

# MERRIMACK CONSERVATION COMMISSION

APRIL 1, 2013

## MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, April 1, 2013 at 6:34 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman  
Ron Davies  
Thomas Lehman  
Gage Perry  
Simon Thomson  
Eber Currier, Alternate  
Councilor Thomas Mahon

Members of the Commission Absent: Robert Croatti, Alternate

Also in Attendance: Ben Debello, Keach-Nordstrom Associates, Inc.

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PUBLIC COMMENT - None

### STATUTORY/ADVISORY BUSINESS

#### **1. College Bound Movers (applicant) and DW Development & Land Services, LLC (owner)**

Commission to review a site plan application for a proposed commercial moving facility at 723 & 725 Daniel Webster Highway, Tax Map 7E, Lots 048-1 and 048-2 which lie within the Aquifer Conservation District.

Mr. Ben Debello, Keach-Nordstrom Associates, Inc., informed the Commission the project is that of the relocation of the College Bound Movers facility to 723 & 725 D.W. Highway. The existing building will be utilized for office space. Being proposed is some remodeling of the inside of the building, repaving of the existing parking lots, and the addition of a large paved parking lot to the South of the structure for storage; moving trucks/containers. The company performs a MI-BOX storage pod service. Empty containers are delivered to customers (typically 8' x 16') and the customer loads his/her personal belongings into the box, which is then retrieved and stored onsite.

Extensive landscape buffering is proposed to accommodate the surrounding properties; to the east, the Society Hill Condominiums, to the south, Bernards Road (a private emergency access road), and to the north and across the D.W. Highway, commercial land.

Stormwater will be addressed through underground storage; StormTech system (70 chamber). A significant reduction in stormwater flow is anticipated. Stormwater will be routed through the four (4) catch basins into the underground storage and outlet into one of the catch basins on the northeast corner of the parking lot, which will flow down through Society Hill and eventually out to the river.

Proposed landscaping includes street trees added along the frontage, a dense buffer on the south side towards Bernards Road, a 6' stockade fence on the east side, and 96 Evergreens as well as other plantings. When asked, he stated most plantings would be native. When asked about onsite irrigation, Mr. Debello stated it would be included (irrigation package along south side). There will be security lighting installed; LEDs on timers for staged dimming in the evening hours.

Commissioner Perry questioned the amount of additional pavement. Mr. Debello stated pavement exists to the north side of the building as well as the southwest corner. The remainder is currently broken gravel. Commissioner Perry noted there would be a significant increase of impervious area. Chairman Tenhave questioned whether stormwater currently collects and heads towards Society Hill, and was informed almost everything flows down the grass hill towards Society Hill. The existing catch basin collected the current paved area. It was noted the larger water storage area is necessary to provide reductions and treatment associated with the larger area of pavement.

It was noted the general public is not permitted access to the facility other than the office building. If the need exists to access a container an appointment is required and an escort provided. Individual units are padlocked and the facility will be gated. The units will not be stacked (up), and visibility will likely only be from D.W. Highway.

Snow storage will be to the south of the facility (buffer pushed back an additional 20'). Excess would be removed from property. When asked about the level of truck traffic, Mr. DeBello stated he has visited the facility in Amherst and witnessed a few trucks a day entering/exiting the site (less than 6).

Commissioner Lehman questioned whether Society Hill has deicing restrictions, and was informed that will be an issue for the Planning Board to address. Commissioner Perry suggested, with the type of activity (storage) taking place and the limited amount of traffic, it is not likely a great deal of salt would be utilized onsite. Mr. DeBello stated sand would be used and noted the site will be relatively flat.

There will be no direct access from/to D.W. Highway. All traffic will enter/exit through Brunswick Road. Commissioner Lehman suggested any restrictions placed upon the Society Hill property with regard to deicing materials, etc. also be placed upon this property given drainage will be through that site's network. Mr. DeBello noted it would all be filtered and most infiltrated. When asked, he explained the system could handle up to a 25-year storm event. Anything above that will enter through the containment chambers, infiltration will occur, and reduced low flows would exit to the catch basin.

***It was the consensus of the Commission to forward along to the Planning Board a recommendation the project adhere to any restrictions currently placed on the Society Hill property with regard to de-icing compounds and state a preference for the use of sand.***

- 2. XLT Inc . (applicant) and Sam A. Tamposi, Harold Watson, Benjamin M. Bosowski, Jeffery and Jessica Clegg (owners)**  
Commission to review a site plan application for a proposed warehouse facility at Mast Road, Tax Map 2D Lot 021 which lies within the Aquifer Conservation District.

