

# MERRIMACK CONSERVATION COMMISSION

JUNE 17, 2013

## MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, June 17, 2013 at 6:30 p.m. at the Merrimack Memorial Conference Room.

Vice Chairman Matt Caron presided:

Members of the Commission Present: Ron Davies  
Thomas Lehman  
Gage Perry  
Simon Thomson  
Eber Currier, Alternate

Members of the Commission Absent: Tim Tenhave, Chairman  
Robert Croatti, Alternate Member  
Councilor Thomas Mahon

Also in Attendance: Gregory E. Michael, Esq., Bernstein Shur  
Danielle Ahern, Sr. Civil Eng., AMEC Environment & Infrastructure, Inc.

---

## APPOINTMENTS

### **1. Reception for Eber Currier**

Commission to recognize Eber Currier for his many years of service to the Merrimack Conservation Commission. This is an informal reception with light snacks and a moment to share some of our thoughts on his accomplishments as a Commissioner and volunteer to the Town.

Chairman Caron expressed the Commission's gratitude to Commissioner Currier for his many years of service to the Commission and the Town of Merrimack. He noted Commissioner Currier was first appointed to the Commission on September 21, 1989. During his tenure he has served in the capacity of Commissioner, Vice Chairman, and during several periods, filled in for the position of Chairman.

Commissioner Currier has been a part of all land acquisitions for Grater Woods and the Horse Hill Nature Preserve, and was present and provided a great deal of input during the time the Commission brought into existence Chapter 111 of the Town Code. Commissioner Currier was instrumental in linking the Conservation Commission with the Agricultural Commission.

Commissioner Currier turned over materials he had in his possession such as signage, wood duck boxes, and a map outlining the locations where wood duck boxes have been placed. He stated he would be available to the Commission and would continue to provide his facility for storage and/or events. He noted earlier in the evening he was sworn in for another term on the Agricultural Commission.

## PUBLIC COMMENT

Gregory E. Michael, Esq. remarked he has been attending meetings of the Commission for many years, and has always found it a pleasure to work with Commissioner Currier. He commented when addressing issues before the Commission the best interest of the Town has always occupied a significant part of Commissioner Currier's thought process all the while being fair to the applicants. He thanked him for his years of service.

## STATUTORY/ADVISORY BUSINESS

### **1. Brighter Horizons Environmental Corp. (Applicant) and James Longa & Son, Inc.**

and James E. Longa Revocable Trust (owners)

Review for an application proposing partial reclamation of a sand and gravel pit located at 17 Twin Bridge Road in the I-1(Industrial) & Aquifer Conservation Districts. Tax Map 5D-1, Lot 010 and Tax Map 5D-4, Lot 074-1.

Attorney Michael noted at the Commission's February 4, 2013 meeting he went over, in detail, the plan to restore part of the Longa property, a requirement under RSA 155-E. The site is that of a gravel pit which has been operated for well over 50 years. The Applicant wishes to restore the site so that it can be used for any purpose. Therefore, no soil would be placed on site that would require activity and use restrictions by the State of New Hampshire. Brighter Horizons has clean fill, and is seeking a location to move it to.

When last before the Commission a number of items were discussed and concerns expressed about input from the State, e.g., what permitting might be required, etc. Mr. Ridge Mauck, Alteration of Terrain Bureau, New Hampshire Department of Environmental Services (NHDES), was contacted and has stated an Alteration of Terrain (AoT) Permit will not be required. The application was before the Planning Board on February 19, 2013 at which time some of the same concerns expressed by the Commission were raised and addressed. The June 14<sup>th</sup> letter written by Nancy Larson, Planning & Zoning Administrator, speaks to those issues. The letter references a Shoreland Permit by Notification, which the Applicant agrees with, a review by the Lower Merrimack River Local Advisory Committee (LMRLAC), which has been completed, and a few certificates and pollutant discharge permits, etc., which the Applicant plans on obtaining.

The Applicant will be required to work with the State regarding soils and certain testing procedures that are required to ensure the soils are appropriate. Attorney Michael commented this type of activity is not like constructing a building, it is more of an ongoing project. It will reach completion, but will likely take 2.5 - 3 years. In response to the Planning Board's desire to understand, from an operational standpoint, how the project would work, the consultants, AMEC Environment & Infrastructure, Inc., were charged with creating a very detailed operations plan. Some of the many aspects the plan addresses are stormwater management and stabilization as well as a fill sequencing plan to ensure appropriate drainage and stormwater containment are maintained onsite. No abutting properties will be impacted.

