

MERRIMACK CONSERVATION COMMISSION

MARCH 18, 2013

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, March 18, 2013 at 6:37 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Thomas Lehman
Gage Perry
Simon Thomson
Eber Currier, Alternate
Councilor Thomas Mahon (arrived at 6:44 p.m.)

Members of the Commission Absent: Ron Davies
Robert Croatti, Alternate Member

Also in Attendance: Ben Debello, Keach-Nordstrom Associates, Inc.
Dave DuPont, JBD Realty

Chairman Tenhave appointed Alternate member Currier to serve in the capacity of voting member, and noted Commissioner Davies was excused.

ANNOUNCEMENTS

A fruit pruning demonstration will take place on Saturday, March 30, 2013 at 183 Amherst Road (Lastowka property). The sessions will run as follows: 9:00 a.m. – Noon (pruning of mature semi-dwarf standard apple and peach trees), Noon - 1:00 p.m. (blueberry), and 1:00 p.m. - 2:30 p.m. (one-year old grape and mature producing grape vines). The project is supported in part by the Northeast Sustainable Agricultural Resource & Education (SARE) Program and features George Hamilton, Extension Field Specialist, Food & Agriculture as well as Jonathan Nute, Extension Field Specialist, Natural Resources. Commissioner Currier commented the apple trees may not be pruned as they were pruned heavily last year.

Chairman Tenhave spoke of a brochure put out by the Barry Conservation 4-H Camp, and noted the Commission is supportive of assisting in the cost for camps and programs of that nature for young adults. Anyone interested should contact the Commission.

PUBLIC COMMENT - None

STATUTORY/ADVISORY BUSINESS

1. JBD Realty Group, LLC.

Commission to review the proposed construction of a 20,000 sq. ft. warehouse building located at 35 Railroad Avenue, Tax Map 5D-1 007 which lies within the Aquifer Conservation District.

Mr. Ben Debello, Keach-Nordstrom Associates, Inc., stated the proposal to be raising of the existing building including the concrete pads, and construction of a 20,000 sq. ft. warehouse, which will house up to eight (8) tenants, one of which will be JBD Realty Group, which houses office furniture. A new drive entrance will be constructed further south for better site distance and grading as well as access into the site (allow for truck movement). The water and sewer line services will be upgraded. No variance is requested. The property will be serviced by Town sewer and water. Propane will be used for heating and hot water.

At present, the water main runs parallel to Railroad Avenue (within the property). The applicant is proposing providing an easement, and will tap off of that main. They will also reestablish the 20' wide sewer easement so it is centered on the sewer main that comes through the property (southern property line). When constructed it was offset from the sewer; one of the manholes is not within the easement. The site contains both open and closed drainage system to convey stormwater for up to a 25-year storm. Treatment will be through the use of a grass treatment swale along the west side of the building; will handle all rooftop water as well as storage parking located on the side. The remainder will flow to the front of the parking lot into a riprap channel, into a sediment forebay, and then an infiltration basin. Another small drainage basin, to the east of the building, will collect some of Railroad Avenue flow previously entering the site as well as some of the grassed area (also designed to treat and infiltrate the 25-year storm). The project will reduce the amount of impervious area.

Commissioner Currier commented it appears to be an appropriate site for the warehouse; however, noted he drove by the property a few weeks back and took a few photographs. One of the things he noticed was hazardous materials signage in the area where the sewer easement is being adjusted. He is unsure whether the signage was located on this site or the abutting property. Mr. DeBello responded it is a left over sign relating to the abutter to the south of the property in question (Jones Chemical). Commissioner Currier stated he spoke with the New Hampshire Department of Environmental Services (NHDES). NHDES conducted a study in 2004 and determined there was no contamination on the Jones Chemical site. Commissioner Currier questioned whether the activities of the applicant/project would have any impact on the site.

