



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## MERRIMACK CONSERVATION COMMISSION

NOVEMBER 21, 2016

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, November 21, 2016 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chairman  
Michael Boisvert  
Cynthia Glenn  
Tim Tenhave, Alternate Member  
Gina Rosati, Alternate Member  
Councilor Thomas Mahon

Members of the Commission Absent:

Also in Attendance: Spencer Tate, Meridian Land Services  
Michael Buckley, Buckley Bakery

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PUBLIC COMMENT - None

APPOINTMENTS - None

### STATUTORY/ADVISORY BUSINESS

#### **1. Buckley-Abbott, LLC (applicant/owner)**

Review for recommendation to the Zoning Board for construction of an addition 27.3 feet from the edge of the wetlands whereas 40 feet is required. The parcel is located at 436 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 007.

Spencer Tate, Meridian Land Services, stated the proposed project would impact a 40' wetland setback. Relief is being sought from the Zoning Board of Adjustment (ZBA). The hearing is scheduled for November 30<sup>th</sup>.

The parcel is located at 436 Daniel Webster Highway, is approximately 0.4 acres in size, and abuts the Merrimack Fire Station to the south, School District property to the west, and Buckley's Great Steaks to the north. The site is currently a café with counter service and some interior and exterior seating. According to Town building records, the site was first developed, prior to jurisdiction, in 1820. A former backwater pond, which is currently owned by the School District, is the lot's rear lot line. That was created from the dammed Souhegan River, which was removed, succeeded into a more emergent wetland, and has not ponded since.

A portion of the site is within the 250' Shoreland Protection Zone of the main stem of the Souhegan River. The property is mostly built out with consumer and employee parking on the north and east sides of the building. The south side of the building has an exterior patio area, and is mostly maintained as lawn. The site is serviced by Town sewer and water.

The proposal calls for expansion of the kitchen space to the south side of the building. The business is currently limited by oven and refrigeration capacity, and the current configuration of the kitchen does not allow for interior expansion to facilitate these large appliances. Being proposed is a 14' x 39' addition on the south side. The

expansion will reduce the wetland separation distance from 29.3' to 27.3'. The addition would add a total of 496 sq. ft. net impervious area. The existing emergency exit off that side of the building will be removed. The proposal would not impact the 25' buffer. There are no other proposed improvements.

In conjunction with the proposed kitchen addition, a 4.5' x 2.5' deep drip edge would be added along the entire southern face of the proposed addition. The drip edge was sized to infiltrate a 25-year storm of a 4,000 sq. ft. impervious area. The roof will be pitched so that the runoff from the addition will end up in the drip edge. It will also capture some of the runoff from the existing building.

The work area would be surrounded with a Coir log or silt sock; coconut fiber stuffer with material to capture any silt or sediment during construction. The design for the drip edge exceeds the Merrimack site plan requirements as well as the State Shoreland criteria.

The upland setback area that would be impacted is of low functional value.

Chairman Perry commented the border of the Fire Department building has pavement along that side. The proposal; would encroach a total of 2' into that wetland setback. It is a net environmental improvement as they will be infiltrating more than what would be added on in regards to impervious area. The State Shoreland Application has been submitted, and is under review.

Commissioner Tenhave asked if the proposal would be required to go before the Planning Board or if it falls within the jurisdiction of the ZBA alone. Mr. Tate stated a waiver for site plan review will be sought.

When asked if the air conditioning condensing units located in the area of the proposed addition would be moved, Michael Buckley responded there are a few condensers that will have to be relocated.

Commissioner Tenhave questioned if the gas line coming into the building would be impacted, and was informed that will have to be moved as well. When asked if the addition will have an established foundation, Mr. Buckley stated it would. Commissioner Tenhave questioned how the storm water is handled at this time, and was informed there is some minimal gutter on the parking lot side, which was put in place to keep water off customers and the loading dock area. Mr. Buckley commented the ground absorbs the water well. The goal of the project is to go beyond mitigating the area being added. Commissioner Tenhave commented what is sometimes found is that when water sheds across a parking lot area, it picks up contaminants from vehicles, salt, etc., and could do harm to the wetland. He remarked it is nice to see that the proposal would collect it all in one spot, and the rocks should do some treatment of it before the water makes its way into the ground. It was noted, if plantings are considered, they should be native plants. Mr. Buckley was asked to be cautious about any fertilizer use. Mr. Buckley commented he does not believe fertilizer is necessary.

