

MERRIMACK CONSERVATION COMMISSION  
JULY 20, 2015  
**MEETING MINUTES**

A regular meeting of the Merrimack Conservation Commission was held on Monday, July 20, 2015 at 6:37 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  
Councilor Jody Vaillancourt (arrived at 7:10 p.m.)

Members of the Commission Absent: Gage Perry  
Kristi Bradshaw, Alternate

Also in Attendance: Robert McCabe, 30A Wilson Hill Road  
Earle Blatchford, Hayner-Swanson, Inc.

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Commissioner Perry was excused. There are currently two open positions on the Commission; one full-time member and one alternate member. Individuals interested in serving in this capacity should contact Becky Thompson in the Town Manager's Office or the Chairman at [TTenhave@MerrimackNH.Gov](mailto:TTenhave@MerrimackNH.Gov).

PUBLIC COMMENT - None

APPOINTMENTS - None

**1. El Tapatio Mexicano Restaurant, LLC. (applicant), and Pennichuck Square Limited Partnership, c/o Renwood Companies (owner)**

Review for recommendation to the Planning Board of an application for a waiver of full site plan review and a parking waiver to add an outdoor seating area. The parcel is located at 709 Milford Road, Unit 4C, in the C-2 (General Commercial) and Aquifer Conservation Districts, and the Wellhead Protection Area. Tax Map 2B, Lot 360.

***The Applicant was not in attendance.***

**2. Dredge and Fill Application for a Souhegan River Bank Restoration**

Commission to review an expedited NH DES Dredge & Fill permit for a river bank restoration project on the Souhegan River. The river bank is along property owned by Bob McCabe, Tax Map parcels 4B-88, 4B-89, and 5C-672.

Mr. Robert McCabe stated the proposed restoration project is intended to stop erosion on the riverbank along some of his properties. The locations were identified as Tax Map parcels 4B-88, 4B-89, and 5C-672. The most critical is parcel 5C-672, where the erosion is nearly cutting off access to his property. The second, parcel 4B-88, is a horseshoe curve eroding some 10+ feet on the curve each winter and spring, and the third, parcel 4B-89, is at 30A Wilson Hill Road.

Work was done in conjunction with the stream habitat improvement project conducted by the Natural Resources Conservation Service (NRCS) and Field Geology Services (Fluvial Geomorphologists). Fluvial Geomorphology is a science devoted to understanding rivers, both in their natural setting as well as how they respond to human-induced changes in a watershed.

Some design work has been done, which utilizes timbers, root stumps, and logs to gradually rebuild the riverbanks naturally over time (5-7+ years). Mr. McCabe stated he has appeared before the New Hampshire Department of Environmental Services (NH DES) to explain the system, and they were enthusiastic about the project. Although the system is new, it has been in use on the East Coast for 22+ years and on the West Coast for over 30 years. It does not allow for the use of rock or permanent abutments. He reiterated it uses timber, branching, and stumps to naturally rebuild the river systems.

1 Commissioner Boisvert questioned if it is believed the logs, etc. will capture natural sediment and debris, and  
2 gradually, as it decomposes, will become part of the riverbank. Mr. McCabe stated the log jams and the traps that  
3 are set slow down the velocity of water and sediment actually drops out of the water and rebuilds and attaches to  
4 the log jams. In time it broadens itself.

5  
6 With the use of a large excavator, they would push timbers 15' into the bottom of the riverbank, a logjam would be  
7 created, and then they would horizontally push logs into the banking itself. Some of the logs are 30+ feet long,  
8 18" in diameter or larger.

9  
10 Mr. McCabe remarked he has been working with the NRCS for a few years, and has found them very helpful.  
11 NRCS reached out to Field Geology Services after one of their senior people noticed a problem while working on  
12 Mr. McCabe's property. So much land was being lost that access would eventually be denied, and that part of the  
13 farm would be lost.

14  
15 Commissioner Boisvert questioned how far in the vertical logs would go. Mr. McCabe stated the log jams go  
16 down below the footing of the riverbank 15' into the riverbank, and 15' stands up on its own. When asked how far  
17 out, he stated his recollection the plan identified a maximum of 15' from the edge of bank. He reiterated, in time,  
18 those log jams will erode, and it will again be a natural riverbank. Mr. McCabe noted there would be landscape  
19 material put in. There is a design NRCS is working with to restore seedlings so that the banking will eventually  
20 have a root system of its own. There are five different types of species of deciduous plant material planned.

