



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

JANUARY 26, 2015

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, January 26, 2015 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Cynthia Glenn
Gage Perry

Members of the Commission Absent: Robert Croatti, Alternate
Lauren Kras, Alternate
Councilor Thomas Mahon

Also in Attendance: Andrew Duane, Wildcat Falls Sub-Committee
Tim Ferwerda, Meridian Land Services
Katherine Basso, Project Eng., Keach-Nordstrom Associates, Inc.
Jeff DuPont, 41 Valleyview Drive / Owner 35 Railroad Avenue
Jody Vaillancourt, 35 Greenleaf Street

Chairman Tenhave noted Councilor Mahon was unable to be in attendance as he was participating in a Town Council meeting. Commissioner Kras was unable to be in attendance due to travel conditions.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

1. Meridian Land Services, Inc. (applicant) and Oliver & Claire Cadran (owners)

Review for recommendation to NH DES of an application for a standard Dredge and Fill Permit at 30 Lakeside Drive. Tax Map 6A-1, Lot 114.

Tim Ferwerda, Meridian Land Services, informed the Commission the project proposes to raze the existing and construct a new home. The Dredge & Fill Permit is for the small area along Baboosic Lake. The area consists of a retaining wall (jets out into lake) and rubble stone at its front. As part of the process, the owner wishes to restore the shoreline back to what is believed to be its original location. The retaining wall would be pulled back and the concrete patio, upland of the retaining wall, removed.

A silt curtain would be placed in the lake to capture any turbidity that might be stirred up. A Shoreland Permit was applied for and has been issued. Last April/May variances were applied for and granted by the Zoning Board of Adjustment. Mr. Ferwerda stated the Dredge & Fill Permit should be pretty straightforward as the desire is simply to restore the lake shore.

Chairman Tenhave remarked the intent is to remove the concrete pad and the rocks, and construct a new retaining wall. Mr. Ferwerda stated that to be correct. Chairman Tenhave questioned if the shoreline would be the same at project completion. Mr. Ferwerda stated the ark would be gone; the part of the wall that jets out. The shoreline will be more straightforward to where it is believed to have been originally.

Commissioner Perry questioned whether the cobble in the front of the stone wall would be removed as well as the fill. Mr. Ferwerda stated it would. He added some will be pulled back to provide for a stable shoreline upon project completion.

Chairman Tenhave questioned the type of drainage features that would be in the wall. Mr. Ferwerda stated nothing has been proposed. He noted the retaining wall would be lower than it is currently (4-5'). He does not believe there will be an issue with drainage. Chairman Tenhave questioned, with a reduction to the level of the wall, would the slope be heading towards the lake. Mr. Ferwerda stated it heads towards the lake now; it is just that the wall is built up. Mr. Ferwerda noted a drainage easement across the lot that brings water from the Four Seasons sub-division. He does not believe there will be drainage issues in the area of the new retaining wall.

Vice Chairman Caron questioned whether work on the retaining wall would be done prior to or after the house construction. Mr. Ferwerda was unsure; however, stated he suspects it would be done after. Chairman Tenhave questioned, when restored, if it would be a gravel/sand shoreline. Mr. Ferwerda responded, in the water, it would be. Coming out of the water will be another retaining wall.

Chairman Tenhave questioned whether there is concern with boats/waves deteriorating the retaining wall. Mr. Ferwerda responded he believes that to be the main reason the retaining wall is desired; to stabilize it against the waves. When asked if it is believed wave action could undermine the wall and cause it to crumble like the current one, Mr. Ferwerda responded no, they want to put in a good footing underneath this one so that it has something to sit on.

Chairman Tenhave remarked the Wetland Permit Application, Appendix B, under 3 - Wildlife, where it asks "Has the NHB determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project?" it is marked **yes**. It was noted Attachment A, under #7 it states: "The NH NHB has not identified the areas as being critical to fish and wildlife species. There are no long-term or permanent impacts to the wetland area with this proposal. Reestablishment of the littoral zone will be a benefit to fish and wildlife species and the lake biota." Mr. Ferwerda remarked it says that there is a record. They don't say what it is, but they do say that they don't expect it will be impacted by this proposed project. When asked if the current wall is grandfathered, Mr. Ferwerda stated it is.

The consensus was for the Chairman to notify NH DES of the Commission's review and discussion with the engineer, and that no further questions or comments are pending.

2. Boomer McCloud's Car Audio (applicant) and GFI Merrimack LLC (owner)

Review for recommendation to the Planning Board of an application for a site plan to construct a 7,500 sq. ft., two-story car audio/electronics retail sales and service building. The parcel is located at 5 Executive Park Drive in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 073.