Chairman Perry stated a letter will be sent to both the ZBA and the Planning Board stating the consensus of the Commission that the request being made is reasonable.

## OLD BUSINESS

1. Andrew Duane: Secretary Wildcat Falls will present costs for dog waste bags

*Mr. Duane was not in attendance.*

Commissioner Tenhave informed the Commission Mr. Duane was called away on business the previous week. It may be that he has not yet returned.

2. Invasives Study - <http://www.wildlife.state.nh.us/invasives/>

Chairman Perry noted the agenda packet included a map of areas where there is the potential for invasives. The map was produced by EDDMapS.org. This was done with Fish & Game and WildNH.com. They used numerous maps to generate what they feel is the potential for where invasives would be located. They are encouraging Commissions to begin a review of these areas starting with those that have the highest probability of invasive species. Chairman Perry commented there are a lot of early adapters now, but they are saying identify their location before they start a new species.

Commissioner Boisvert commented on having heard a speaker who suggested going after an area where invasives are beginning to take a foothold and to put places that are overcome with them on the back burner. A difference can be made by going after invasives in areas where they are just becoming established.

Commissioner Tenhave commented everywhere in Merrimack where the map shows red, he can associate with a waterbody of some sort. Chairman Perry remarked for some of these areas it is already known invasives are present. Commissioner Tenhave questioned if the thought was that a survey should be done of the Commission's properties and that the Commission begins identifying where there might be emergent problems, prioritize the areas, and begin to address them. Chairman Perry responded that was his thought. He commented on the amount of time and effort that would be involved (could be a full-time job for someone for some time). Commissioner Tenhave questioned, and was told there was no discussion of the potential for students looking for intern opportunities who might be willing to assist the Commission in identifying the areas.

Commissioner Tenhave commented the Commission has seen if a spot is identified and gets into the water system it will just migrate further down. That has been seen on Baboosic Brook. He can understand the desire to control such areas. He added he does not see himself as being qualified to identify all invasives.

Chairman Perry spoke of two companies that have been utilized in the past for invasive work, and suggested he could reach out to them to determine what they believe a good course of action would be. He noted he has requested the Forester, while working on forestry plans, include identification of areas of invasives.

Chairman Perry questioned the will of the Commission.

***The consensus of the Commission was to seek out a professional to provide information to the Commission.***

Commissioner Tenhave suggested Jeff Littleton, Moosewood Ecological LLC, may have information on the properties he has looked at. There are known sensitive areas on the Gilmore Hill property and one of the Botanists, Chris Kane, who worked on that also identified some invasive problems near the sensitive areas. Mr. Kane contacted him the prior week suggesting something be done about the invasives. He indicated the desire to bring individuals from his company out to view the area. He might be someone that could be contacted to see if that is the type of service that people offer. Perhaps, if members of the Sub-Committees have an interest in learning how to eradicate invasives, professionals could be hired to provide a training session to sub-committee members and the public-at-large.

Councilor Mahon questioned if there is information on the Commission's website regarding invasives, and suggested that may be an inexpensive way to handle that. He also suggested timely press releases to help educate the public.

Commissioner Tenhave noted in his email, Mr. Kane questioned if the Town would be willing to allow trained volunteers from the New England Wildflower Society, to set an invasives management day at Gilmore Hill. Chairman Perry suggested coordinating with the Heritage Bureau as well.

***Commissioner Tenhave will respond to Mr. Kane and look to coordinate such an event.***

**3. Website Update: Commission to look over demo website**

Commissioner Tenhave displayed the design of the new website. He noted Ms. Wetherbee and her team have migrated the content of the current website to the new format. Ms. Wetherbee is in the process of making changes based on his feedback. He pointed out some of the format changes such as the contact information being located at the top of the homepage. The first thing visitors to the site see is "What's New?"; where the most dynamic content would be located. That area would require frequent updating to remain current.

Links on the left side of the home page bring visitors to information on Commission properties, local farms, news, beaver information, calendar, etc. On the right side of the home page is information on local weather and meeting dates of the Commission and its sub-committees.