21  
22 Vice Chairman Caron questioned if there is a mechanism by which the dredge would be trapped after drilling into  
23 the riverbed. Mr. McCabe stated his belief the mechanism is slowing down the velocity, and letting the silt or sand  
24 fall out of the water. Vice Chairman Caron clarified his question was with regard to the time when drilling is taking  
25 place. Mr. McCabe stated the logs would not be drilled they would be tapped in with the bucket of the excavator.  
26 He spoke of the size of the equipment and the project; approximately 650 trees, 18" diameter for the three sites.  
27 They would be locked/woven together. The project is intended to restore 1,000' of riverbank.

28  
29 Because of the need to work in a low water situation, a request has been made to conduct the project prior to the  
30 end of October. Should there be a low river problem, they would look to bring 2-3 machines in and complete the  
31 work at all three sites simultaneously.

32  
33 Chairman Tenhave questioned how users of the river would be informed of items in the water when coming  
34 around the bend. Mr. McCabe responded when construction is being done, a floating containment boom would  
35 be utilized so that canoers would be denied access while the work is being completed. The log jams are 60-70'  
36 apart and only stick out 15' from the edge. The narrowest area of river being worked on is 92' across. Chairman  
37 Tenhave questioned if any signage was planned, and was told that could be done.

38  
39 Vice Chairman Caron commented a review of the diagrams provided appear to indicate the proposed repairs are  
40 outside of the river bend (3 locations). Mr. McCabe responded it is going northerly, and is where the erosion is  
41 occurring. It is the positive curve in the river that is eroding. Mr. McCabe commented with changing elevations of  
42 the river (rainfall and ice/snow melt), it carves away all the 18" of loam, 2' of yellow clay/silt, and the sod on top  
43 slumps down. The log jams shown on Map #1 correspond to the curve, which is where the flow and the cut is.  
44 Vice Chairman Caron remarked if coming around the corner in a kayak you would typically be surprised by  
45 something on the curve. Mr. McCabe remarked it is a long curve. Vice Chairman Caron stated that is true for the  
46 inside, but those on the outside may create a risk. He commented there is a lot less risk of someone paddling  
47 directing into the area that is on the outside of the curve because they are looking at it. Commissioner Boisvert  
48 commented the current would carry the kayak, etc. to the outside. Mr. McCabe reiterated the area is 92-100+ feet  
49 wide. Mr. McCabe stated he needs to do something or the property will be less accessible to say the least. The  
50 desire is to farm the land, and make the best of what is left.

51  
52 Chairman Tenhave noted parcel 4B-88 appears to be owned by a Trust, and questioned if Mr. McCabe is the  
53 primary member of the Trust. Mr. McCabe stated he is the majority landowner. Three-four of the neighbors might  
54 own 1/15<sup>th</sup> and he owns around 11/15<sup>th</sup> of the original property. It is all done by square footage. Number 88 is  
55 deeded to them as a recreation area. It is almost inaccessible; full of Poison Ivy, eroding, etc. When asked, he  
56 stated it was unclear to him if abutters would have to be notified. That question should be posed to the NH DES.

57  
58 Chairman Tenhave noted additional information that is required to complete the form, e.g., impacts of the project,  
59 etc. Mr. McCabe noted Mr. Richardson, NH DES has stated there would be minimum impact.

1 Chairman Tenhave remarked his initial thoughts were why tinker with nature; leave the river alone, it will find its  
2 own path. He commented, although he does not consider himself a preservationist, in this case he would. He  
3 stated his personal desire to see evidence that this approach works. He noted comments of the Commission are  
4 merely recommendations to NH DES. The Commission has no authority over the project. He commented, if  
5 there is good science behind the project, the engineer in him says why not.

6  
7 Commissioner Glenn questioned if precautions would be taken to ensure protection of wildlife, e.g., rare species,  
8 etc. Chairman Tenhave noted, as part of the permitting process, there is the need to consult with the Natural  
9 Heritage Bureau to identify any known occurrences of rare or threatened species onsite. Mr. McCabe responded  
10 with his belief that documentation is available.

11  
12 ***A Site Walk was scheduled for 6:00 p.m. on Monday, July 27, 2015. Commissioners will meet on the west***  
13 ***side of the Turkey Hill Bridge. In the event of inclement weather, the Site Walk would be postponed.***

14  
15 **3. Home Health & Hospice Care (applicant/owner)**

16 Review for recommendation to the Planning Board of a site plan for a proposed parking lot expansion for an  
17 existing two story office building. The parcel is located at 7 Executive Park Drive in the C-2 (General  
18 Commercial), Aquifer Conservation District and 100/500 year Flood Hazard Areas. Tax Map 4D, Lot 071.