Chairman Tenhave noted the item has been pulled from the agenda. Review of the plans indicated the project had not changed in any substantial manner; it was simply a change in engineering firm. The Commission's comments from its September review are believed adequate and correct for the project.

3. JBD Realty, LLC (owner/applicant)

Review for recommendation to the Planning Board of an application for a site plan for an interim change-of-use as a contractor's yard for vehicle, equipment and plant material storage. The parcel is located at 35 Railroad Avenue in the Industrial (I-1) & Aquifer Conservation Districts. Portions of the parcel are also subject to the Flood Hazard Conservation District. Tax Map 5D-1, Lot 007.

Katherine Basso, Project Engineer, Keach-Nordstrom Associates, Inc., remarked the property, located at 35 Railroad Avenue, is just shy of 2 acres in size and has already been developed. There is a 3,300 sq. ft. industrial building and paved access drive down the middle. It was formerly a school bus depot.

In March of 2013, Planning Board approval was sought to construct a 20,000 sq. ft. warehouse and associated site improvements. That approval was granted. Due to economic conditions the project did not move forward. In the interim, the property is being leased to Outside Unlimited, a landscaping contractor, and used as a contractor's yard, e.g., vehicle storage, equipment storage, and periodically plant material storage, which, for the

most part, is placed on the gravel and paved surfaces. There is not normally plant storage onsite; however, due to a job that was not able to be completed before the onset of winter, some plant storage has occurred. The property is located in the Acquirer Conservation District. The Applicant was made aware of the need for an interim site plan given the change of use from what was previously approved. No exterior building or site construction is proposed.

Commissioner Perry asked for clarification the property is already being used in this manner, and was informed it is, and has been for roughly 6 months.

Chairman Tenhave remarked when the last project was reviewed (complete redevelopment of site) two comments were provided to the Planning Board. The plans spoke of a 50% reduction in stormwater runoff from the way the site was laid out. The new plans had retention ponds, etc. built in. The other part was a recommendation that language be included to seek to minimize deicing compounds, encourage the use of sand, and asked that applicators of deicing compounds be trained and certified in the Green SnoPro program from UNH. Chairman Tenhave reiterated it is a very different use. Ms. Basso stated there is no proposal for any additional impervious surface from what currently exists.

Chairman Tenhave noted the property slopes towards the wetland (south). He noted snow storage next to the slope, and stated concern with use of any deicing compounds onsite. Mr. Jeff DuPont, Owner, stated they are aware; there is no salt use or storage. They don't use salt, only sand. They are fine with that stipulation.

Chairman Tenhave stated the desire to pass that along to the Planning Board. The previous recommendation was for minimization as they controlled the water and treated it before it left the site. In this instance, there are no site improvements; therefore he would prefer there be no salt use. Ms. Basso responded "that is absolutely fine".

Commissioner Perry noted there are a few areas for proposed truck and equipment storage, and questioned whether any maintenance would be performed onsite. Mr. DuPont responded most of the employees take their vehicles home. Outdoor Unlimited is renting the property. Their main base is in Meredith, NH. They utilize the property for local employees. Typically you can see 3-4 trucks on the property. They use the office as a dispatch office. They do have lawnmowers, etc. in the garage, the area where buses used to be maintained. They know not to use any salt. There is no salt being stored. They do have a plowing service, but most of the employees take the trucks home. Commissioner Perry questioned where maintenance is performed, and was told that occurs in Meredith, NH. He specifically questioned if oil changes, hydraulic fluid changes, etc. would occur, Mr. DuPont stated they would not.

Chairman Tenhave noted an area for tractor trailer storage, and questioned the contents of the trailers. Mr. DuPont stated the trailers are his property. They were previously stored at 33 Elm Street and were moved to this location. Most are empty. Some contain chairs, etc. from his office furniture business. Chairman Tenhave questioned whether retail sales occur onsite, and was informed that activity does not take place onsite.

Chairman Tenhave stated he would forward to the Planning Board the desire for no salt use. Commissioner Perry requested the Commission's preference for use of low-phosphate, slow release nitrogen fertilizer also be noted.

OLD BUSINESS

1. Finance Review

Commission to continue its review of fiscal year-end 2013-2014 finances along with 1st quarter finances for the current fiscal year.

Chairman Tenhave noted, at its last meeting, the Commission reviewed year-end finances as well as 1st quarter finances. Questions arose as to the final year-end amounts. At year end, Fund 51 had a balance of \$37,639.04 with \$3,060 encumbered. A request has been made to unencumber those funds. The Horse Hill Nature Preserve Fund ended with slightly over \$1,000 remaining. Fund 53 ended the year with a balance of \$1,264,321.17.

Chairman Tenhave noted he reviewed all of the 2013/2014 deductions, and confirmed with Sue Holstein, Secretary, Community Development, that all deductions were corrected.