Mr. DeBello responded they are not doing much work past the sewer line itself. They are also not doing any digging. Commissioner Currier remarked in the presentation to the Planning Board it was stated the roof runoff at the back will go to the stone drip trench down to the chemical site detention area and the parking lot to the pre-treatment basin on the south corner of the infiltration with overflow going to the chemical site. Where that will go is the area being discussed that has the hazardous signage. Mr. DeBello stated that to be where it all currently flows. He explained the roof will be pitched to the back of the building and will collect in the stone trench with a flow out to the treatment swale down to the lower corner where there will be a small level spreader, which will provide for overland flows so there will not be any channelized flow, e.g., erosion, etc. The rest of the area and the parking lot are all concentrated and directed to flow into the riprap swale. He noted the site of the drainage basin and stated most of the water is designed to perk in with a small bit of overflow beyond the 25-year storm.

With regard to grading, most of the parking lot will be picked up. The entire site is coming up a little outside of the 500-year elevation. Commissioner Currier reiterated anything over a 25-year storm will flow into the Jones Chemical site. Mr. DeBello stated it would flow over land and make its way down that way. That is the one only drainage way they have access to. When asked if there would be additional flow as a result of this building, Mr. DeBello stated the project would decrease the flow by about 50% (infiltration of stormwater). When asked where the drainage way outlets, Mr. DeBello stated it heads far south down to Horseshoe Pond.

When asked about plantings, Mr. DeBello stated the proposal is for a standard mix of landscaping near the entranceways; mostly to meet requirements and for aesthetics. The buffer to the north of the building will be increased, which technically does abutt the residential piece (existing tree line), and will extend the Arborvitaes more to the left and right to provide additional buffer space to the north. The rest will be loam and seed. All of the gardens are proposed to be irrigated (raised beds).

When asked if the existing drains within the building would be managed, Mr. DeBello stated, prior to purchase, the Applicant had a Phase I Environmental Study completed. Extensive research was done back before Duxbury's building was constructed. What they found was a septic system out front and potentially two other dry wells. No one knows if the four drains head to those or to the sewer system, which is something that will be discovered during demolition. The applicant has a proposal and contract from the Environmental Engineer that did the Phase I to be onsite if needed. If issues arise

samplings will take place and the situation rectified. When asked, he stated the drains would not be used; everything will be demoed and removed. When asked if there would be floor drains in the new building, he stated there would not.

With regard to what will be warehoused onsite, Mr. DeBello stated the business to be that of office furniture (1 or 2 of the bays). Manufacturing would not take place onsite. When asked about the dumpster pad, Mr. DeBello stated if a spill were to occur it should remain within the pad area (sealed dumpsters). He noted what would likely be disposed of is cardboard. With regard to snow storage, he stated some would be stored at the side of the dumpster pad and the remainder in an additional area (identified on a plan for the Commission). Anything remaining could be taken offsite.

When the issue of salt was raised, Mr. DeBello informed the Commission the Applicant has agreed with the Planning Board to add the standard de-icing (in aquifer area). Chairman Tenhave noted that would mean minimizing the use of de-icing compounds and participation in the New Hampshire Green SnoPro certification training.

Chairman Tenhave commented it does not appear as though the intent is to introduce a great deal of foliage into the area, and cautioned what might be attractive could be an invasive species if wind were to catch the seeds of flowers. Given there is quite a wet area south of the property it would be very difficult to monitor that type of issue. He urged the Applicant, when choosing trees, to choose species such as maples, oaks, etc. It was stated what is being proposed are typical street trees.

Commissioner Perry requested additional information on the stockpile area identified on the erosion plan, and was informed the area would be used during the construction process. Gravels would not be stockpiled there; however, perhaps loam would be. He added it is likely there will be nothing at all stockpiled in the area. When asked if the existing fencing would be maintained, Mr. DeBello responded the gate at the existing drive would be relocated to the new entrance, the other area will be closed out, and the fence maintained.

When asked what recommendations the Commissioners would like to pass along to the Planning Board, Commissioner Currier suggested a recommendation be made to ensure the stated 50% reduction of runoff into the hazardous area. Chairman Tenhave added the need to note the requirement of minimized use of de-icing compounds and participation in the New Hampshire Green SnoPro certification training.