19  
20 Earle Blatchford, Hayner-Swanson, Inc. stated a minor Site Plan Application has been made to the Planning  
21 Board. The project is before the Commission because the site is within the Aquifer Conservation District. The  
22 existing site is 2.4 acres in size, zoned C-2 Commercial, and is located at 7 Executive Park Drive. The lot was  
23 developed in the early to mid '80s. It consists of a two-story office building; 20,825 sq. ft. with a footprint slightly  
24 over 10,000 sq. ft. The property has had several users over the years, and was purchased by Home Health &  
25 Hospice Care a few years ago to be used as their office headquarters.

26  
27 All surrounding land to the south, west, and north are commercial uses. On the east side is the F.E. Everett  
28 Turnpike. Naticook Brook is to the south. There is a 72" pipe that flows through and goes under the Turnpike,  
29 which has been flagged by Bob Prokop, Wetland Scientist. The site currently has 69 parking spaces. The  
30 proposal is for an additional 27 spaces to accommodate current need. Naticook Brook flows south of the site, but  
31 cuts across the southeasterly corner of the site. The eastern portion of the site is wooded. The site has  
32 underground electricity and telephone, which was recently upgraded. There is a stockpile of sand onsite, which  
33 will be hauled away.

34  
35 The proposed location for the additional parking spaces is in the flat, cleared area adjacent to the wooded area.  
36 There are a few trees that are away from the main face of the woods, which would be removed. Some  
37 reconfiguring will be done of the existing parking lot to make it more efficient. The 27 parking spaces will result in  
38 approx. 8,000 sq. ft. of additional pavement area. There are impacts to the amount of impervious space that need  
39 to be compensated.

40  
41 The existing stormwater management system in the southerly parking lot consists of a single catch basin, which is  
42 connected by underground pipe to the existing closed drainage system in Executive Park Drive at the southerly  
43 site entrance drive. The proposed stormwater management design incorporates a closed drainage system  
44 consisting of a new catch basin, fitted with a gas trap, and underground pipes, which are connected to an  
45 underground infiltration trench system designed to comply with Merrimack stormwater design regulations. All  
46 runoff from the new pavement area will be captured and treated. The infiltration system is designed with an  
47 overflow outlet pipe to the existing onsite catch basin, which in turn connects to the closed drainage system in  
48 Executive Park Drive. The system was designed to accommodate up to the 50-year storm.

49  
50 Chairman Tenhave commented on not having received a copy of the stormwater report. Mr. Blatchford stated  
51 copies were submitted and should have been provided. He noted it was a much abbreviated report; small system  
52 with straightforward analysis. Chairman Tenhave questioned the end result, and was informed there would be  
53 slightly less water leaving the site. Mr. McCabe noted Kyle Fox, Deputy Director, Public Works Department  
54 (PWD)/Town Engineer, requested they look to pick up some of the water for some of the smaller storms (1-2  
55 year). A quick analysis will be performed of the 1 and 2 year storm. There is a single catch basin that serves the  
56 existing parking area and ties to the street system. There is a reverse slope overflow pipe connected to that.  
57 There is no discharge with the way it is designed now; with just the new pavement, nothing comes out of it up  
58 through the 50-year storm. It is just there as a good design measure. The thought is to change that overflow  
59 configuration so that water from the existing catch basin, for the smaller storms, gets into the infiltration basin.  
60 Anything larger than that would be metered back out to the street system.

1 They have stated they would look at it and do what they can with the system that has been designed. Mr.  
2 Blatchford reiterated it is a very small project with a small budget. Deputy Director Fox understood that, and said  
3 anything that can be done would be appreciated.  
4

5 Chairman Tenhave commented in that area it all eventually ends up in the Naticook Brook. Mr. Batchford stated  
6 that to be correct and remarked the PWD is interested in seeing what can be done to improve the water quality of  
7 runoff getting to the brook. Chairman Tenhave added that ends up down in Horseshoe Pond and eventually into  
8 the Merrimack River.  
9

10 Commissioner Glenn questioned, and was told there would be no blasting. Mr. Batchford stated the area is all  
11 deep sandy material. A test pit was done to look at the soils and to ensure the infiltration percolation rates are  
12 valid. They are very conservative. They are utilizing a factor that is about 10 times higher than what you actually  
13 get. They are Windsor type soils; fast percolating soils. Typically these soils at less than 2 minutes, sometimes  
14 less than 1 minute per inch, and they are using an inch per 10 minutes/6" per hour as their design assumption.  
15

16 Chairman Tenhave noted the plans speak to the fact salt and deicing will not be used. Mr. Batchford responded  
17 they are aware that the Commission looks for that. He added they have discussed judicious use of pesticides and  
18 fertilizers.  
19