Commissioner Tenhave commented on the additional features allowing visitors for easy/quick access to the information being sought. He spoke of the coloring used on the website, which makes it easier to view on handheld devices, etc.

The links to the individual sites provide visitors quick information on a particular conservation property. Those pages include photos/slideshows, maps, identify permitted and not permitted activities, hours of operation, property descriptions, etc. The intent is for the homepage to include a slideshow incorporating all of the properties.

Ms. Wetherbee will be setting up a drop box where members of the Commission can forward photos to be placed on the website. Commissioner Rosati questioned if someone wishing to provide a photo could upload it and get some sort of photo credit. Commissioner Tenhave stated if the Commission could identify a means for members of the public to provide photos to the Commission for review and consideration for posting to the website that would be a nice feature.

Commissioner Tenhave questioned if the Commission was pleased with the direction the site was moving in. All feedback received was positive.

Commissioner Tenhave spoke of the link to local farms noting that page would require a good deal of information gathering. He volunteered to reach out to the Agricultural Commission to see what that commission would like to see posted on that page.

Commissioner Boisvert questioned how to go about promoting the website. Chairman Perry suggested social media as a forum for promoting the site. The difficulty there is the amount of time required to keep up with maintaining an active/updated site. Commissioner Rosati suggested the Commission could team up with the Library, and see if they could provide an area where members could discuss the Commission and its properties. There are advertising opportunities such as purchasing a square on placemats at the DW Diner. Commissioner Perry stated his belief what would be very helpful would be if there were activities that occurred on a regular basis, e.g., each month conduct an activity within the parks, etc. Commissioner Rosati commented she would love to team up with others who are creative and do an event such as a fairy house walk.

Commissioner Tenhave noted the Wildcat Falls Sub-Committee is considering a bi-weekly meet for dog owners to do a dog walk. It was noted website information could be placed at the top of kiosks. Chairman Perry commented if there are events that are regularly occurring people can be instructed to check the website for the next event. Councilor Mahon commented on the quarterly brochure the Parks and Recreation Department puts out. The Senior Citizens Club receives information on activities of interest to them. Commissioner Boisvert suggested the Commission create a list of groups, organizations, etc., and that each time an event is scheduled notification be sent out. Chairman Perry commented with three active sub-committees, a request could be made that they schedule an activity on their property once every three months.

Commissioner Tenhave noted when the Commission contracted with Wetherbee to do the website update, there was also the desire for them to do quarterly content updates. That is the next phase that needs to be considered once the website goes live.

## NEW BUSINESS

### **1. eBikes – Classification for trail use**

Vice Chairman Caron stated there are eBikes that are a road application, have an electronic motor assisting them, and are, at times, able to exceed the speed limits in Town. There are also off-road capable eBikes that more closely resemble a dirt bike. He stated his belief these eBikes have already been on Commission property, and is something the Commission should be looking at getting ahead of. Without notice to users, there is the belief it is acceptable to use these on Commission properties. Commissioner Boisvert commented, if motorized, they should not be used in areas designated no motorized vehicles.

Commissioner Tenhave agreed the Commission should get out in front of this. Chairman Perry stated, to him, it is an easy decision; it is a motor bike. Vice Chairman Caron stated, if that is the case, they would be allowed on a number of the trails, but would be excluded from a number of the properties and other trails on properties that have trails that allow them. Chairman Perry reiterated if they are classified as motorized vehicle they would not be permitted in parks that prohibit motorized vehicles.

Councilor Mahon questioned if they are defined in Statute. Vice Chairman Caron stated that is not the case on the Federal level, and is the case in only 4 states. Councilor Mahon remarked that is not necessary to do that on

a Town property, but the definition of what it is based on could be what those states have done with it. Commissioner Glenn stated agreement with identifying them as motorized vehicles.

***Agreement was reached that eBikes have to be called out as motorized vehicles.***

It was suggested the website would be a good place to start publicizing the decision. Chairman Perry noted the Grater Woods Stewardship Plan includes a section of definitions. The definition can be added to any/all of the plans to include eBikes as motorized vehicles. Councilor Mahon spoke of Chapters 111 and 142 of the Town Code, and the possibility of updating those to address eBikes.