Commissioner Glenn questioned if the Commission would consider reviewing finances on a quarterly or semi-annual basis. Chairman Tenhave stated agreement that should occur semi-annually.

NEW BUSINESS

1. Visit with the Wildcat Falls Conservation Area Sub-Committee

Commission to hear from the Sub-Committee to talk about a new trail map and other items of interest at Wildcat Falls Conservation Area.

Andrew Duane, Member, Wildcat Falls Conservation Area Sub-Committee, stated the desire to gain the Commission's approval of the new Wildcat Falls trail map. Mr. Duane explained the draft provided (can be viewed [here](#)) is a standard google maps representation of the map. There are a variety of third-party mapping services that can produce topographic overlays, wetland overlays, etc. They are also available for download to personal GPS devices. Mr. Duane provided a few samples of maps that might be printed for posting at the kiosks or used to produce tri-fold maps.

The Sub-Committee is seeking formal approval from the Commission to publish the maps after which they will determine the exact format to use to produce a map for the kiosks, a few for tri-folds, and then have the maps linked on the Town website and perhaps to downloadable GPX files. The maps are currently created as a KMZ file. There is a conversion site that will produce almost any vendor's GPS map, etc. at no charge.

Chairman Tenhave remarked something the Commission has struggled with is the fact all of the properties have their own map style and format. There is the need to synchronize that so that there is a common look and feel. Mr. Duane remarked that is part of what he wished to discuss with the Commission. Commissioner Perry stated a preference for GPX file format. Mr. Duane remarked if having a phone with a My Maps application as opposed to just a browser, you can load it in your navigator and the GPS locator will tell you where you are on the trail, etc.

Chairman Tenhave remarked the legend noted a number of junction points, and questioned if those would eventually be marked. Mr. Duane responded the Sub-Committee is seeking guidance on standardized trail markings. He has seen reference to an MCC Master Plan set of goals for trail markings. However, going through the various properties in Town, no two have the same. The Sub-Committee's designs and thoughts were similar in principle to the Horse Hill Nature Preserve (HHNP) where you would have the 4x4 junction posts with the intersection number and perhaps a trail name.

Not all trails in Wildcat Falls are named. The Sub-Committee decided to name the four major trails. There are a series of connectors. The numbered intersections are where main trails intersect. There are other junctions that are just the connector trails where small blazers would likely be placed. It is believed Wildcat Falls is a small enough area that it doesn't need huge numbers of large markings, arrows, etc. There is the desire for guidance with regard to style, design, placement, etc. Commissioner Perry commented when marking Grater Woods, the HHNP was not the best template to utilize because there is no motorized use allowed. The identification in the Grater Woods Stewardship Plan of how to mark trails is as close to a master plan as the Commission has. Mr. Duane commented like the HHNP, all of the trails in Wildcat Falls are non-motorized and are all Class B. Commissioner Perry stated the desire to maintain use of the same symbols, colors, 4x4 posts.

Mr. Duane noted the blazers that mark the trails in the HHNP are non-standard. Vice Chairman Caron agreed noting the Loop Trail is white. Mr. Duane remarked it was discussed earlier the main loop trails being white and the side trails being blue is sort of a New Hampshire or AMC standard. Mr. Duane remarked he also noticed the HHNP has some larger signs (green with use symbols underneath). The Sub-Committee is of the belief there is no need for anything that elaborate at Wildcat Falls perhaps with the exception of a single set at the entrance kiosk. Chairman Tenhave stated agreement. Vice Chairman Caron noted he has some of the green signs available.

Mr. Duane stated the spouse of a Sub-Committee member has volunteered to put in place the 4 x 4 posts (bevel, groove, and route numbers and trail names into posts). The Sub-Committee has also enlisted a civic group looking for a variety of spring time projects at Wildcat Falls. They have volunteered to bring upwards of a dozen or more members out to do trail markings, post hole digging, and sign mounting. Mr. Duane stated the need for approximately 250 of the white blazers.

Chairman Tenhave stated permissions are not in place for marking the State property. The Commission is in the process of trying to acquire an easement or management arrangement with them, but until that is in place, he would be very uncomfortable with moving forward with any markings on the State property. Mr. Duane stated there are only two major intersections that are on the State property (next to each other near the highway

overpass connector trail). Those could be left off for now. It was noted that marking would also include blazers on the trees (none until approved).

Mr. Duane remarked, at some point, the Sub-Committee should coordinate with the Town Center Trail and the High School Trail to make sure the connectors are marked. Vice Chairman Caron stated the Town Center Trail is already marked up to the bridge. Mr. Duane commented the thought was, when possible, to place a single sign in the area just past the footbridge as it goes up the hill, which would read something like entering Wildcat Falls and perhaps have a small area with tri-fold maps available.