20 When asked about landscaping, Mr. Batchford stated a request is being made for a Waiver of full Site Plan  
21 review, and as part of that they requested, prior to start of construction, the landscape contractor would submit a  
22 plan to the Planning Department for Administrative Review. He noted there would not be a great deal of  
23 landscaping.  
24

25 Vice Chairman Caron stated, as long as the stormwater test comes back negative, he would not have any  
26 concerns with the proposed project.  
27

28 ***The Planning Board will be made aware of the Commission's recommendation for NO phosphate, and that***  
29 ***soil testing be performed to determine if fertilizer is necessary. If deemed necessary, slow-release***  
30 ***nitrogen fertilizer should be used.***  
31

## 32 OLD BUSINESS

33

### 34 1. NED Pipeline

35 Commission to have a general discussion on the NED project and any immediate actions it may wish to take.  
36 Commission will also prepare for the upcoming FERC Scoping Meetings on July 29th and 30th.  
37

38 Chairman Tenhave thanked Commissioner Glenn for her efforts in keeping the Commission apprised of filings.  
39 Councilor Vaillancourt informed the Commission the Town's attorney, Joanna Tourangeau, Esq., has provided a  
40 document entitled FERC Scoping Meeting Tips, which was posted to the Town's website (can be viewed [here](#)). It  
41 was suggested those providing testimony should focus remarks on the purpose of the meetings; environmental,  
42 safety, and economic impacts.  
43

44 Scoping Meetings with the Federal Energy Regulatory Commission (FERC) have been scheduled for: July 29<sup>th</sup>,  
45 Radisson Hotel, Nashua and July 30<sup>th</sup>, Milford Town Hall, 3<sup>rd</sup> floor. Both meetings are scheduled for 6:30 - 11:00  
46 p.m. Councilor Vaillancourt suggested Commissioners make an attempt to attend both meetings. She noted  
47 Chairman Harrington will represent the Town Council providing both verbal and written testimony. She stated her  
48 assumption the Commission would also appoint a single individual to provide testimony.  
49

50 Councilor Vaillancourt noted the FERC's Notice of Intent to Prepare an Environmental Impact Statement (EIS) for  
51 the Planned Northeast Energy Direct Project, Request for Comments on Environmental Issues, and Notice of  
52 Public Scoping Meetings states in part: "Your comments should focus on the potential environmental impacts.  
53 Your input will help the Commission staff determine what issues they need to evaluate in the EIS. To ensure that  
54 your comments are timely and properly recorded, please send your comments so that the Commission receives  
55 them in Washington, DC on or before August 31, 2015. If you sent comments on this project to the Commission  
56 before the opening of this docket on September 15, 2014, you will need to file those comments in Docket o.  
57 PF14-22-000 to ensure they are considered as part of this proceeding."  
58

59 Councilor Vaillancourt stated concern with the timing of when the Commission's EIS will be concluded. Chairman  
60 Tenhave responded, although a tight timeline, the Commission should have sufficient information to respond. Mr.

1 Littleton, the Wildlife Ecologist who is performing the EIS for the Commission, has stated information could be  
2 provided to be utilized for the upcoming scoping meetings.  
3

4 Councilor Vaillancourt noted Governor Hassan has submitted a written request to the FERC requesting the  
5 scheduling of additional scoping meetings. Other letters to the FERC have requested the process be postponed.  
6 Councilor Vaillancourt commented, with alternate routes being discussed, it is not clear which route is currently  
7 being considered.  
8

9 Councilor Vaillancourt informed the Commission the Survey Access Agreement between the Town and Kinder  
10 Morgan continues to be negotiated.  
11

12 It was noted the time limit that will be available to provide testimony at the scoping meetings is 1-3 minutes.  
13 Chairman Tenhave spoke of the need for the Commission to determine what should be included in the written  
14 testimony. He commented, during the construction process, the use of silt fencing, etc. will prevent small  
15 amphibians from being able to cross into the construction area, which may be good depending on the time of  
16 year. It may be the wrong time of year for construction activities. He intends to provide testimony stating the  
17 time of year construction is performed is important. In addition to that testimony, the items discussed at the  
18 Commission's last meeting is where he will draw his testimony from.  
19

20 Chairman Tenhave questioned the will of the Commission with regard to raising concerns around the Amherst  
21 options or if the desire is for him to stick to the information that has officially been provided by Kinder Morgan in  
22 their March draft. Councilor Vaillancourt commented she believes one of the concerns Chairman Harrington will  
23 bring up is which plan is being addressed. She commented she does not believe it would be harmful to bring the  
24 issue forward particularly given technically the alternate route is Kinder Morgan's alternate route. Commissioner  
25 Boisvert questioned where information on the alternate routes could be obtained, and was informed the Amherst  
26 Town website includes maps of alternate routes along with meeting minutes. It was also noted Town Manager  
27 Cabanel has a large map, which she is willing to copy for anyone wishing to have a copy. Town Manager  
28 Cabanel is also working along with Tim Thompson, Director, Community Development Department, and possibly  
29 the Nashua Regional Planning Commission (NRPC) to have the GIS system identify coordinates or attributes on  
30 the map that would help users understand the impacts.  
31

