talk to the Dam Bureau if the intent is to leave the water level higher than it was in 1998. He commented there may have been assumptions about the water level used in the engineering analysis when the trunk and two overflow structures were put in place. He remarked you don't want a beaver pond to have 10' of water behind it and let go as it would take take out the dam and Turkey Hill. The State visits the site at least annually, e.g., will come down before floods and ensure outlets are clear in case things let go. The State is pretty familiar with the site, but he does not believe they have been asked about certain heights of water and what is acceptable or not.

Richard Perrine, 4 Minuteman Avenue

Stated he has lived in his home for 25 years and has been in and out of the pond. He stated his belief it is very unlikely the 1998 levels were considerably lower than where they are now. He commented when the dam was being built and the sewer pipe was laid across, they more or less ripped the beaver dam open and may have dropped the water for a short period of time. He stated a concern with that period of time, when the water was lowered, being looked at as an established water level. He sympathizes with Ms. Thompson and would like to see something done to assist her, but he does not believe the current water level is significantly higher than it has been in any period of time. He spoke of the periods when the water level is drastically reduced and slowly increases and suggested it is these fluctuations that have caused the damage to the pond. He stated his belief

the Commission should look at establishing a stable level and that the Public Works Department does not rip holes in the dam and drop it 2.5' and create a big mess.

Mr. Jacobs stated the department is interested in the proper level being defined after which it can be maintained. He noted the Town has one elevation on file, which is what they are using as a basis.

Mr. Pelissier

Suggested the water levels from 1998 should not dictate how the pond is addressed in 2013. He reiterated the need to identify a water level that is acceptable at this time.

Chairman Tenhave declared the Public Hearing closed at 8:07 p.m.

Chairman Tenhave informed the viewing audience the Commission would conduct its review of the matter; however, he was not sure a conclusion would be reached. When asked, he stated his intent to provide a written update to all individuals who had received notification of the Public Hearing.

Commissioner Currier stated his opinion a retention wall would have addressed the concerns stated by all. Commissioner Perry agreed the property at 17 Powderhouse Road is at the lowest elevation. He noted if a quasi-permeable barrier were constructed it would retain water coming from the other direction. Mr. Jacobs stated the street flow could be diverted to the other side. He noted shots of the lawn could be taken; however, stated his assumption the fixed point, foundation line, to keep water away from the lawn would be more of a dam around her property, which could cause a bowl effect with the road forming one side and the back of her house forming the other.

Commissioner Currier questioned who would be responsible for the cost. Chairman Tenhave stated Town policy is not to do improvements on private property. Commissioner Currier spoke of the 25' buffer. Chairman Tenhave spoke of the permitting process that is required during which the applicant will have to convince NHDES the proposed action is the right approach and that there is no alternative. As the property is private, it would be the responsibility of the landowner to apply for a permit.

Mr. Jacobs remarked the Dam Bureau may govern the pond, and they may deny a request based on what the water level should be for the safety of the dam, which was engineered for certain impound on the water behind it. Commissioner Perry suggested that would be the place to start as they may identify the maximum water level. He remarked he found it surprising so many individuals talked about massive fluctuations when Ms. Thompson stated the problem began last year. Commissioner Perry spoke of the construction of Jessica Drive and remarked there could be verbiage in the permitting process that states what the water level should be.

Chairman Tenhave suggested, at this time, the Commission can set the level at whatever is believed to be appropriate. He suggested once input from the Dam Bureau is received and the level of safety is known, the Commission establish the appropriate level after which the appropriate control mechanism to maintain that level can be determined.

When asked, Mr. Jacobs stated the crest of the dam is higher than the beaver dam, the secondary overflow from the manmade dam is just about the same elevation, perhaps slightly lower, and the primary overflow is quite a bit lower than the beaver dam. He remarked there is an impoundment of water above the manmade structures. He stated plans were reviewed that referenced the elevation at the invert of the secondary overflow (concrete) and an elevation of the water behind the beaver dam at that point.

Commissioner Perry remarked if two years ago the level was only a few inches higher than it was in 1998, how is it all of a sudden all of this extra water is encroaching on the property. Chairman Tenhave remarked if the Commission were to establish the level being the manmade dam the entire area would come down another 18" - 2'. Abutters would have more lawn or area of muck until it dries up. Mr. Jacobs remarked if a true beaver box were put in (full length) you could expect it to be about 3-4 weeks before maintenance were required. Commissioner Perry suggested the possibility of tubes, but noted that would require lowering of the water level for installation.