*As the Applicant was not in attendance to present, Chairman Tenhave noted the item would be placed on a future agenda.*

*A brief discussion ensued with regard to Commissioners being provided complete packets electronically while paper copies of materials being presented were limited. Commissioner Currier requested he be provided with a complete packet in paper form.*

#### OLD BUSINESS

- 1. Grater Woods Stewardship Plan – Open Discussion with the Public for final Input on the Plan**  
Commission to have a discussion with the Public on the final draft of the plan before sending it to the Town Council.

Chairman Tenhave noted the agenda provided the opportunity for input from the public; however, no one from the public was in attendance. He informed the Commission he has not received any input electronically, and questioned whether other members may have. Vice Chairman Caron stated a few individuals have expressed excitement and willingness to provide assistance with some of the projects including a few potential Eagle Scout projects.

Chairman Tenhave commented part of the Plan speaks to a parcel of land that, by Town vote, was declared a town forest. As part of that declaration a fund was to be established for maintenance, etc. Paul Micali, Finance Director, has stated there are no monies allocated to such a fund, and, to date, he has been unable to identify the establishment of such a fund.

***The following additional amendments to the Grater Woods Stewardship Plan (Plan) were agreed upon by the Commission:***

Chairman Tenhave noted as there is no State definition for ORV, RSA 259:60 was used. Commissioner Perry added the State lumps everything under the definition of OHRV in classes.

Page 17, 6<sup>th</sup> paragraph, 3<sup>rd</sup> sentence; add the words "and the prior Grater Woods Subcommittee" to the end of the sentence.

Page 2; add the words "The Merrimack Conservation Commission and" before the words "The Grater Wood Subcommittee would like to thank..."

**MOTION BY COMMISSIONER TENHAVE TO ACCEPT AND PROVIDE THE GRATER WOODS  
STEWARDSHIP PLAN (REVISION H) TO THE TOWN COUNCIL FOR ITS REVIEW AND APPROVAL  
MOTION SECONDED BY COMMISSIONER LEHMAN**

**MOTION CARRIED**

**7/0/0**

Chairman Tenhave stated he would draft a letter of transmittal to the Town Council and request an opportunity for him, and any other member(s) of the Commission wishing to accompany him, to discuss the Plan. The Commission, as a whole, will be copied on the communication.

**NEW BUSINESS**

**1. Wetlands Permit Review**

Commission to review a "standard review" wetlands permit application for Tax Map 4D/064-01. Town of Merrimack seeks to repair a washed out section of riverbank on the Souhegan River.

The intent of the project is to repair the riverbank as well as perform work intended to prevent reoccurrence. The area is off of West Chamberlain Road (south side of river). There are a few structures in the area at the end of Clearwater Lane; a catch basin that catches water and another that takes water off of Town Road. Those items come together at the device that holds it. What should occur is water flowing into the lower depressed area; however during the '06/'07 floods, the velocity of the water caused it to burst out the back and cause damage to the riverbank. As a result, any water that is not captured continues to erode the area.

The intent is to catch the water in the same manner done previously; however, some of the water will head towards another structure, which will be level to slow the velocity and collect the water. During heavy occurrences there will be standing water until it infiltrates down into the ground and eventually make its way to the river through underground processes or into the aquifer. The recommendation made by Kyle Fox, Deputy Director, Public Works Department, would provide an improvement that would slow down the velocity of the water so that it would percolate and bubble up as opposed to having enough velocity and momentum to affect the bank.

The Souhegan River Local Advisory Committee has suggested it would not be opposed to an additional structure being placed in the center of the depressed area (above a certain elevation) so that water reaching that point would enter the structure and drain directly into the river itself as opposed to the current proposal whereby if water were to go beyond the bank it would wash over. The temporary wetland impact is 100 sq. ft. There are no permanent wetland impacts.

Commissioner Perry questioned whether the issue arose due to the amount of water than traversed the area or the speed at which it traveled. Chairman Tenhave stated his impression it was likely both. Commissioner Perry commented simply slowing down the pace will not keep erosion from re-occurring. With the proposed changes instead of water shooting straight out (downhill), it will go to one location and be leveled out before entering the depressed area at the bottom, e.g., it will go through a level section of piping, which should slow down velocity.

Chairman Tenhave stated the Commission has the opportunity to provide comment to NHDES for consideration during their deliberations of the permit.