32 Councilor Vaillancourt remarked what is especially disturbing with the alternate route option 1, in addition to the  
33 wellheads, is how close it is to our elementary school. The School Board met and took an official position, and  
34 has provided that, in writing, to the FERC.  
35

## 36 **2. NED Opposition Letter**

37 Commission to discuss signing a letter in opposition of the NED pipeline. This letter has been drafted by  
38 members of the various impacted communities and is intended to gain the signatures of New Hampshire  
39 municipal Conservation Commissions.  
40

41 Commissioner Glenn stated an informal group of members from many conservation commissions has drafted a  
42 letter to send to the FERC, the Governor, and local news media. The group is seeking signatures from  
43 Commissions. The intent is to mail the letter on August 17<sup>th</sup>.  
44

45 The Commission stated support of the letter, and a willingness to affix signatures.  
46

47 **MOTION BY COMMISSIONER GLENN TO AUTHORIZE THE CHAIRMAN TO SIGN THE LETTER, ON**  
48 **BEHALF OF THE COMMISSION, CITING THE MEETING DATE DURING WHICH THE COMMISSION STATED**  
49 **ITS SUPPORT OF THE LETTER**

50 **MOTION SECONDED BY COMMISSIONER BOISVERT**

51 **MOTION CARRIED**

52 **5-0-0**  
53

## 54 **3. Wetland Delineation for the area adjacent to the HHNP Parking Lot**

55 Commission to decide if it wishes to move forward with having the wetlands near the HHNP parking lot  
56 delineated in anticipation of a parking lot expansion.  
57

58 Chairman Tenhave spoke of the Commission having authorized him, as the Chair, to work with the Town with  
59 regard to having the wetlands delineated. Two responses were received. Mr. Tom Carr, Meridian, has indicated

1 to delineate the wetlands (going out 200-300' from the existing parking area) would be at a cost of less than \$500.  
2 The project could fit into their schedule within a week or so from receiving permission to proceed.

3  
4 Chairman Tenhave spoke of having reached out to Tracy Tarr, GZA GeoEnvironmental, Inc. (GZA), because of  
5 the Commission's experience with GZA and because Meridian is often before the Commission representing  
6 applicants. He requested GZA look at the idea of providing an educational aspect to delineating a wetland.  
7 Another difference between the two quotes was that GZA was asked to identify the cost of going out 500' from the  
8 existing parking area. He commented part of his reasoning was the idea the Commission might have other  
9 activities in that area of the Horse Hill Nature Preserve (HHNP), down the road. GZA was also requested to  
10 ensure the Commission is provided with GIS information for everything identified. The estimated cost received  
11 from GZA was \$925.

12  
13 Chairman Tenhave questioned the will of the Commission. Commissioner Glenn stated her support of the  
14 training aspect being incorporated. She also agreed with the idea of contracting with an organization that does  
15 not frequently come before the Commission representing applicants. She stated her support of contracting with  
16 GZA.

17  
18 **MOTION BY COMMISSIONER TENHAVE TO AWARD THE CONTRACT TO CONDUCT WETLAND**  
19 **DELINEATION AND TRAINING AROUND THE HORSE HILL NATURE PRESERVE PARKING AREA TO GZA**  
20 **GEOENVIRONMENTAL, INC., IN AN AMOUNT NOT TO EXCEED SEVENTEEN HUNDRED DOLLARS**  
21 **(\$1,700). FUNDS ARE AVAILABLE IN FUND 53**  
22 **MOTION SECONDED BY COMMISSIONER GLENN**  
23 **MOTION CARRIED**  
24 **5-0-0**

25  
26 **4. Watson Park Kiosk**

27 Commission to discuss painting a map and other improvements to the Kiosk created for it at Watson Park.

28  
29 Chairman Tenhave spoke of a communication received from George May, Chairman, Souhegan River Local  
30 Advisory Committee and the Souhegan Watershed Association. Mr. May proposed a map of the watershed be  
31 painted on the Watson Park kiosk (6' x 6' map with a 1' decorated border all around (flowers, ivy, cartoon  
32 characters, etc.). He has met with an artist who has done similar projects in Manchester. The artists utilizes  
33 paints that allow for cleanup should graffiti become an issue (helps wash it away).