**2. Statewide Buffer Survey – Completion & Submission**

Chairman Perry stated at the recent NHACC meeting, participants were provided a statewide buffer survey, which he wished to discuss with the Commission prior to submission. A copy was provided with the agenda packet.

Chairman Perry commented Dr. Rick Van de Poll, a soils expert, is one of the prime motivators in trying to get a statewide ordinance on buffers. He remarked part of the reason we had some of the issues we had with the pipeline is the lack of State Statutes.

Vice Chairman Caron questioned what the Town Ordinance is. Commissioner Tenhave stated the Town's zoning ordinance; pages 2-39 and 2-40 stipulate that we have a 25' no disturb buffer and a 40' setback buffer. Because it is a zoning ordinance individuals can go before the ZBA for a variance.

Chairman Perry questioned the will of the Commission with regard to the information to be included on the survey.

Commissioner Tenhave commented where that gets difficult is in situations like the one the Commission heard about earlier in the meeting; those buildings have been there since the 1800s. That building, being so close to a wetland, is grandfathered in. Even if the law was increased to 100' it would not matter. Limitations like 100' or 300' are great for undisturbed lands, but once you get into places where there has already been some sort of construction the situation is different. He stated his opinion it would be interesting to have, but there has to be more leeway for the more developed areas of the State. There would have to be a Department of Environmental Services process where residents could seek relief if these wetland buffers were in place.

Commissioner Tenhave commented with regard to the question "Do you think your Conservation Commission would favor increasing, decreasing, or keeping the setbacks the same size", he would respond, for Merrimack, he would say leave it the way it is. Councilor Mahon stated agreement.

Commissioner Boisvert commented it is understood those that are grandfathered in are grandfathered in, and if there is the desire to improve setbacks for the future, this may be a mechanism. Commissioner Glenn stated those to be her thoughts as well.

Chairman Perry commented what was before the Commission was a survey. It is obvious the answer to the last question; "Would it help protect the wetlands in your municipality if the state imposed a single minimum setback from the most important wetlands?" is yes. The question is does the Commission wish for it to be that restrictive.

Chairman Perry stated he will relay the information expressed by the Commission; already pretty well constrained in Town/built out.

**OTHER BUSINESS**

- Update on Jeff Littleton's work at our Continental Boulevard property – First December Meeting

Chairman Perry noted he has spoken with Mr. Littleton. A copy of the plan will be provided, and Mr. Littleton will be present for the Commission's first meeting in December.

- Nashua Regional planning Commission (NRPC) Trail Mapping update

Vice Chairman Caron provided copies of preliminary maps. Examples of projects done by the NRPC and others were also provided. Vice Chairman Caron has worked with the NRPC providing feedback on different aspects of the maps, e.g. coloring of different aspects of the maps, e.g., trail lines should be white.

When asked, Vice Chairman Caron explained the coloring used to identify the trails will be property dependent, e.g., at the Horse Hill Nature Preserve (HHNP) the loop is white and Quarry is the only one that is blue. The others don't have colors and some are not blazed at all. A completely different approach was taken in Grater Woods where all of the trails have been blazed specific to the use. With that one, he stated a desire for the coloring on the map to coincide with the color of the blazing.

Commissioner Boisvert suggested it might be useful to identify the areas of powerlines.

Vice Chairman Caron commented on having compared the preliminary maps to those that currently exist, and noted the HHNP map is a tri-fold and the map is only on 2 of the 6 panels. The rest are filled with information. It is up to the Commission to determine if all of that additional information should be kept or if the map should be moved to 3 panels and reduce the amount of information. The Grater Woods map; 6 panel tri-fold, has map on 3 of the 6 and the information on the back is mostly not very suitable for a map. He brought that to the attention of the Sub-Committee at its last meeting and suggested it be changed.

Commissioner Tenhave questioned if the Commission wished to contract with the NRPC to produce the map, and the other information be something the Commission manages. Vice Chairman Caron stated he would envision getting the map from the NRPC, and that the Commission would produce it in any means it desires.

Chairman Perry questioned if the format is a standard GIS layer. Vice Chairman Caron responded they provided one already, which Commissioner Tenhave provided to the State for Wasserman Park. It is the breadcrumb layer. When asked about the status of the Town's GIS update, Commissioner Boisvert stated the Town was going to do it, and had a date to get the GIS up, which was delayed. He is uncertain of the current status.