Vice Chairman Caron commented the trail that comes out of that bridge area used to go straight up and now goes to the right and up. Along the hill it is very sandy, and pretty soon there will be a repeat of what goes up on the one that goes to the right. It is already eroding since being put in in the spring. To avoid the eroded part, they put in another trail that is going to erode. Mr. Duane stated that could be addressed once formal permission to be on the area is received. He noted one lot of the State property only goes to within 25-50' of the highway, and then there is a separate piece that goes across (buffers the highway). He questioned if easement permission would be obtained for that trail to cross that piece of property. Chairman Tenhave responded it is not technically a separate piece of property, it is just fenced. Mr. Duane remarked on the plot plan he obtained from Merrimack GIS, it appears to be a separate plot. He pointed the area out on a map. Chairman Tenhave noted it is technically not a separate plot. It is all part of the DOT highway piece.

Vice Chairman Caron called attention to the southeast half of what is called the Beach Trail, and commented just because it is a trail doesn't make it good. He does not believe it should be identified on a map or marked. It exists, but it crosses wetlands, etc. It is not a place you want to bring people. He stated his opinion that should be closed off and blocked. Mr. Duane questioned if he was acceptable to the area that goes down from the top of the Falls Ridge to the little beach area. Vice Chairman Caron clarified just the southeast half of that trail. He stated his belief there should not be any trails in that area. Mr. Duane remarked if the entrance of the Ravine trail is moved over a bit, it would avoid the wetland. It is the split right about where the wetland gets really wet. The consensus of the Commission was to avoid the area.

Mr. Duane questioned if there is a policy on trails that exist but aren't mapped, e.g. do they have to be formally blocked off and/or marked as closed trails? Chairman Tenhave stated there is no policy. The HHNP Sub-Committee physically blocked off trails and for some put up signage stating the trail is not maintained. Mr. Duane spoke of a piece of trail that is very old, not often utilized trail, which is sort of a scenic piece, which he was ambivalent about mapping at all. The only reason he mapped it is because the junction is very obvious. Once getting 20-30 yards into the trail it is kind of vague. The area is on top of the ridge above the river along the Beach Trail. He suggested not putting that on the map and allowing nature to take its course. Commissioner Perry remarked it is much easier to add a trail than take one off. If questioning a trail or its validity, he would maintain the data, but not display it.

Mr. Duane spoke of having a great deal more data than what was put on the map, e.g., located boundary markers and other features. They are in the file, but don't appear on the map.

Mr. Duane commented on the ease of utilizing the GPS. He suggested a similar exercise be undertaken on other properties to work towards the standardized formats. There could be standardized entries on the Town website. There are a few public websites that map hiking trails throughout the State and Country. Once a KMZ file is available it could be named and uploaded to be published. Chairman Tenhave spoke of an effort being undertaken by the Nashua Regional Planning Commission. Chairman Tenhave noted the Commission has a full GPX file of the HHNP including the posts, benches, etc.

With regard to materials needed, Mr. Duane stated the belief what would be needed are the white square blazers and blue triangles for the Class B trails, a few ancillary signs to mark the minor intersections, a few guidance signs pointing to the parking lot, and when a connector trail comes upon a major trail (2-3 places), a sign identifying the major trail. In total, 7 intersection posts (5 until State permission is gained), 250 blazers, 508 small ancillary signs, and perhaps a large sign at the entry gates. Chairman Tenhave requested a list be put together for formal approval at the Commission's next meeting.

It was stated the signage should mirror that at Grater Woods (all blue given no motorized use). Mr. Duane questioned the standard for blazers. Chairman Tenhave stated when at one, users should be able to see the next one. Mr. Duane stated he would put together a comprehensive count of the number and types of signs as well as verbiage desired. The goal of the Sub-Committee is to begin erecting signs in the May/June timeframe.

Chairman Tenhave questioned whether there is a trail called Heritage Trail on the map, and was told there is not. Mr. Duane remarked the names of the trails were informally decided. There is a sign at Currier Road that says Heritage Trail and the Sub-Committee has received at least one e-mail from an individual asking about the Heritage Trail system. Commissioner Boisvert commented it was supposed to follow the Merrimack River (water source) north to south, but the railroad got in the way and it pretty much died out. Mr. Duane stated his understanding the goal was to connect it through the Town Center Trail, up along the Merrimack River, and then hopefully eventually connect with the piece up in Bedford that is marked as the Heritage Trail. The railroad won't let them do that anymore.