34  
35 Chairman Tenhave commented by doing this, it sort of removes the idea of a map of the Souhegan Watershed on  
36 the first kiosk (by the parking lot), and would provide for additional space. The cost is estimated at roughly  
37 \$500.00. The project would likely take a few weeks to complete. Matt Casparius, Director, Parks & Recreation  
38 will be contacted to ensure he is on board with the project. The kiosk has been planted in the ground; however,  
39 there is nothing around the base. As a result, the supports can be seen. Chairman Tenhave spoke of engaging  
40 the Parks & Recreation Department or the Public Works Department to address that.

41  
42 When asked, Chairman Tenhave explained the Commission was approached by the Rotary Club of Merrimack  
43 and asked to help with the funding of the pavilion. They presented the pavilion could be used for educational  
44 opportunities for the school, etc. The Commission discussed, and the Rotary agreed, to place a panel between  
45 two of the posts so that the front side could be used by a presenter and the back side for posting of information.  
46 The pavilion was built, and the decision was made not to put the solid panel in. He approached Rotary members  
47 who had presented the project, spoke of the Commission's \$4,000 donation and how the entire benefit that was  
48 promised was not achieved, and questioned how that would be rectified. The end result was placement of a  
49 kiosk. They had spoken of a kiosk that had the same angles as the pavilion, color, etc. The Commission had  
50 assumed it would be lower and more horizontal as opposed to being very vertical. By the time the Commission  
51 saw the plans the kiosk was already assembled and installed. It was then handed over to the Commission.

52  
53 Chairman Tenhave noted he would coordinate the project and ensure all parties are aware of the Commission's  
54 efforts.

55  
56 **MOTION BY COMMISSIONER TENHAVE TO MOVE FORWARD WITH THE PROJECT OF HAVING AN**  
57 **ARTIST PAINT A MAP OF THE WATERSHED ON THE KIOSK LOCATED AT WATSON PARK AT A COST**  
58 **NOT TO EXCEED SIX HUNDRED DOLLARS (\$600.00). FUNDS ARE AVAILABLE IN FUND 53**  
59 **MOTION SECONDED BY COMMISSIONER GLENN**  
60

1 **MOTION CARRIED**  
2 **5-0-0**

3  
4 **5. Invasive Species remediation at Brookside Drive**

5 Commission to discuss plans for another invasives application at 10 Brookside Drive.

6  
7 Commissioner Boisvert met with Mike Powers, Bay State Forestry Services, at the site. During their visit they saw  
8 Chinese Knotweed coming back with a vengeance. They both agreed on the need for additional spraying, and  
9 Mr. Powers agreed to set a date for a second spraying.

10  
11 Chairman Tenhave noted he spoke with Mr. Powers the previous week, and Mr. Powers expressed his firm belief  
12 spraying should be conducted late in the summer months. Mr. Powers received confirmation of that from his  
13 associates in the invasives office in Massachusetts. They stated the Japanese Knotweed flowering and going to  
14 seed is not a big deal as the plant only reproduces vegetatively. The plant does have an extraordinary ability to  
15 spread vegetatively from crown, stem and rhizome (underground root). Even tiny amounts of cut stem, crown or  
16 rhizome are capable of producing a new plant. Controlling spread is therefore dependent on preventing the  
17 spread of stem, crown or rhizome.

18  
19 Chairman Tenhave spoke of the concern with the plant being so close to Baboosic Brook. Mr. Powers had not  
20 been able to get the Wetlands Permit in place in time for the initial spraying. He was authorized to begin that  
21 process to be prepared for the next application. Mr. Powers stated he was not pleased with the results of the first  
22 spraying, and would do the next spraying at a much reduced rate. He also coordinated with the private landowner  
23 who had a large problem, and will do the same for her.

24  
25 Mr. Powers will provide details of the timing of the second application so that notification can be provided to  
26 abutters as well as the opportunity for abutters to come before the Commission with any questions/concerns.

27  
28 NEW BUSINESS

29  
30 **1. Annual Meeting for the Commission**

31 Commission to hold elections of the Chairperson and Vice Chairperson. A review and possible amendments  
32 to the Commission's By-Laws will be done. Finally, (re)appointments to open positions in the three sub-  
33 committees will be handled.

34  
35 Bylaws

36  
37 Chairman Tenhave questioned whether there were any proposed amendments to the Bylaws.

38  
39 *No recommendations were made.*

40  
41 Elections

42  
43 Chairman Tenhave called for nominations for Chairman of the Merrimack Conservation Commission for the 2015-  
44 2016 term.