Vice Chairman Caron stated representatives from the NRPC would like to come before the Commission at its 2<sup>nd</sup> meeting in December to present all four maps. He suggested the sub-committees be urged to consider ideas for changing the format of the maps, e.g., whether or not to stick with tri-folds, the amount of information included, etc. The recommendation from the NRPC was that GPS coordinates for posts be removed. The coordinates were noted as only being to 3 decimals, which gives a pretty big ballpark, and for more than half, the coordinates did not accurately reflect the location of posts. The NRPC has indicated they could provide the exact distance from post to post.

When asked if the information provided at the December meeting is intended to be the final draft, Vice Chairman Caron stated the representatives would be seeking input from the Commission. Their line checks and accuracy checks will have all been completed. Commissioner Tenhave suggested, when talking with the sub-committees, it may be a good idea to come up with a minimum set of commonality that should be seen on all of the maps as one of the goals of this project was to have consistency. Councilor Mahon suggested the rifle icon be changed on the HHNP map as it could be misleading; could appear to be identifying target shooting as opposed to hunting.

- Update on Land Donations

Commissioner Tenhave stated the 90-day waiting period ends at the beginning of December. The next step is a Public Hearing, which has to be published in local newsprint 10 days prior to the date of the Public Hearing. He questioned when the Commission would like to schedule the Public Hearing, and noted once that is completed there is the need to get on an agenda to appear before the Town Council. The first regular meeting of the Town Council in January is the 12<sup>th</sup>. That is the normal time for the Commission to provide its annual update to the Council. It would work out well to address both items.

***The consensus reached was to schedule the Public Hearing for the Commission's December 19<sup>th</sup> meeting.***

- Update on Grater Road bypass road design & construction

Chairman Perry stated the Commission was contacted by Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department, who was looking for volunteers. Nathaniel Fairbanks, Grater Woods Sub-Committee, and Commissioner Boisvert volunteered.

Commissioner Boisvert stated there were three volunteers for half the day and two for the second half of the day. The loop was completed; did topographical and completed the loop of the boundary back to South Grater Road

up through where the road will go to bypass the pond. They were able to finish it and get close back to South Grater Road. Deputy Director Tuomala stated whatever was left to do she could get done.

Chairman Perry commented there are markers in the area that are pretty substantial despite being hammered flat. Those utilizing the area on bicycles should be cautious.

When asked if there is a timetable for the road, Chairman Perry stated there is no fixed timetable. Once the road is engineered it is the Commission's timetable. There is the desire for a forestry project in the area, and it would be ideal to have the projects overlap. Commissioner Tenhave commented Deputy Director Tuomala mentioned there might be an opportunity for the Town where the area could serve as an appropriate mitigation project.

- Logging off South Grater Road; Map 5B/Lot 004

Chairman Perry stated the Commission received notification of a logging operation occurring off South Grater Road. Commissioner Tenhave was able to view the operation and responded on behalf of the Commission.

- Sub-Committee updates

Commissioner Tenhave stated a meeting of the Wildcat Falls Sub-Committee took place the prior week. The Sub-Committee will meet again in January. The Sub-Committee spoke of a winter activity. One of the ideas was to do a midnight or full moon walk, until they realized the property is closed from dusk to Dawn per the Ordinance. Those discussions will continue. One of the members has a family member who is tied in closely with the Audubon Society, and had suggested the family member might want to come to Town and conduct a bird watching or identification session out on Wildcat Falls. The Sub-Committee member will reach out to her relative to see if a time can be identified. The thought was to partner with Matt Casparius, Director, Parks and Recreation Department. Chairman Perry commented the Commission has discussed similar activities on all of the properties in the past. He stated an interest in speaking with the individual to ascertain whether or not he/she would be interested in regular events.

Commissioner Tenhave stated the Loverme Foundation put the benches in place. They will eventually place a small plaque on each one of them that will identify why the bench is located there and who donated it, which is something that has been done on all of the benches. The benches are fixed (cemented in).

Commissioner Tenhave noted he had explained to the Sub-Committee the Town Council would have a meeting last week regarding the widening of the Turnpike. That widening project does play a role with the DOT parcel next to Wildcat Falls. When asked if he is aware of the timing of the project, Councilor Mahon responded what was stated was that the project could commence in 2021. He explained some of the project details that were relayed to the Council.