OLD BUSINESS

1. Grater Woods Stewardship Plan Review

Review of the overall current draft.

The Commission conducted its final review of the Grater Woods Stewardship Plan (Plan). The following amendments were made:

Introduction

- Page 5; adjust spacing between the last two paragraphs.

Definitions and Acronyms

- Under the definition for ATV; remove the "2" from the last sentence so that it reads: "This definition is meant to include, but is not limited to, 3 and 4-wheeled vehicles."
- Include a definition for ORV; over 50 inches in width.
- Include a definition for OPDMD
- Remove the second definition listed for "Open Space Land".
- Add the definition: "NH Right Riders – Locally organized and recognized OHRV club."

- Add the word “initially” after the words “one of the volunteer organizations” in the definition for FGW.
- Remove the definitions for “Active Recreation”, “Passive Recreation”, “Priority Wetland”, and “Granite”.
- Include a definition for “Invasive Species”.
- Remove the additional word “bike” from the title for the definition of “Trail Bike”.

Section 1 Stewardship Principles and Goals

- Prior to the last paragraph on page 11, add a paragraph that reads: “Once the Grater Woods Stewardship plan is accepted, the MCC will create a well-educated and trained sub-committee responsible for the oversight and management of the Grater Woods Forest.
- In the first sentence under #2, Manage Wildlife Habitats; remove the apostrophe from the word “It’s”.
- Remove the second period at the end of the first paragraph under #5, Establish an Educational Program for All Ages.

Section 2 Sustainable Forestry and Forest Stands

- In the last paragraph on page 18; remove the hyphen between the words “poorly” and “maintained”.

Commissioner Lehman noted he had previously requested the year of the corresponding survey be noted in the stand descriptions as a means of providing historical reference/progression; however, some of the stand descriptions have been severely edited rendering the descriptions included in the management plans (done by the Forester) no longer valid, e.g., a stand description may have the survey year 2001 attached to it yet reference something added much later.

He suggested inclusion of a paragraph that reads: “The descriptions of stands A through N are derived from both information supplied in the 2001 and 2007 town forester management plans and supplemental information supplied by members of the MCC over the years. The descriptions of stands O through U come directly from the Forester’s Management Plan accomplished in 2011.” Chairman Tenhave suggested such language could be incorporated above the description for Stand A.

- Page 17; amend the last paragraph to read: “The maps, shown as Figure 1 and 2 identify the Grater Woods *forest stands*. The letters used on the maps vary from the original forest stand maps produced by the forester. The descriptions of stands A through N are derived from both information supplied in the 2001 and 2007 town forester management plans and supplemental information supplied by members of the MCC. The descriptions of stands O through U come directly from the Grater Woods Homestead Management Plan completed in 2011.

Commissioner Lehman suggested the last paragraph read: “The Grater Woods Forest will be subject to an ongoing Wildlife/Timber Management schedule after taking into consideration the assessments and recommendations provided by a licensed Forester evaluation. Evaluations by a licensed Forester are recommended to occur on a 10-15 year cycle to ensure the health of the forest. The Forester’s plans along with the landowner’s input are in keeping with good forestry practices and supportive of the American Tree Farm Stewardship program.” Vice Chairman Caron was concerned such language may lock the Commission into a particular timeframe. Commissioner Lehman stated the timeframe for evaluations to occur is a recommendation. The question arose of whether the Commission wishes to remain part of the American Tree Farm. Commissioner Lehman remarked the Plan does not currently speak to having a licensed forester perform a professional evaluation, which is a requirement. Chairman Tenhave noted the third paragraph on page 12 begins: “Strategic Stewardship Principles for developing and maintaining the forest include:

- Develop a *sustainable forestry* program as a tool for forest health following the

American Tree Farm program. This program will be reviewed on a scheduled basis as determined by the *MCC*.”