45  
46 **COMMISSIONER GLENN NOMINATED TIM TENHAVE AS CHAIRMAN AND MATT CARON AS VICE**  
47 **CHAIRMAN OF THE MERRIMACK CONSERVATION COMMISSION FOR THE 2015-2016 TERM**

48  
49 When asked, Commissioner Caron stated his willingness to accept the nomination.

50  
51 Commissioner Tenhave stated his willingness to accept the nomination noting his intent to take a lesser role on  
52 the Commission beginning in January of next year.

53  
54 **VOTE ON ELECTION OF TIM TENHAVE TO THE POSITION OF CHAIRMAN AND MATT CARON TO THE**  
55 **POSITION OF VICE CHAIRMAN OF THE MERRIMACK CONSERVATION COMMISSION FOR THE 2015-2016**  
56 **TERM**

57 **MOTION CARRIED**  
58 **5-0-0**

59  
60

1 Wildcat Falls Sub-Committee

2  
3 Chairman Tenhave informed the Commission Ms. Rebecca Brenton has stated a desire to continue as a full  
4 member of the Sub-Committee.

5  
6 **MOTION BY COMMISSIONER TENHAVE TO RE-APPOINT REBECCA BRENTON AS A FULL MEMBER OF**  
7 **THE WILDCAT FALLS SUB-COMMITTEE FOR A TERM TO EXPIRE JULY 31, 2018**  
8 **MOTION SECONDED BY COMMISSIONER CARON**  
9 **MOTION CARRIED**  
10 **5-0-0**

11  
12 Horse Hill Nature Preserve Sub-Committee

13  
14 Commissioner Glenn informed the Commission Mr. Newt Coryell and Mr. Roland Roberge have both indicated a  
15 desire to be reappointed.

16  
17 **MOTION BY COMMISSIONER GLENN TO RE-APPOINT NEWT CORYELL AND ROLAND ROBERGE AS**  
18 **FULL MEMBERS TO THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE FOR TERMS TO EXPIRE**  
19 **JULY 31, 2018**  
20 **MOTION SECONDED BY COMMISSIONER BOISVERT**

21  
22 ON THE QUESTION

23  
24 Chairman Tenhave noted he has not received notification of interest to serve from individuals outside of current  
25 membership.

26  
27 Commissioner Glenn noted the Sub-Committee has expressed interest in increasing membership size by adding  
28 two additional alternate positions. Chairman Tenhave stated such a desire should be provided to him in writing.  
29 Councilor Vaillancourt stated a desire to understand the reasoning for such a request, particularly given the  
30 current size of the sub-committee.

31  
32 Vice Chairman Caron noted agendas are no longer being posted on the website. Chairman Tenhave will follow-  
33 up on that.

34 **MOTION CARRIED**  
35 **5-0-0**

36  
37 Grater Woods Sub-Committee

38  
39 Vice Chairman Caron stated he had not been contacted by members whose terms are expiring. Councilor  
40 Vaillancourt commented she saw a membership sheet, which indicated Ms. Barnes' term was set to expire in  
41 2016. However, Ms. Barnes had informed her she believed her term would expire in 2015. Councilor Vaillancourt  
42 spoke with Ms. Barnes earlier in the day, and was informed of her desire to be re-appointed.

43  
44 Vice Chairman Caron stated he had the opportunity to speak with Adam Dodge, and was told Mr. Dodge wishes  
45 to be re-appointed.

46  
47 **MOTION BY COUNCILOR VAILLANCOURT TO RE-APPOINT SHANNON BARNES AS A FULL MEMBER**  
48 **AND ADAM DODGE AS AN ALTERNATE MEMBER TO THE GRATER WOODS SUB-COMMITTEE FOR**  
49 **TERMS TO EXPIRE JULY 31, 2018**  
50 **MOTION SECONDED BY COMMISSIONER GLENN**  
51 **MOTION CARRIED**  
52 **5-0-0**

53  
54 *The remaining appointments will be addressed at the Commission's next meeting.*

55  
56 Councilor Vaillancourt stated the Merrimack Middle School abuts and has mutual interest with the Conservation  
57 land on Grater Woods. During her time on the School Board, she was involved with a lot of the work and  
58 development of Grater Woods. The School Board was represented, on the original sub-committee, by a board  
59 member and the Business Administrator for the School District. That original sub-committee was disbanded by  
60 the past Chairman of the Conservation Commission. When the current sub-committee was created it was her

1 opinion a School Board member should be on it. Although Ms. Barnes is a member of the School Board, her role  
2 on the sub-committee is not that of the School Board representative. Councilor Vaillancourt spoke of having  
3 watched the deliberations of the Commission on the matter, and it made no sense to her that membership did not  
4 call for an official representative of the School Board or School District. She reiterated her opinion, because of  
5 the physical makeup of the property with the School District, there should be a representative of the School  
6 District on the sub-committee.