Commissioner Glenn stated the HHNP Sub-Committee has been discussing a new trail. It was split into two sections; one was approved and the other is still being worked on. Ms. Huffman was in attendance at the Commission's last meeting, and indicated she had found another route that might be acceptable. The Sub-Committee members flagged and GPSd the area. The Sub-Committee will meet in a week to make a decision on whether or not the proposed trail is acceptable. If so, it will be brought before the Commission for approval.

Chairman Perry stated the Commission has not received the final report, but because of the comments made at the last meeting and the concerns expressed, Moosewood Ecological was contracted to review the site. They have responded that they don't see much of an issue moving that small piece. A final report and the maps will be provided.

Vice Chairman Caron stated the Grater Woods Sub-Committee met two weeks prior and discussed laying out a new trail and walked it with a number of members. The new trail was laid out from the Silver Fish Trail up to the Outlook that looks out towards Temple Mountain.

Vice Chairman Caron commented the trail is something that was laid out in the stewardship Plan. He questioned if the Commission wished to see a formal proposal for the last section that gets the trail to the Outlook. Chairman Perry stated, for the sake of consistency, he would. Vice Chairman Caron stated every trail in Grater Woods is now signed and blazed.

## PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . October 17, 2016

*The following amendments were offered:*

- Page 1, Line 5; the start time should be listed as 6:30 p.m.
- Page 2, Line 40; delete "parking" before "Fields"
- Page 3, Line 31; replace the period after "area" with a comma, and continue the sentence
- Page 4, Line 10; add an "s" to "Ledge"
- Page 5, Line 3; insert "does" after "woods" and end the sentence with a "?"
- Page 6, Line 5; replace "impact" with "be impacted if" and insert "is" before "being"
- Page 8, Line 41; capital the L on Long Pond
- Page 9, Line 25; insert "that" before "even" and insert a comma after "moved"
- Page 12, Line 7 and line 11; insert a comma after "agreement"
- Page 12, Line 27; insert a period after "moving forward" and capitalize "Vertical"
- Page 12, Line 45; delete "ended"
- Page 13, Line 10; replace "Ms. Huffman" with "Commissioner Rosati"
- Page 14, Line 3; add "Ms." Before "Huffman"
- Page 14, Line 21; correct the spelling of "Sub-Committee"

**MOTION BY COMMISSIONER TENHAVE TO ACCEPT AS AMENDED**  
**MOTION SECONDED BY COMMISSIONER CARON**  
**MOTION CARRIED**  
**6-0-1**

*Commissioner Boisvert Abstained*

Merrimack Conservation Commission. . . . . November 7, 2016

*The following amendments were offered:*

- Page 1, Line 38; replace "providing" with "provided"
- Page 4, Line 56; replace "Drive" with "Boulevard"
- Page 6, Line 39; replace "Ms." With "Commissioner"

**MOTION BY VICE CHAIRMAN CARON TO ACCEPT AS AMENDED**  
**MOTION SECONDED BY COMMISSIONER GLENN**  
**MOTION CARRIED**  
**6-0-1**

*Commissioner Tenhave Abstained*

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Councilor Mahon noted the YMCA is out of probate. The expectation is that their 55 and over project will likely get in the ground. There were issues that had to first be resolved with the Probate Court relative to Reverend Wright's Will. Those rulings, most of which were in the YMCA's favor, have been handed down.

Councilor Mahon noted On December 6<sup>th</sup>, the Planning Board will hold its initial public hearing for the Monahan mixed-use project, located at the corner of Continental Boulevard and Industrial Drive, adjacent to the Merrimack Premium Outlets. The applicant is proposing 388,520 sq. ft. of hotel, retail, restaurant/conference area, office, and residential on the parcel. The Planning Board must first act on the application for a Conditional Use Permit (CUP), which if approved, would set the framework for future site plans and subdivisions (a mixed use CUP does not allow for construction, it only gives permission to move forward to traditional site plan/subdivision review).

Councilor Mahon informed the Commission the Spalding Foundation Eagle Scout project was approved by the Town Council at its last meeting.