Chairman Tenhave stated the compromise was to have the small Heritage Trail inside Wildcat Falls. That is why all of the markers went up. It was well marked at one point. That exact trail line is no longer in place because the new emergency access way that went in with the logging sort of eradicated what was the Heritage Trail. Pieces are still there, but have been incorporated into other trails, etc. Mr. Duane remarked there are a few pieces of ghost trail in the middle of the park. He has not mapped them although the data is available. Chairman Tenhave stated the Heritage Trail had a committee associated with it. They were organized and had a lot of activity. If the Commission were to all of a sudden say there is no more Heritage Trail at Wildcat Falls it may lose the heritage. Commissioner Boisvert commented he was on the committee. The trail was going to come all the way up from the Pemigewasset all through Massachusetts and follow the river.

Chairman Tenhave questioned whether there are concerns with no longer having a trail on there that says the Heritage Trail. He questioned if the Commission should announce that is the intention, and see if there is public outcry. He spoke again of the amount of participation. Commissioner Perry questioned if there is a place to put another trail that could be renamed as the Heritage Trail. Vice Chairman Caron remarked if not doing a good enough job in locating the original trail, we again lose the heritage.

Mr. Duane asked if it was marked in any of the older maps. Chairman Tenhave stated he could identify the area on the map. Mr. Duane remarked a piece that could be designated as the Heritage Trail is the Falls Trail along the south side after you pass the falls from the parking lot, that loops back up around by the highway and then back to the parking lot. Chairman Tenhave suggested the Sub-Committee be asked how it would like to address that type of concern, e.g., perhaps erect a plaque that reads something along the lines of these two trails now make up what was formerly known as the Heritage Trail, etc.

Mr. Duane commented the plan is to publish Quick Response [\(QR\) codes](#) that will link to the map. There is a new technology called Near Field Communication (NFC), and a company called [Whiztags](#), which makes little plastic dots about 3/4" across that are weatherproof, self-stick, and can be programmed as QR codes or include text or a link. The Sub-Committee was considering putting a few of those around to mark things like this is where the old property line was, this is where the Heritage Trail used to be, etc.

Mr. Duane asked for clarification if the intent was to remove the entire Beach Trail or just the piece beyond the beach back up towards the highway. Vice Chairman Caron stated the piece beyond the beach towards the highway. Mr. Duane spoke of the connector trail that goes up the small ravine and starts shortly after the beach, He suggested the end of that trail could be reconfigured to make a loop out of the Beach Trail that goes right back up the hill to the original trail. Vice Chairman Caron stated his opinion the connector trail should not exist either. It goes straight up a hill. Chairman Tenhave suggested the Commission conduct a site walk and further discussion.

Mr. Duane stated the piece of trail that comes down from the falls is a very high-traffic, blatantly obvious trail, completely compacted, nothing will grow there, already a fair bit of erosion down the middle. Blocking it off will not be an easy proposition. Vice Chairman Caron stated he was not suggesting blocking off down to the beach, he is talking about the connector and the one that goes along the water and keeps getting spray painted. He stated the need to close it off, e.g., drop a tree, etc. He suggested the trail be closed off early in the spring and that the paint be covered up. Mr. Duane stated he would be happy to mark the main public heavily used piece that goes from the top between the falls and the sandpit right down on there, and then block off the rest. The Commission stated agreement.

When asked about where to go with the map, Chairman Tenhave stated the State pieces cannot be included (promoted), the adjustment regarding the Beach Trail should be made, and beyond that the Commission is happy with it. It was suggested the Sub-Committee may not want to invest a lot into the small map until the issue with the State is resolved. When asked if the State would object to posting of a map at the kiosks with those trails identified as State property, Chairman Tenhave did not have an answer. Commissioner Perry remarked, in the

past, the Commission has dead-ended trails and simply stated "private property" on the other side of the map so users understand. Mr. Duane remarked the Sub-Committee has put up several of the conservation area boundary signs at the appropriate spots along some of the trails that map that. The good news is that the three trail pieces that cross over are blatantly obvious main trails that everyone knows about and everyone knows if you follow this trail you come out at the end of the power lines and keep going back around the other side of the loop. Even if, for the time being, the map just said Darby Dragons and didn't publish those trails, people would still know. Commissioner Perry remarked it could just say State property, trails not maintained.

2. Discussion to add an additional alternate member to the HHNP Sub-Committee

Commission to discuss potentially adding an additional alternate Sub-Committee member to the HHNP Sub-Committee. The Sub-Committee has one current alternate and a second resident has requested serving as well.

Chairman Tenhave spoke of a member of the public who has expressed interest in serving on the Sub-Committee. He informed the individual appointments are made in July, and that full-time membership positions have been filled. This particular Sub-Committee, where it was defined by the Definitive Plan, does not call for alternate positions. However, about a year ago an alternate member was appointed. The request presents another opportunity to add an alternate member. He questioned the will of the Commission with regard to how to proceed, e.g., could advertise alternate position(s) and conduct interviews, appoint the individual in question as an alternate member, recommend the individual serve as a member of the public, etc.