When asked to restate the recommendation proposed by the Souhegan River Local Advisory Committee, Chairman Tenhave explained what Deputy Director Fox is proposing would result in all water ending up in the depressed area and percolating through it. If a tremendous amount of water were to enter the area it would eventually go over the top and enter the river. The alternative presented was to create a second concrete

structure on the opposite end that had an opening at the top of it, which would be near top of grade, to capture water and direct it down. It was suggested that water would be caught and there would be an actual outlet pipe right into the river.

***It was the general consensus of the Commission to provide a statement of no comment. The Commission stated its confidence in the opinion of the Deputy Director with regard to the best approach to be taken.***

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

Commission to start the process to develop a vision and plan for its finances.

Chairman Tenhave remarked during its January meeting, he informed the Town Council of the Commission's intent to review its finances, determine a long-term vision, and develop a plan for achieving its vision. He noted the approximate balances in the various funds associated with the Commission to be: Fund 51, General Fund; \$50,000, Fund 53, Conservation Fund (Land Use Change Tax proceeds); \$1.4 million, and some monies allocated through the Town budget process. He stated the prior intent of the Commission had been to get to the funds to reach a point where they could be looked to when opportunities arose for land acquisition, etc.

Having a great deal of experience on the Commission, Commissioner Currier was asked to explain his understanding of the intended use(s) of the funds. Commissioner Currier responded when created, intended uses were to support scholarships, provide educational opportunities for Commissioners, and support of the Souhegan River Watershed Association as well as the efforts of the State and townspeople who perform regular testing of the Naticook Lake. When asked if there was a strategy for the acquisition of property, Commissioner Currier stated, at that time, funding for acquisitions was dependent upon Council approval and their identification of funding source(s). He spoke of the decreasing amount of land use change tax dollars that are allocated to the fund.

Councilor Mahon stated when the Town Council was discussing the change in allocation, one of the assertions was \$1 million should sustain, over time, the regular maintenance of properties/resources the Commission is responsible for. Part of the rationale for the reallocation of the change use dollars was that there would be a floor; if the amount of money in the fund dropped below a certain amount the level of allocation would be revisited.

He stated it would be helpful if the Commission undertook a process of review of current properties and associated responsibilities, e.g., anticipated projects/regular maintenance, and identify costs for proper maintenance and/or improvements over time. He explained there are events that occur that require funding to mitigate in order to maintain the viability of an asset, and used the example of what would have occurred had the funding not been available for the mitigation of the Red Maple Trail. He stated there is no long-range planning in place for the maintenance of lands the Commission is responsible for managing.

Commissioner Perry remarked when he first became involved it was explained to him funding was intended for addressing issues that arose and maintenance of properties, but also to allow the Commission to operate in a relatively tax neutral manner. The Land Use Change Tax is paid by developers and is not generated by taxpayers. The intent is to be able to preserve open space without a cost to the taxpayers. Commissioner Currier stated his recollection some 20 years ago the only property the Commission was responsible for was Wasserman Park, and that the portion the Commission is responsible for was donated. He noted the State also had involvement. It was later that the Land Use Change Tax dollars were set aside in the fund and available to the Commission to expend to acquire Grater Woods and the Horse Hill Nature Preserve. The Town now has 1,000 acres of conservation land, which is something to take a great deal of pride in.

Councilor Mahon remarked trail upgrades, etc. are the types of projects that could be identified in a long-range plan whereby a percentage of the plan is addressed on a yearly basis. Commissioner Perry commented on the number of projects identified as future projects within the Grater Woods Stewardship Plan. He suggested the Commission could work towards identifying the costs of those long-term projects.

Councilor Mahon commented, in the current environment/economy, people are less able to contribute their time and resources to projects, and the Town is finding itself in a position of having to contract for work that had previously been donated. It is simply a symptom of the times.

Commissioner Lehman asked for clarification of the allocation from the Land Use Change Tax dollars into the fund and was informed, at present, there is no allocation being made into the fund as the current balance is above \$1 million. Once the balance drops below \$1 million any land use change tax dollars coming into the Town would be split 50% to the Conservation Fund and 50% to the Town's General Fund until the million dollar mark were again reached.

When asked if the desire were to change the current allocation, Chairman Tenhave stated his opinion, at this time, he does not believe that to be the direction of the discussion; however, if an appropriate case to change it could be provided it could be presented. He added, at this time, the Commission is without a plan or vision for expenditure of the monies currently being retained. If that plan/vision results in a need to request a change to the allocation, it can be addressed at that time.

Councilor Mahon remarked another reason for the issue being raised is that the fund can be viewed, by some, as a source of funding that could be made available during tight economic times. He commented without a plan in place for expenditure of those funds, it is difficult to make the argument for its retention.