Attorney Michael noted the Longa family owns a fairly significant area of property. He provided members of the Commission with a map (copy attached) denoting the property. The area in question is highlighted in yellow, is within the Shoreland Protection Zone, and is approximately 8-10 acres in size. The intent is for site restoration for future use(s), which is not yet known.

Attorney Michael stated since meeting with the LMRLAC they have done their best to obtain information from the State and others such as the sewer department in Merrimack, and have developed a plan they believe keeps the best interests of the Town at the forefront. He commented the letter provided by Ms. Larson (copy attached) is well written and includes a detailed explanation of the project. He remarked she has done a very good job of going through the information provided by the Applicant, and he does not believe the Applicant will have any problems with the suggestions for site stabilization and the remaining recommendations included in the letter.

Chairman Caron questioned whether fill would be tracked to the level of creating a grid map of where each truck load of fill is placed. Ms. Ahern informed the Commission there is a 100 x 100' grid laid out over the site. The grid is numbered 1-9 and A-I. The grids will be tracked in that fashion. The Operations Plan will include a soil tracking certificate, which will be marked where soil is placed based on the grid. Based on what type of fill it is classified at, it will be sampled at a particular frequency as identified in the Operations Plan. When asked if soil would be sampled prior to or after being brought on site, Ms. Ahern stated soil is sampled prior to being brought on site and then the soil brought onsite is sampled at a certain frequency based on classification.

When asked, Attorney Michael stated no runoff would leave the site. The plan is to work the site in a manner that ensures drainage remains onsite. He noted some decisions would be made onsite/real time, but it is believed the plan, as outlined in the report AMEC has prepared, works and should prevent any significant issues.

Commissioner Perry questioned whether the western part of the property continues to be used for gravel, and was informed it is. Attorney Michael stated there to be a gravel area that can be used on a limited basis. He reiterated although a grandfathered site, reclamation is required under RSA 155-E. The project is the first step in what will be a further multi-year plan to reclaim as needed. When asked, Attorney Michael stated there to be a strong likelihood as the project proceeds it may speed up significantly by a further development plan, which may or may not modify what is being done onsite, e.g., if there are foundations being put in place the fill being looked at might not be needed, etc. There is the possibility there will be some type of a plan brought forward to use a portion of the site or a phased development plan of some sort.

Commissioner Currier questioned how the Town would be kept informed of soil testing being performed. Attorney Michael stated there to be required facility reclamation plan updates. Those updates will include information regarding soils brought on site, e.g., soil acceptance standards. Commissioner Currier questioned who would be provided with that information. Attorney Michael responded it would be provided to whomever the Applicant is instructed to provide it to. Commissioner Currier stated a desire to know which Town employee would be designated to receive the information so that there is accountability. Attorney Michael stated he would be asking the question of who should be provided the information for his own purposes; however, at present is unsure. Ms. Ahern stated the Plan does call for data related to soil and acceptance criteria to be to the Town and NHDES.

#### OLD BUSINESS

##### **1. Beaver Activity at 3 Locations**

Commission to once again review beaver activity at 3 locations. These locations include: the pond near Powderhouse Road, activity near Town land by Joey and Naticook Roads, and activity on and near Mitchel Woods and Madison Lane.

Commissioner Perry noted the Request for Quote (RFQ) was sent out for a consultant to address beaver activity. One response was received. When asked how many the RFP was forwarded to, Commissioner Perry stated he was unsure of the exact total; however, he is of the belief it was sent out to at least four. It was noted there was a one-week turnaround time, which may have contributed to the level of response. Commissioner Perry remarked the RFP was intended as an information gathering exercise and does not prohibit the Commission from continuing to seek additional quotes. Commissioner Lehman has contacted a local company and information has been forwarded to the Forester as well to ensure he has the opportunity to respond.