He remarked, in his opinion that is a stewardship principal and goal and does not belong in the stand description section. Commissioner Lehman commented he felt it should be included because of the statement that reads: “The Grater Woods Forest will be subject to an ongoing Wildlife/Timber Management schedule based on the needs of the forest and the initial harvest efforts of the various areas.” He remarked there are a lot of things that go into the schedule and noted all recommendations, e.g., prescribed cuttings, don’t have to be followed. Chairman Tenhave stated his disagreement with including a time limit as he believes the bulleted section covers the desire. Commissioners Caron and Perry stated their agreement the additional language was not necessary. Commissioner Lehman accepted the comments expressed and agreed the intent is addressed.

- Stand A, Wildlife; replace the word “sign” with the word “activity”.
- Stand A, Forestry Plan; remove the first sentence.
- Stand A, Observation; remove the last sentence, which reads: “The *MCC* acquired approximately 97 additional acres of land adjacent to Stand A, to the south of Grater Road, in 2009.”
- Stand B; underline the titles “Observation” and “Wildlife”.

Commissioner Lehman suggested the removal of the last sentence under Observation for the description of Stand H. He noted the statement conflicts with one of the Category D trails that was approved as the plan there was to traverse up the steep slope. The comment made when this was first discussed was that the language came from Forester. After review of the forest management plans for the stand, nowhere within that document could that language be found. He suggested, in order to avoid being in conflict between a trail for which the concept/layout has already been approved, the sentence should be removed. He added any trails will be laid out based on BMPs, e.g., will not go straight up and down slopes, etc.

Vice Chairman Caron responded if the trails are engineered appropriately and do not traverse up a steep slope there would be no conflict with the language. Commissioner Lehman reiterated the language reads “should not traverse the steep slope”, which is the proper way to lay out a trail on a steep slope. He informed the Commission he had available copies of the stand descriptions from the forestry management plans as well as a letter from the County Forester stating: “You are advocating for additional trail use by motorcycles and the gravel soils and appropriate engineering on slopes would not preclude that.” He stated that to have been specifically in response to his questions on Stand H.

- Stand H, Observation; remove the last sentence, which reads: “Trails should not traverse the steep slope and be limited in the lower area of this stand.”

Section 3 Water and Soil Resources

- Under “Management Objective” fourth bulleted point; begin a new bulleted item with the words: “Educate users and town...”

Section 5 Trails

- Category D; replace the word “Users” with the word “Uses” and the word “dirt” with the word “trail” in the first sentence of the second paragraph.

Section 7 Access and Parking

- Be consistent with the word “Recommendations” as opposed to “Recommendation” and remove the numbering in the “Recommendations” section in areas where only one recommendation is identified.
- Marty Drive; The first sentence should end with a colon and the sentence beginning with “There is no parking access...” should be numbered 1 and end with a period.
- Marty Drive, #2; amend to read: “Seasonally, an unknown number of students walk to school using a path leading in from Marty Drive.”
- Grater Road; add a colon after the heading.
- Grater Road; first paragraph, second sentence; amend to read: “It is classified as a Class VI road in both towns.”
- Grater Road, # 1; remove the underline from the word “Impact” and from the words “Main road access” in #2.
- Grater Road, Recommendations; Remove #1, which reads: “This access point should have a kiosk, but it must be placed within the Merrimack boundary (possibly near the existing *trail* post).”
- MMS Upper Parking Lot, first paragraph, second sentence; amend to read: “During regular *MSD* hours and events, public accessibility and usage is governed by the Memo of Understanding between the Town of Merrimack and *MSD*.”

Commissioner Lehman questioned whether it was intended to be acceptable for motorized users to go through the southerly gate on Wilson Hill Road to access the property. Chairman Tenhave stated the gate is intended to keep larger vehicles out; therefore, there would be access for snowmobiles, horses, ATVs, and trail bikes around the gate as is the case with all of the gates.

Appendix A Purchasing History & Maps

Commissioner Lehman spoke of a discussion that took place at the March 5th meeting regarding funds from forestry projects. Chairman Tenhave stated he has not yet had the opportunity to look into the issue, but would do so in advance of the next meeting.