Vice Chairman Caron remarked, having served on that Sub-Committee, he cannot remember a meeting where full participation was achieved. He is supportive of establishing a number of alternate positions, and suggested an individual expressing interest and a willingness to serve should not be turned away. Commissioners Boisvert and Perry echoed those remarks. Chairman Tenhave questioned the process the Commission wished to follow. Commissioner Perry suggested, in keeping with past practice, the individual should be asked to submit, in writing, a letter of interest, and that an interview be scheduled. Chairman Tenhave stated the individual has submitted a written request, via e-mail, to him. When it was explained no full-time positions are available, the request was made for an alternate position. The gentleman will be asked to attend the Commission's next meeting to be interviewed by the Commission.

3. NED Pipeline and Commission Properties

Commission to discuss if an ecological, habitat, and/or environmental impact study should be done on the Commission's properties due to the pipeline project so that the Commission is prepared as the pipeline process continues to move forward.

Chairman Tenhave spoke of a presentation made to the Town Council on January 22, 2015. During the public comment period for that meeting, he stated his belief the Commission should be considering contracting for an Environmental Impact Study on Commission property, which could be impacted by the proposed project. He stated his belief the Commission does not have enough information about the property to appropriately raise concerns if the Northeast Energy Direct (NED) pipeline project moves forward.

The response from the Council was positive. In fact, one of the comments made that night was that without good factual data there is no way to guide the process. He had assured the Council, unless requested by the Commission not to, he would push forward with concerns the Commission should be addressing around the proposed project. He reiterated his belief an Environmental Impact Study is something the Commission should pursue. He stated the need for the Commission to have a clearer understanding of what is on the ground now, e.g., wildlife, vegetation, forestry impacts, user impacts, impacts of a pipeline, etc. He remarked it is not simply the pipeline in its existing state it is also the construction phase of a pipeline and the type of impacts that would cause. The Commission has a good deal of information on the HHNP; however that is not the case with the Gilmore Hill Memorial Forest.

Chairman Tenhave stated his belief there is also the need to work with the Merrimack Village District (MVD) as their parcel abuts the Gilmore Hill Memorial Forest and shares the same watershed, brook system, etc. He questioned the will of the Commission.

Commissioner Glenn stated her agreement. Commissioner Boisvert stated agreement, and questioned who would conduct the study. Chairman Tenhave informed the Commission of discussions he has had with Paul Micali, Director, Finance Department, and that he has been informed there would be no requirement to put such a

study out to bid as it falls under the category of professional services. Chairman Tenhave noted Jeff Littleton, Moosewood Ecological, LLC was contracted by the Commission to prepare the 2010 Biodiversity Conservation Plan, and has a great deal of knowledge of the properties in Town. Mr. Littleton was contacted and expressed the concern might be that he is a small firm. However, he has direct connections to intern possibilities and others who could provide assistance. He was informed the Commission now has access to GIS/GPS and that there would be the desire for information to be incorporated into layers in the GIS system as a way to maintain it. He has assured him that would not be an issue. He was asked if he would have any conflicts of interest, e.g., clients that would be representing the pipeline, etc., and responded he does not. There was concern that a good many of environmental organizations or others who do that kind of work are already be contracted to work with other Towns and/or pipeline associated individuals/entities.

Commissioner Perry commented Mr. Littleton conducted an extensive search of the Town in the past. There are areas/issues the State is aware of that are not advertised. Mr. Littleton has that knowledge from past experience with the Town. He has been responsible for helping the Natural Heritage Bureau locate areas within and around Town where rare species have been identified, etc. Commissioner Boisvert commented he believes this type of information could potentially prove critical to the process.

Chairman Tenhave suggested the Commission create a Statement of Work and allow Mr. Littleton to provide preliminary cost information. Commissioner Perry stated his support for both the study and contracting with Mr. Littleton. Commissioner Boisvert stated a desire to participate in the process.

The consensus of the Commission was that Chairman Tenhave and Commissioners Perry and Boisvert work together to create a Statement of Work.

Chairman Tenhave noted as an ad hoc committee of sorts there is the need to adhere to the Right to Know Law, e.g., record keeping, etc.

With regard to a timeline, Chairman Tenhave noted a study could not be prepared in advance of the March 18, 2015 deadline associated with the preapproval process for the project. If Kinder Morgan stays on target, which was to submit formal application in the fall, they will be doing their own study over the next few months; therefore, the Commission would need to be able to influence them in advance of their application submission. As a result, there would be a need for, at minimum, a rough draft/good data in the early May timeframe if not mid-May.