In the interim Adam Jacobs, Operations Manager, Public Works Department (PWD), is working a maintenance plan in some of the heavy activity areas in an attempt to keep the beaver at bay. Commissioner Lehman questioned whether Commissioner Perry wished to visit one of the areas with a representative of the local company to gain another opinion. Commissioner Perry stated a desire to first speak with Mr. Jacobs. Commissioner Lehman stated the gentleman he spoke with stated the need to relocate the beaver prior to the August timeframe to provide adequate time for adaptation. He also stated his preference to put in beaver pipes. The cost of pipes is \$690/first and \$450 for each additional 12" perforated pipe. With regard to relocation, a trap would be set for \$300. A video of each trap is set up to identify what is springing them should they wind up empty. The cost for each beaver caught is \$99. Commissioner Perry suggested piping may be beneficial in some areas such as the Meadowbrook pond area; however, he does not believe it would be beneficial in the area behind Madison Lane. He spoke of witnessing 6 different build locations where beavers are taking down good sized trees and dropping them into the stream.

Chairman Caron questioned PWD's level of success at Meadowbrook. Commissioner Perry stated he was in the area earlier in the day and witnessed the water level at the top of the dam. The beaver box currently in place is not flowing at all. He remarked Mr. Jacobs' long-term plan was to place a larger beaver box in the area. He informed the Commission he has spoken with the property owner at the end of Powderhouse Road and been informed a plan has not yet been put in place to address the issue at that residence.

##### **2. Commission Finances – Vision, Plan...**

Commission to continue this discussion. Specific plans and timelines to continue.

Chairman Caron commented the Commission has discussed some of the larger items and has formed a few subcommittees. He and Commissioner Lehman are on the Land Acquisition Subcommittee and will be generating a matrix criteria of properties believed to have desired attributes. When asked how other Commissioners should go about making recommendations, Chairman Caron suggested information could be forwarded via e-mail.

Chairman Caron stated the desire to assist subcommittees in their efforts around trails, signage, kiosks, etc. He suggested the creation of a form and process that could be utilized by subcommittees in requesting financial assistance from the Commission. He commented the Wildcat Falls Subcommittee is prepared for forward movement, and is questioning the process. He suggested the the Grater Woods subcommittee would be looking for the same when it comes on line as there are infrastructure projects that need to be completed.

Commissioner Perry commented when the Friends of Grater Woods was started it was an entity of its own and did not work under the guidance of the Commission. The group had its own funding, e.g., grant funds, fundraising revenue, etc. He suggested the subcommittees could operate in that fashion. Chairman Caron noted the Horse Hill Nature Preserve Subcommittee has its own source of funding as well; however Wildcat Falls does not. He stated both the Wildcat Falls and the Horse Hill Nature Preserve Subcommittees are waiting to perform projects; volunteers are ready, however, funding is not in place.

When asked if there is a plan in place for Wildcat Falls, Commissioner Thomson stated there is not. He remarked the thought process at this early stage, with three active members, is to have a few small projects moving forward. Commissioner Perry suggested a project plan first be in place. Commissioner Thomson stated his belief the goals for Wildcat Falls are to come up with a uniformed set of trails and a map that can be placed in a kiosk as well as extension of the looped trail so that a trail exists in the portion of property that never really gets explored.

When asked, Chairman Caron stated he has drafted and forwarded to Chairman Tenhave a form for requesting funds, which includes areas for information to be provided on the proposed project, e.g., contact information, total cost, quotes received, etc. Commissioner Perry agreed that would be a good starting point for a project plan.

Chairman Caron noted some have taken it upon themselves to mark trails in Wildcat Falls. Although likely done with good intent, such activity needs to take place in conjunction with the Commission.

Chairman Caron stated he would bring to the Commission's next meeting a completed draft of the proposed form. It was suggested the form be forwarded to the members of the Commission via e-mail so that comments/suggestions could be provided in advance of the form being finalized. It was noted careful attention is required to be paid to ensure the members of the Commission do not participate in back and forth dialogue in the process as such communication(s) would become subject to the Right-to-Know Law. Commissioner Thomson suggested another approach could be to bring forward any recommendations at the next meeting.

#### NEW BUSINESS - None

#### OTHER BUSINESS

- Grater Woods Stewardship Plan, Process Update

It was noted Chairman Tenhave spoke at the Public Hearing conducted by the Town Council. He provided a brief background of the work that has gone into the creation of the Stewardship Plan (Plan) by the Grater Woods Subcommittee as well as the Commission. Public Comment was received from several individuals including Mr. Roger Blais of the Right Riders ATV Club who spoke regarding several aspects of the Plan and Ms. Diane Link who expressed concern over gunfire occurring in the area; although believed to be occurring on the Conservancy property not within Grater Woods. Chairman Caron added the issues raised by Mr. Blais were similar to those he brought forward at the previous meeting. Commissioner Perry noted the Council had not received any written input from the public.