Appendix E Proposed Projects and Trails

- Amend the first section to read:

“1. Minimum required infrastructure projects to support future land use and other projects in this appendix include:

- a. Bottom of Gateway Hill - Correct the access through the wet area at the bottom of Gateway Hill. This project will require professional planning and potentially professional contracted services to correct.
- b. Beebe Lane – (Crossing the outlet heading North-B Trail). Correct/enhance the access at Beebe Lane as it moves towards the North. A bridge and trail updates are likely needed as this is a primary access point to the property.
- c. Wildlife Openings 1 and 2 - Fix the trail on the hills leading out of Wildlife Openings 1 and 2. Crushed stone, compaction and potentially other stabilization of the trails is needed to allow the designated uses to occur.

- d. Gates on South Grater Road - Work with the Town Council to enable the placement of gates on South Grater Road at the property lines. Place the gates once all approvals are in place.
 - e. Red Maple Trail and Conservation Drive Access - Complete the Red Maple Trail Mitigation Project and correct access to that trail from Conservation Drive. This project is approved and is actively being worked. It is scheduled for completion in 2013.”
- #7, Old Blood Road; be consistent with formatting, e.g., replace the letters with numbers, and remove the first two recommendations.

Chairman Tenhave stated the intent for the next version to be posted on the Town’s website and available for public review. The hope is that public comment would be received at the Commission’s April 1st meeting. At the completion of that meeting, a letter of transmission will be drafted and sent along with the Plan to the Town Council.

Councilor Mahon commented on the amount of work done by the Commission and remarked it is far and away better than anything that has been provided in his time on the Council. He will make the Council aware the Plan will be posted to the website. Chairman Tenhave questioned whether the Commission should announce the meeting as a Public Hearing or simply include the Plan as an agenda item. Understanding there is an expense associated with publication, it was the general consensus of the Commission to identify the opportunity for public comment on the Commissions meeting agenda. It was noted local media could be informed of the discussion without an official public notification being requested. Chairman Tenhave stated he would post information on the Merrimackoutdoors.org website as well.

NEW BUSINESS

1. Annual Seedlings Giveaway

Commission to decide on seedling types for the annual Spring giveaway.

Chairman Tenhave questioned the will of the Commission with regard to continuing to conduct the yearly seedlings giveaway. The consensus of the Commission was to continue. Chairman Tenhave noted Commissioner Currier has consistently spearheaded the event, and requested volunteers to assist him in that endeavor. Commissioner Currier agreed to continue to run the event out of his business. Depending upon the timing of the arrival of the seedlings, the event would likely take place either the last Saturday in April or the first Saturday in May (few hours in the a.m.). Chairman Mahon stated a willingness to provide assistance as did Commissioner Perry.

Commissioner Currier remarked the Fraser and Balsam Firs have been very popular in the past, and stated the purchase cost of all seedlings is generally between \$200-\$250. One hundred of the four-year-old Balsam Firs come at a cost of \$80 whereas the cost of 100 three-year-old plants is \$45. The cost for 100 of each of the Fraser Firs is the same. The Commission agreed the three-year-old firs would be purchased as a cost-saving measure.

With regard to seedling packages, the consensus was to purchase four (4) of the songbird/wildlife packages (\$25/pkg.) and four (4) of the native species packages (\$25/pkg). The total cost for all items would be \$290. The funds would come out of Fund 51.

**MOTION BY MEMBER PERRY TO AUTHORIZE THE EXPENDITURE OF TWO HUNDRED NINETY DOLLARS (\$290.00), FROM THE CONSERVATION FUND (51), FOR THE PURCHASE OF FIRS AND SEEDLINGS FOR THE ANNUAL SEEDLINGS GIVEAWAY AS DESCRIBED
MOTION SECONDED BY COUNCILOR MAHON
MOTION CARRIED
7/0/0**

It was the general consensus of the Commission, given the lateness of the hour, to table Item #2 under New Business until the next meeting of the Commission.