Commissioner Perry reiterated a starting point is the list of future projects associated with Grater Woods and that a similar process of identifying future projects could be undertaken for the remaining properties. Commissioner Lehman spoke of the list of projects identified within the Request for Proposal (RFQ) when the Commission was seeking a Forester. Chairman Tenhave stated a desire to first identify a vision, and then focus on identifying the plan to carry out the vision.

He stated his opinion the vision could be multi-faceted, e.g., maintain in an appropriate manner current property, acquire additional properties or rights to properties, etc. He stated his belief part of the reasoning behind growing the fund to its current level was to create the ability to acquire additional land(s). Councilor Mahon touched upon improving property already owned, and commented if seeking to acquire additional land there should be an identified purpose for the acquisition, e.g., allowing for contiguous conservation land, trail connections, providing for a particular habitat, etc.

Chairman Tenhave suggested the Commission may wish to bring those properties identified as prime properties to the same level of standard. He commented there is tremendous opportunity for Fields Farm. It is a large parcel without established trails or parking; however, it is on the river and should be a means for residents to enjoy the river.

Commissioner Thomson stated his agreement with improving upon lands already owned to allow residents to enjoy. He spoke of the Town Center Committee's vision of a continuous trail (loop) and the potential for the Commission to be of assistance in seeing that vision come to fruition. Councilor Mahon noted the Master Plan is nearly complete and ready to be presented to the voters for consideration. He stated his belief the plan would include a proposal for acquisition of additional conservation properties as it was a topic of discussion last year.

He remarked for the past ten years focus has been on acquisition, and the need now exists to refocus attention towards the uses and maintenance of the properties. Commissioner Currier remarked Grater Woods is a large parcel without ample parking. During winter months, on-street parking is prohibited. He suggested the Commission consider acquiring land to utilize for parking. He also spoke of costs associated with handicapped access, which is something that should be provided.

Commissioner Lehman remarked when opportunities present themselves, having funding available to acquire additional land is advantageous; however, he believes the priority that should be set is that of improving and maintaining currently owned conservation land and identifying and setting aside the funding necessary to do so. He commented it is important to have a clear understanding of how maintenance costs increase when capital investments are made. He suggested the Commission consider appointing a Treasurer. Councilor Mahon suggested proper maintenance of properties owned supports the vision of acquiring additional space, e.g., if unable to maintain existing space cannot expect support to acquire additional land. He remarked there have already been comments made about how much open space is enough.

Vice Chairman Caron remarked, having been on multiple sub-committees he has learned in that capacity there are specific goals set whether they be mapping projects, signage needs, etc.; however, there is no mechanism in place to request the necessary funding from the Commission. He suggested such a mechanism be established.

Commissioner Thomson remarked the question of how funds are acquired and expended by a subcommittee has come up, and he was unable to provide the answer.

Councilor Mahon commented the Commission has unique capabilities when it comes to the control and expenditures of those funds. Chairman Tenhave explained further, the Commission has both the responsibility and the ability to expend monies from the Conversation Fund on its own for properties that have been allocated to the Commission; however, not all properties the Commission oversees/manage fall within that category. Councilor Mahon remarked if there is a process in place for requesting allocation funds it would strengthen the Commission in terms of the work looking to be done. Vice Chairman Caron clarified he was seeking to establish a mechanism for requesting allocation of funds by a sub-committee not expenditure of funds. He suggested the process be established even if in the simplest form of a written request identifying the need and requested amount, which would then come before the Commission for consideration.

Chairman Tenhave spoke of some of the vision included within the 2002 Master Plan; which included the creation of a greenway from the Merrimack River across into Amherst and potentially growing Grater Woods, which would tie into the greenways on the Amherst Side. He remarked creating a greenway does not require the owning of every piece of property crossed; it could be that you own the development rights/easement to a parcel.

He suggested other opportunities such as the acquisition of properties located near the two parcels owned by Conservatioon LLC, which would help square off the whole parcel. He suggested the parcel considered to be the highest point in town would be a nice addition to town owned land. He spoke of the Wildcat Falls Conservation Area, the abutting parcel owned by the State (55 acres), and an adjoining parcel, which would be a nice addition to Wildcat Falls.

He commented he was unable to find an update on the new Master Plan, and the last time he reviewed it the conservation aspects were really light in material.