At its June 28<sup>th</sup> meeting, the Council will discuss any changes. In the absence of any changes, the assumption would be the Plan would be formally accepted. Commissioner Lehman noted the Council is aware of the urgency to complete the process.

- Gate Replacement at Mitchell Woods and Recent Signs of Use on the Property

Commissioner Perry stated he was unable to visit the site over the past weekend. The gate is in bad shape and has been for some time. Prior to an entire row of trees being removed, it was not visible by the abutter. It is likely being bypassed as there is access around one side. Mr. Jacobs is acquiring a quote for replacement. Chairman Caron questioned the type of traffic in the area. When asked Commissioner Perry stated the gate is likely being bypassed by motorbikes or bicycles as there is insufficient clearance for ATVs, jeeps, etc. The area is heavily wooded and the access road continues into private property. There is really no area to travel to. There is a sandpit area likely an acre in size. Commissioner Perry reiterated there is not much on the property and it consists of a great deal of swamp. Chairman Caron suggested the Commission conduct a site walk after the gate is replaced, and suggested there may be the need to install signage.

Commissioner Currier stated a continued desire to see handicapped access for trails addressed. Chairman Caron suggested he and Commissioner Lehman could give consideration to that when looking at land acquisition, e.g., if there is a parcel of land that is appropriate for parking for Grater Woods, it should be considered for purchase and/or easement.

Commissioner Lehman questioned whether the road accessing Grater Woods is wide enough to accommodate parking on the side while leaving enough area for passage. Chairman Caron stated it is not. A discussion took place about the possibility of a parking lot, and it was determined there is simply no place for it. Commissioner Perry commented it is a great access point that leads to a trail and that is it. Chairman Caron stated his agreement parking is needed, and that the area simply did not turn out to be a good location for it. He reiterated when he and Commissioner Lehman are looking for land, that will be high on the priority list.

Chairman Caron informed the Commission the Amherst Conservation Commission has constructed a parking lot (Grater Road) and a trail system on the 35 acre parcel they recently purchased.

#### PRESENTATION OF THE MINUTES

***There being no objection, acceptance of meeting minutes was tabled.***

Merrimack Conservation Commission. . . . . May 20, 2013  
Merrimack Conservation Commission. . . . . June 3, 2013

PUBLIC COMMENT - None

#### COMMISSIONER COMMENTS

Commissioner Currier thanked his colleagues for the celebration of his time on the Commission. He stated it to have been a pleasure working on the Conservation Commission over the years. He spoke of the amount of work accomplished and noted Merrimack is one of few towns with such a great amount of open space.

Commissioner Thomson informed the Commission the Wildcat Falls Subcommittee met the prior Friday. The subcommittee was accompanied on its site walk by Commissioner Caron as well as a member of the public. During that time a lot of good ideas were shared.

Commissioner Lehman spoke of an article that appeared in the Outside Magazine regarding ticks that carry Lyme Disease. The article stated mice and other small animals such as birds, rabbits, etc. are hosts of the pathogen. The article also stated "opossums are disastrous for black-legged ticks. Their immune systems kill off the pathogens that carry Lyme far more effectively than other species' do, and they carefully groom their skin and devour any ticks they come across. A single opossum may kill 5,000 ticks every week."

Commissioners took a few moments to again recognize and thank Commissioner Currier for his years of service on the Commission and to the community.

#### ADJOURNMENT

**MOTION BY COMMISSIONER THOMSON TO ADJOURN  
MOTION SECONDED BY COMMISSIONER PERRY  
MOTION CARRIED  
7/0/0**

*The June 17, 2013 meeting of the Merrimack Conservation Commission was adjourned at 7:56 p.m.*

Submitted by Dawn MacMillan





#### Location of Study Area



#### Conceptual Site Plan Soil Reuse and Partial Reclamation Longa Sand and Gravel Pit

17 Twin Bridge Road  
Merrimack, New Hampshire

#### Notes & Sources

The locations of the former disposal area, current gravel operations and proposed reclamation area are estimated based on historical reports and information provided by the property owner.

#### Legend

- Active Gravel Operations (approx.)
- Proposed Reclamation Area (approx.)
- Former Disposal Area (approx.)
- Road
- Parcel Boundary
- Contour 2ft (10 ft interval colored white)
- Town Boundary
- State Wetland
- National Wetland Inventory (NWI)

0 150 300 Feet