Chairman Tenhave reiterated the need to first establish the maximum level, and then look to identify a means of maintaining a specific level. Commissioner Perry commented if the remarks made about the lack of food for the

beavers are accurate, beaver activity will cease and the dam, being unattended, will eventually let go. Commissioner Currier stated once the correct level is established it will be the Town's responsibility to maintain it. Commissioner Perry suggested the current water level be maintained until the Commission can come to a resolution.

Commissioner Currier questioned whether all were in agreement the issue at 17 Powderhouse Road should be corrected albeit at the property owner's expense, and that the Commission will provide a favorable recommendation to the Wetlands Bureau in support of either a retention wall or fill. Commissioner Perry stated he is in favor of the property owner being able to maximize the size of the back yard, which is not large. If a retention wall were to be erected beyond the 25' buffer, the size of the yard would be reduced tremendously. Therefore, he is in favor of allowing for something at the water's edge that would provide for a more usable yard. Chairman Tenhave reiterated the need for an application to go through the NHDES process during which NHDES would determine if the action is appropriate.

Commissioner Perry remarked there are 17-18 abutters to the pond and a variance that would allow the property owner at 17 Powderhouse Road to construct a structure at the water's edge could resolve the issue for all parties. Vice Chairman Caron stated his agreement. Commissioner Perry noted there would be an expense; however, the fortunate aspect is Mr. Howe has stated a willingness to assist in providing material at no cost. Vice Chairman Caron remarked it seemed as though all abutters were in agreement to work together to keep the water at a consistent level and do what they could to assist Ms. Thompson.

Chairman Tenhave requested Mr. Jacobs seek input from the Dam Bureau. The item will be placed on a future agenda for the Commission to identify an appropriate water level and control measures. Mr. Jacobs questioned whether the Commission wished for him to conduct a review of Planning Board meeting minutes to address the issue raised by Mr. Buker. Chairman Tenhave stated his opinion, at this point in time, that information would not be useful. He stated the need for the Commission to look at the situation as it currently exists and determine an appropriate water level.

Mr. Jacobs stated there are a series of culverts; one under Naticook and one under Continental Boulevard, which the State has to maintain and are occasionally impacted. There is a very active beaver at the Naticook culvert, under the road. That water backs up and there is another sewer line chunk that runs through the middle of the wetland area and heads up behind 10 Joey Road. There is a large Town parcel and a few privately owned parcels. As the land goes back there is a series of small beaver dams. The focus has been the public impact at the culvert on Naticook Road, but residents on Joey Road, one in particular, has his backyard under water, which is not improved even when the blockages are removed from the culvert. From that backyard Mr. Jacobs started walking into the mush and could see a few small mud pack type dams about 6" high each, a series of steps down. Once you get back in there the brush is so thick it is difficult to determine where property corners are.

Mr. Jacobs suggested trapping could be a solution given there is no pond or lake to preserve. He noted trappings could buy some time. Commissioner Perry asked if the dam, etc. could be disassembled once trapping has taken place. Mr. Jacobs stated his understanding dams can be removed whether beaver are present or not, but lodges are always off limits.

Chairman Tenhave stated there is a significant chance the dam itself is not on Town property, and in fact there could be multiple dams. Mr. Jacobs reiterated the area is thick and marshy, and without significant disturbance he is not sure how it could be maintained. He stated there would be the need to get into the area at least once to break down the dam to trap and then be mindful to see how long it takes for them to move back into the area. They might migrate under Continental Boulevard and dam on the other side of Continental so the pups might swim upstream and set up shop once the area is cleared of adult beavers. Chairman Tenhave stated the Commission would be kept updated.

When asked Mr. Jacobs stated his belief the sewer trunk that runs up through the dual channel area serves Joey Road. When asked how the Town went about acquiring that U shaped piece of property, Mr. Jacobs remarked, typically when an area is developed the undevelopable parcel will be turned over to the Town.

STATUTORY/ADVISORY BUSINESS – None

OLD BUSINESS

1. Commission Finances – Vision, Plan

Commission to continue this discussion.

Vision statements to be confirmed and a discussion on specific plans and timelines to begin.

There being no objection, the item was tabled until the Commission's next meeting.

NEW BUSINESS

1. Potential Land Donation

Commission to have preliminary discussion on a potential 10+ acre land donation.

Commission to review the property location, potential terms of donation, etc.

Chairman Tenhave spoke of a parcel located across the street from where Naticook dumps onto Continental Boulevard. The parcel is approximately 10 acres in size; 9 of which are nearly wet all the time. Assessing has placed a \$1,200 value on the parcel. He explained parcels were broken up when the State extended Continental Boulevard. The property was offered to Pennichuck Water Works; however, the offer was declined. Chairman Tenhave stated he was approached via e-mail. He has spoken with the property owner who is looking to find an organization that will leave the property open. There are no restrictions and the current owner is not looking to place special restrictions on the property. With its connection to the Pennichuck Water system it is a vital wetland and wet area that feeds the water supply. The property owner is hopeful the Commission will cover expenses, e.g., Purchase & Sales Agreement, title search, etc.