Chairman Tenhave suggested the Commission devote time at its next meeting to this topic. He requested Commissioners give consideration to what would be an appropriate vision, and come prepared to provide suggestions for a Vision Statement. Once a vision is agreed upon a plan for implementation could follow. He stated a desire for the Vision and Plan to be relayed to the public via publication on the website(s) and that they be the driving force behind the work of the Commission into the future.

Chairman Tenhave spoke of the need to update/create forestry plans. He noted the forestry plan for the Horse Hill Nature Preserve is ten years old and the plan for Wildcat Falls was done in 2001. The Commission needs to determine whether or to create a schedule for the creation of forestry plans and what the associated cost would be.

Councilor Mahon forwarded to the Commission an e-mail providing information on how to gain access to the most recent copy of the Master Plan.

NEW BUSINESS - None

OTHER BUSINESS

Chairman Tenhave informed the Commission of his receipt of communications from a resident who is experiencing beaver related issues. He has spoken with Deputy Director Fox and kept in touch with the property owner. The resident is seeking ways to prohibit the beavers from creating structures that will wash out the back yard. The landowner is working through the process and will keep him apprised of the status. He noted the beaver management plan, located on the Commission's website, speaks to leaving items on private property alone unless endangering public infrastructure.

He noted receipt of a letter from NHDES informing the Commission of the NHDES Annual Drinking Water Source Protection Conference taking place in Concord, NH on May 1, 2013. There is an associated fee; however, if any member(s) of the Commission is interested in attending consideration could be given to covering the cost through use of the education dollars within the budget. Commissioner Lehman stated an interest in attending.

On Saturday, April 6, 2013 the Saving Special Places 2013 Conference will be conducted at the John Stark Regional High School located in Weare, NH. Additional information can be found on the website; [savingspecialplaces.org](http://savingspecialplaces.org). Registration fee is \$75.00.

Chairman Tenhave commented three of the Commissioners had the honor of attending Logan Seeley's Eagle Court of Honor Ceremony the prior weekend. Vice Chairman Caron provided Scout Seeley with a Certificate from the Commission recognizing his accomplishments.

Chairman Tenhave stated he has learned the Nashua Regional Planning Commission has worked with the Souhegan River Local Advisory Committee (SoRLAC) on a watershed management plan for the Souhegan River. A copy of the plan can be found on the NRPC website.

Commissioner Davies stated he resides within the cul-de-sac of Beebe Lane, which is one of the main entrance points into Grater Woods. At one point in time beavers were taking down trees in the area. There is one tree in the cul-de-sac beavers started to take down, and for whatever reason, abandoned. The tree is dead and leaning forward into the cul-de-sac. He stated a concern with the possibility of the tree coming down on parked car(s). He questioned what the Commission might be able to do to address the situation. He stated the need for the Town to be aware of the situation as he is concerned with liability. Councilor Mahon suggested a call be placed to the Public Works Department. Vice Chairman Caron questioned the ability to utilize the tree for a crossing in Grater Woods. He offered to visit the area and determine if there is value in requesting the Forester look into removal and re-use.

Commissioner Currier stated he drove by the location of the XLT site and took a few photographs. He noted there is a beaver pond (hut) next to the property.

#### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . March 5, 2013

Chairman Tenhave noted the audio of the meeting stopped at the beginning of Commissioner Comments. He offered the following information to be incorporated into the draft meeting minutes:

*Page 4, under Commissioner Comments; add the following: "to have a tree pruning workshop for Saturday, March 30<sup>th</sup>. Chairman Tenhave agreed to add the flyer to the website." after the words "UNH Cooperative Extension".*

*Commissioner Lehman made and Commissioner Thomson seconded the motion to adjourn, which carried 7/0/0.*

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

**6/0/1**

*Councilor Mahon Abstained*

Merrimack Conservation Commission. . . . . March 18, 2013

*The following amendments were made:*

Page 2, Line 17; replace the word "drive" with the word "drove" and the word "months" with the word "weeks".

Page 2, Line 22; replace the words "to be" with the word "was".

Page 3, Line 35; replace "Chairman Horton" with "Chairman Tenhave".

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

**6/0/1**

*Commissioner Davies Abstained*

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Vice Chairman Caron thanked the UNH Cooperative Extension and John Lastowka for the event conducted at his residence. He commented Mr. Jon Nute and Mr. George Hamilton, both from the UNH Cooperative Extension, provided a great deal of information to participants. Chairman Tenhave echoed the comments made, and remarked it was a good learning experience.

ADJOURNMENT

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

*The April 1, 2013 meeting of the Merrimack Conservation Commission was adjourned at 8:39 p.m.*

Submitted by Dawn MacMillan