Chairman Tenhave stated his belief if a preliminary draft, with most of the field work done, could be prepared by mid-May, a final draft could be prepared in the June timeframe. Mr. Littleton has stated he is in favor of a mid-May timeframe as that gives him the opportunity to map vernal pools, etc. That time of year will also provide the opportunity to see birds nesting, reptiles out, signs of eggs, plant life blooming, etc. Mr. Littleton has stated he would need to be able to do field work through April in order to have the necessary information.

When asked, Chairman Tenhave stated the study would be funded through the conservation fund (Fund 53). When asked about potential cost, Mr. Littleton had responded it would depend on the amount of time in the field, e.g., the number of parcels and how much of each parcel the Commission wished to be included in the study, e.g., entire HHNP, entire Gilmore Hill Memorial Forest, 5-6 acres in MVD land, any other parcel(s). Chairman Tenhave commented it may be along the same lines as the cost of the beaver study (somewhere in the \$20,000 to \$30,000 range), although done at a much faster pace.

Commissioner Glenn remarked it would be advantageous to have the information regardless of the current situation. Chairman Tenhave stated agreement; should the proposed project not come to fruition, having the information would still be beneficial. It was noted the study could also be utilized for educational opportunities. It was suggested such educational opportunities be factored into the contract. Commissioner Perry remarked he has spoken with Mr. Littleton about educational opportunities, and he anticipates hearing from the Commission about such efforts in the spring.

Commissioner Glenn stated she has heard all of the open houses scheduled for this week to discuss the proposed pipeline have been cancelled.

OTHER BUSINESS

- Beaver Management and Water Level Control Activities

Commissioner Perry informed the Commission he met with GZA a few days prior, and they worked on aligning some of the names, numbers, etc. in the Beaver Management Plan. GZA will get in touch with him to provide a timeline for receipt of a final report.

Chairman Tenhave spoke of an e-mail exchange with a resident of Hansom Drive. A good deal of information was passed along to the resident regarding actions of the Commission. He noted a recent article in the Union Leader, which spoke of the beaver water control activities being undertaken by both the Merrimack and Milford Conservation Commissions.

- Gas pipeline update – general information to pass along

To date, no meetings have been scheduled to take place in Merrimack. During the recent Town Council meeting it was stated the Town is pushing hard for that to occur. It now looks as though a meeting may take place in the March timeframe.

Chairman Tenhave stated his opinion there are more activities or actions the Commission should be taking. He spoke of the current March 18, 2015 deadline for submission of comments to the Federal Energy Regulation Commission (FERC). He requested Commissioners learn more about what those comments could or should be, and be prepared to spend a fair amount of time at the February meeting discussing the proposed project, and action the Commission should take. Commissioner Perry noted the FERC website is difficult to navigate; however, there is the ability to sign up to receive e-mails every time a comment is submitted.

- Duck Boxes

Vice Chairman Caron provided maps of what was existing (dated 2003) and spoke of what was done in 2003-2004. He stated a desire to continue with the duck boxes, which require replacement of damaged or removed boxes. In the past, the Commission could draw from a supply of duck boxes former Commissioner Currier had.

When asked for a recommendation, Vice Chairman Caron stated his preference to purchase additional duck boxes (non-pressure treated White Pine). He spoke of having identified three trees on Beaver Pond off of Beebe Lane in Grater woods; an area that at one time had several wood duck boxes. He stated a willingness to install them and maintain them going forward.

Commissioner Perry commented Mr. Currier had a plan for duck boxes (included in the materials provided), and was in contact with a gentleman who built the boxes. Vice Chairman Caron noted the individual has since moved out of Town.

Vice Chairman Caron commented each year he visits the sites of the boxes, opens them and counts the egg shells to identify the number of ducks born in each box over the course of the year. The boxes are swept out, new shavings put in, and the boxes closed. That is all that is involved in yearly maintenance, and it provides for a good count of what the box yielded for young in a year. When asked, he agreed to come to the February meeting prepared with a quote for what he would like to expend on new boxes.

- Joint meeting with the Amherst Conservation Commission on 2/11/2015

Chairman Tenhave stated the Commission will meet jointly with the Amherst Conservation Commission on February 11, 2015 at the Fire Station in Amherst. The agenda consists of two items; Grater Woods and the proposed NED pipeline project. Chairman Tenhave stated the desire for the discussion around Grater Woods to be an exchange around our side, their side, problems being faced, areas where we conflict/can complement, and next steps.

- Winter Carnival

Chairman Tenhave spoke of the upcoming Winter Carnival, and suggested Commissioners, if interested, take it upon themselves to put something together.