2. Commission Finances – Vision, Plan

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

OTHER BUSINESS

Chairman Tenhave reminded the Commission of the Eagle Scout Court of Honor Ceremony being conducted on Saturday, March 23, 2013 at 2:00 p.m. at Nashua Fish & Game. He noted there is a place on the agenda for the Commission to make a presentation. When asked, Vice Chairman Caron stated his willingness to speak at the event, representing the Commission. Chairman Tenhave noted Commissioner Davies has expressed a desire to attend.

The Commission agreed a Certificate would be prepared, signed by both the Chairman and Vice Chairman, and presented at the event.

Chairman Tenhave informed the Commission the Southern New Hampshire Expo. will take place on Saturday, April 13, 2013. He questioned the will of the Commission with regard to participating and volunteers to man a table. He stated he would put the item on the agenda for the Commission's April 1, 2013 meeting to allow Commissioners ample time to determine their availability. Vice Chairman Caron commented, having attended this event in the past, he is aware, unless you come prepared with a great deal of material for hanging, video monitor(s), interactive tools, etc. it is unlikely you will capture the attention of passersby. He spoke of exhibitors such as one with birds of prey flying about, etc. He commented it is tough to compete with that type of activity when your display consists of maps.

Chairman Tenhave noted he placed a request on the website for assistance with identifying GPS coordinates for some of the trails, and has received a response. He stated he could coordinate the effort; however, not as quickly as he would like to see it get underway. He questioned whether another Commissioner might have the available time to provide assistance/guidance. He stated a desire to get Gilmore Hill and the Wasserman Conservation area completed. Vice Chairman Caron stated he could meet with the individual to help out on the Wasserman parcel.

Wildcat Falls Sub-Committee

Commissioner Thomson informed the Commission the sub-committee met the prior Thursday. All three new members were in attendance and provided with a brief history of Wildcat Falls. He remarked there is a great deal of excitement within the sub-committee to move forward with the marking of trails and creation of a map. The intent is for the next meeting (mid-April) to take place at the property so a site walk can be performed. Chairman Tenhave noted there remains one (1) open full-time position and three (3) alternate positions on the sub-committee. Chairman Tenhave noted it is not necessary for members of sub-committees to take oaths of office; however, there is a need for new members to be made aware of the Conflict of Interest and Code of Ethics sections of the Town Charter.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. March 4, 2013

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

4/0/3

Commissioner Lehman, Commissioner Perry, and Councilor Mahon Abstained.

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Lehman stated he would be able to bring forth, at the next meeting, information on levels of salt use. Chairman Tenhave requested he be provided with an estimate for the amount of time that should be allocated to the discussion on a future agenda.

Vice Chairman Caron spoke of his attendance at the Amherst Conservation Commission meeting the previous week at which he congratulated the Commission on their purchase of Grater Woods land and made himself available to answer questions the commission had on Merrimack's Stewardship Plan. He stated his opinion the Amherst Commission does not wish to create its own plan, but would rather support Merrimack's plan. They would like to have some involvement with the sub-committee once it is created.

The Commission indicated they were approached by Merrimack about getting a logging truck from the Amherst end of Grater Road (last week). Vice Chairman Caron stated he was unsure where that request originated. He was asked to follow up and provide additional details to the Chairman who would then look into the matter further. Chairman Tenhave noted South Grater Road is a Class VI road and suggested someone might want to skid through the road onto their own parcel. Vice Chairman Caron agreed the request could have been generated from a private citizen and commented there was another recent sale of property on that end.

Councilor Mahon informed the Commission the Rail Transit Authority has begun their stakeholder meetings in the area along the corridor for the commuter rail feasibility studies. The Authority has requested, as Chair, that he set up meetings with the Town and the Merrimack Chamber of Commerce for the second week of April. The consultant will come in to discuss the issues involved in putting the project together.

ADJOURNMENT

**MOTION BY COMMISSIONER PERRY TO ADJOURN
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED**

7/0/0

The March 18, 2013 meeting of the Merrimack Conservation Commission was adjourned at 9:09 p.m.

Submitted by Dawn MacMillan