Chairman Tenhave questioned the will of the Commission with regard to forward movement towards beginning negotiating a Purchase & Sales Agreement. He stated the need for a Public Hearing to be conducted regarding expenditure of funds to acquire the donation, should the Commission wish to move forward. He noted the Town Council would eventually conduct a Public Hearing and be asked to accept the donation.

When asked, Chairman Tenhave stated his belief the Commission would be expected to provide a valid value for the property so the property owner could take a tax deduction. When asked about the \$1,200 value, Chairman Tenhave stated properties in this condition (wet) need to be looked at closely as it is not likely to be developed. He stated his belief it would not change much from the \$1,200 figure. He remarked the parcel is wet right up to the road. Commissioner Perry stated his support of acceptance of the donation.

**MOTION BY COMMISSIONER PERRY TO AUTHORIZE THE CHAIRMAN TO NEGOTIATE A PURCHASE & SALES AGREEMENT FOR THE LAND DONATION
MOTION SECONDED BY COMMISSIONER THOMSON**

ON THE QUESTION

Chairman Tenhave stated his intent to offer to cover expenses associated with the donation. Vice Chairman Caron stated a concern the cost is not known, and suggested the motion be amended to include a not to exceed amount. Chairman Tenhave noted the only expense associated with the current motion would be the cost of legal counsel preparing the Purchase & Sales Agreement.

AMENDED MOTION BY COMMISSIONER PERRY TO AUTHORIZE THE CHAIRMAN TO PROCEED WITH A PURCHASE & SALES AGREEMENT FOR THE PARCEL AND EXPEND AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) TO COVER ASSOCIATED COSTS

MOTION SECONDED BY COMMISSIONER THOMSON

MOTION CARRIED

5/0/0

OTHER BUSINESS

Roshan Tadi Eagle Scout Project

Vice Chairman Caron volunteered to present a certificate of recognition to Roshan Tadi at the Eagle Scout Court of Honor Ceremony. Chairman Tenhave informed the Commission an invitation has been extended to all members to attend the dinner being held on June 8th.

Notice of Souhegan River Study

Commissioner Perry questioned who conducts the sampling. He noted a Biology teacher at the high school is conducting some water sampling as a lesson and would like to know whether the results they are achieving are close to what others have achieved as a means of understanding whether they are conducting the tests accurately. Commissioner Currier suggested he contact Karen Mattor.

Chairman Tenhave noted NHDES will be conducting an open meeting later this month. He would like a member of the Commission to attend and report back to the Commission.

There being no objection, the remaining items under New Business and the acceptance of meeting minutes were tabled until the Commission's next meeting.

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Thomson informed the Commission the Wildcat Falls Conservation Area Sub-Committee met the prior week. The sub-committee also met several weeks earlier along with Chairman Tenhave to conduct a site walk. A monthly meeting schedule has been established. Every other month the sub-committee will meet on the property. An action item that came about at the last meeting was to request Vice Chairman Caron attend the June 10th meeting, which will take place at Wildcat Falls and will include a site walk and trail discussion.

Chairman Tenhave stated the need for trail maintenance to occur in the area. He remarked, since the forestry work, some of the trails have gone into a state of disrepair. He commented someone has gone out and started blazing trails that do not follow town standards. The hope is assistance can be provided with regard to appropriate blazing. Chairman Tenhave informed Vice Chairman Caron the sub-committee is considering construction of a bridge and would like his input as to possible location, etc. He explained most users of the property tend to enter and head to the left towards Wildcat Falls; however, there is highland on the right and the trails that go up into that don't loop/come back to the main trail. The desire is to create a loop. Being considered is an area where there is a seasonal stream.

Chairman Tenhave informed the Commission Public Works personnel have taken down the three trees that were marked at the Wildcat Falls parking lot; one dead Pine, one live Pine that was leaning into the parking lot, and an Oak tree that had come apart in the ice storm. They had stated if they did not have someone readily available to take the lots they would stack them on the side. Vice Chairman Caron noted the tree that was hanging over the Beebe Lane cul-de-sac has also been taken down.

Commissioner Tenhave reminded members of the Commission and viewing audience of the Public Hearing on the Stewardship Plan for Grater Woods, which will be conducted by the Town Council on June 13th.

ADJOURNMENT

**MOTION BY COMMISSIONER PERRY TO ADJOURN
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
5/0/0**

The May 20, 2013 meeting of the Merrimack Conservation Commission was adjourned at 9:16 p.m.

Submitted by Dawn MacMillan