- Society for the Protection of New Hampshire Forests (Society)

Chairman Tenhave informed the Commission of receipt of the annual invoice from the Society. The Commission typically provides a donation for membership. Monies are included in the Town budget (\$250.00). He stated, without objection, he would process the invoice. No objections were stated.

- Watson Park

Chairman Tenhave spoke of the kiosk behind the pavilion, and suggested the Commission determine how to best manage/utilize the kiosk moving forward (April/May timeframe).

- Non-Public Meeting

Chairman Tenhave spoke of the previous decision for the Commission to schedule a non-public session to address outstanding issues. Given the extent of the current agenda and what is expected to be included on the next agenda no non-public session has been scheduled to date. He questioned the will of the Commission with regard to either scheduling a separate meeting or postponing the non-public session until the Commission's March meeting.

The consensus of the Commission was to schedule the non-public session for the Commission's regular meeting in March.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. January 5, 2015

MOTION BY COMMISSIONER PERRY TO TABLE UNTIL THE COMMISSION'S NEXT REGULARLY SCHEDULED MEETING

MOTION SECONDED BY COMMISSIONER BOISVERT

MOTION CARRIED

5-0-0

PUBLIC COMMENT

Jody Vaillancourt, 35 Greenleaf Street

Spoke of having provided the Commission with information on the proposed NED pipeline project. She, Amanda Yonkin, and Debra Huffman, who make up the Merrimack Citizens for Pipeline Information, wish to be a resource to the Commission in any way they can.

Ms. Vaillancourt stated her pleasure with the joint meeting scheduled with the Amherst Conservation Commission. She stated her belief working with the Amherst Conservation Commission on Grater Woods is a great idea as is working with them on the issue of the proposed pipeline. She commented the Amherst Conservation Commission has been very collaborative with the citizen group in gathering of factual data related to the proposed project. The Town of Amherst's website has an incredible amount of information on it regarding the proposed pipeline. They have also included a link to the presentation the citizen group provided the Town Council at its January 22, 2015 meeting.

Ms. Vaillancourt thanked the Commission for approving the Environmental Impact Study. She stated her belief the study is essential to the process. She commented during the annual review with the Town Council, Chairman Tenhave requested the Council take the lead on the pipeline project; however, during the January 22nd Town Council meeting she heard Councilors refer to the Commission taking the lead.

With regard to the deadline associated with the comment period, Ms. Vaillancourt stated she has no reason to believe an extension will be granted. Although Councilor Mahon has stated he is confident that will be granted, she is unsure what that is based on. She spoke of a petition the New Hampshire Pipeline Awareness Group put out to which Kinder Morgan filed a formal written response asking FERC not to extend the deadline.

She stated her hope the Commission will file formal comments, and remarked there are two issues she believes could possibly affect where the route of the proposed pipeline goes; one is the impact it would have on our conservation land and the other is the impact it could have on the water supply. Those are important issues, which she believes the Federal Government will take note of.

Ms. Yonkin attended the MVD meeting earlier in the day. The President of the Horseshoe Fish & Game Club (Club) was in attendance, and expressed concerns with the proposed pipeline, which would traverse through their property. There was some discussion about a forestry project the Club wishes to undertake; however, they will not be able to run heavy equipment if there is a pipeline. He also spoke about wanting his club to possibly connect with the Conservation Commission to work collaboratively.

MVD's main concern with the proposed project is possible damage to the water main pipe. The proposed route would go along the same area as the water main. MVD's Director stated he met with a representative of Kinder Morgan, and that a request was made for permission to survey MVD land. They talked about having a meeting with Chairman Tenhave as a representative of the Commission and their Geologist.

Ms. Vaillancourt commented someone asked what would happen if one of the wellheads was damaged, and they said it cost an estimated \$2 million to \$3 million to replace. Someone asked if the aquifer were damaged what that would mean for the Town of Merrimack. One of the Commissioners responded the Town would have to buy its water from someone else. There was discussion of possibly bonding. Ms. Yonkin questioned the different protective radius classifications. The most restrictive is a sanitary protective radius, which is 400'. The closest one would be Well #1, which is not in service. They were not positive how close (around 800') the proposed path of the pipeline is to the closest wellhead.

The Town Council has scheduled a meeting for Thursday, January 29, 2015 at 7:00 p.m. to discuss the proposed pipeline project.

Chairman Tenhave stated the New Hampshire Association of Conservation Commissions is going to try to pull together a Regional meeting for the 23rd of February from 6:00 - 9:00 p.m. in Milford.

COMMISSIONER COMMENTS – None

ADJOURNMENT

MOTION BY COMMISSIONER GLENN TO ADJOURN
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
5-0-0

The January 26, 2015 meeting of the Merrimack Conservation Commission was adjourned at 8:34 p.m.

Submitted by Dawn MacMillan