The Town Council was presented with details of an upcoming NH DOT project, which includes the widening of 3 segments of the F.E. Turnpike from 2 to 3 lanes in Nashua, Merrimack and Bedford.



Commissioner Rosati commented on her Facebook pipeline pages, it is looking as if there has been some interest under the powerlines. Someone saw a Kinder Morgan truck. Councilor Mahon commented he has been reading information posted in the newspaper, online, etc. There is only 1 active natural gas export facility, and that is in Texas. Kinder Morgan has an interest in another one in Georgia. Commissioner Rosati asked about the one in Breton Island. Councilor Mahon remarked that is the next one in line, in his opinion. He commented, in his opinion, with the situation as it is, there will be no more talk of it being about power production, it will be for export. Commissioner Rosati stated those participating on the pages are convinced either Kinder Morgan will make another run for it or Spectra will be looking into it so they can bring gas out towards Keene. She stated, currently they are looking under the power lines and someone was out there asking if there is anything of historic significance. She commented it has already been seen with Standing Rock that a lot of these companies don't care.

Commissioner Rosati questioned the format for handing over files that are in her possession. Chairman Perry suggested they be put in pdf format. Commissioner Tenhave noted the Town has a gentleman who is doing a great deal of scanning, and he, last week, was working on the Commission files located in-house. Commissioner Rosati stated she has all of the information in paper form, and is hopeful she could take over a file drawer or two to set up the files.

Commissioner Boisvert noted an Open House scheduled for Sunday, December 4<sup>th</sup> between the hours of 10:00 a.m. and 12:30 p.m. at 53 Parkhurst Road, Merrimack. The Open House is sponsored by a resident who has a Solar Photovoltaic (PV) System on his home, and is willing to allow residents to visit his residence to view the system and hear of his experience over the past year.

Councilor Mahon noted at its second meeting in December, the Town Council will discuss solar exemption.

Commissioner Glenn spoke of the classes she attended at the New Hampshire Association of Conservation Commissions (NHACC) meeting held on Saturday, November 12<sup>th</sup> at Pembroke Academy, and shared some of what she learned.

Commissioner Glenn spoke of the New Hampshire Wildlife Coalition ([www.nhwildlifecoalition.com](http://www.nhwildlifecoalition.com)). The group was active in the Bobcat controversy. The Commission had stated opposition to this. However, the New Hampshire Fish & Game Commission went against public opinion and opened a Bobcat season. The group is looking into the decision making process believing such decisions should not be made just by hunters and trappers, e.g., Conservation Commissions should have a say. The group would like Commission members to become members of their group. Anyone interested can visit the website, email the group, and become a member.

Commissioner Tenhave spoke of having received a response from Steve Walker, Conservation Land Stewardship Program, Office of Energy & Planning regarding the LCIP information provided on the work Vice Chairman Caron had done. The response was that everything looked great, and that he liked the idea of the Commission combining the way it will manage Wasserman with the way it will manage the other 20 acres the Commission owns adjacent to it. His only word of caution was to make it clear that there are certain restrictions on the Wasserman property per the Agreement and the Deed. He stated it would be ideal for the two properties to have the same kind of restrictions for the sake of consistency as people may not know when they cross from one parcel to the next.

#### NON-PUBLIC SESSION

**MOTION BY COUNCILOR MAHON THAT THE COMMISSION ENTER NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II(d) CONSIDERATION OF THE ACQUISITION, SALE OR LEASE OF REAL OR PERSONAL PROPERTY WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY BENEFIT A PARTY OF PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY**  
**MOTION SECONDED BY COMMISSIONER BOISVERT**

*A Viva Voce Roll Call was taken, which resulted as follows:*

Yea: (7) Cynthia Glenn, Matt Caron, Tim Tenhave, Councilor Mahon, Gina Rosati, Mike Boisvert, Gage Perry

Nay: (0)

**MOTION CARRIED**

*The Commission entered non-public session at 9:16 p.m.  
The Commission reconvened at 10:11 p.m.*

Chairman Perry noted that the minutes of the non-public session were sealed.

**ADJOURNMENT**

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

**7-0-0**

*The November 21, 2016 meeting of the Merrimack Conservation Commission was adjourned at 10:12 p.m.*

Submitted by Dawn MacMillan