7  
8 Chairman Tenhave stated the decision was made well over a year ago. However, he would be happy to put a  
9 discussion on a future agenda. Vice Chairman Caron noted the Sub-Committee would be coming before the  
10 Commission for an amendment to the Stewardship Plan.

11  
12 Vice Chairman Caron remarked, having served as the Chairman of the Sub-Committee since it was reinstated,  
13 although Ms. Barnes' official capacity is not as a representative of the School Board, the knowledge she has of  
14 the School Board adds a great deal of value.

15  
16 Councilor Vaillancourt stated she would not want the subject to be brought up if there is no interest. She spoke of  
17 the good will that has been achieved between the entities and a desire not to take any action that could have the  
18 potential of being perceived negatively. She requested Commissioners make Chairman Tenhave aware of their  
19 thoughts on the matter.

20  
21 Vice Chairman Caron commented Ms. Barnes has stated a willingness to continue serving on the Sub-  
22 Committee. If the Commission were to make changes to identify one of the members as having to be a  
23 representative of the School Board, there has to be a willing School Board member to fill that role. Councilor  
24 Vaillancourt suggested the language could require a member to be a representative of the School District.  
25 Chairman Tenhave stated a desire to hear the thoughts of the Sub-Committee on the matter.

26  
27 Ex Officio Members

28  
29 **MOTION BY COMMISSIONER CARON TO RE-APPOINT COMMISSIONER PERRY AS THE EX OFFICIO**  
30 **MEMBER OF THE GRATER WOODS SUB-COMMITTEE, COMMISSIONER GLENN AS THE EX OFFICIO**  
31 **MEMBER OF THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE, AND COMMISSIONER TENHAVE**  
32 **AS THE EX OFFICIO MEMBER OF THE WILDCAT FALLS SUB-COMMITTEE**  
33 **MOTION SECONDED BY COMMISSIONER GLENN**  
34 **MOTION CARRIED**  
35 **5-0-0**

36  
37 ***There being no objection, Chairman Tenhave called for a five minute recess. The Commission recessed***  
38 ***at 8:42 p.m.***

39  
40 ***The Commission reconvened at 8:50 pm.***

41  
42 OTHER BUSINESS

- 43  
44 • Update on Environmental Impact Study for HHNP and Gilmore Hill Memorial Forest

45  
46 Chairman Tenhave stated Mr. Littleton will be in touch with him later in the week to provide a full update. In a  
47 brief message left earlier in the day, Mr. Littleton stated all of the work by the Botanist was complete. They did  
48 uncover the species of concern on the Gilmore Hill Memorial Forest. A number of items were found on the HHNP  
49 as well. No specific details were provided. Mr. Littleton stated, between the two sites, there was a species found  
50 that was thought not to exist any longer in New Hampshire.

- 51  
52 • Management Plan preparation – Forest Plans

53  
54 Chairman Tenhave commented his primary reason for meeting with Mr. Powers last week was to discuss the  
55 desire to move forward with the forestry aspect of a management plan. At its last meeting, the Commission  
56 discussed conducting this type of work on the Wasserman Conservation Area (80 acre parcel) and the adjacent  
57 parcel (20+ acres), recently purchased by the Commission. Chairman Tenhave spoke with him regarding the last  
58 plan done for the Grater Woods Homestead parcel by Brian Johnson. The Commission would be looking to  
59 receive recommendations on good forestry practices and identification of the different tree stands, etc. It was  
60 made clear the desire was not for an overall management plan for the entire property; mostly just the forestry

1 section. He explained how Mr. Johnson's work and work done by Dan Cyr had been incorporated into the Grater  
2 Woods Stewardship Plan. The intent would be to lift that report and embed it in whatever management plan the  
3 Commission creates for the Wasserman Conservation Area.

4  
5 Mr. Powers will provide a quote for the work on both parcels. Riverside Drive was also discussed briefly, and Mr.  
6 Powers agreed to take a look at that as well. Chairman Tenhave noted Mr. Powers' time spent on preparing and  
7 investigation will be covered under the standing contract. Mr. Powers stated the preference to conduct the work  
8 over the winter months. He prefers to do tree stand evaluations when the leaves are down and it is easier to  
9 identify the trees. Mr. Powers stated a report could be completed by late spring of next year.

10  
11 • Joint meeting with the Planning Board – August 4th

12  
13 A joint meeting of the Planning Board and the Conservation Commission has been scheduled for August 4<sup>th</sup> at  
14 7:00 p.m. in the Matthew Thornton Room. The original intent was to conduct a joint meeting to provide the  
15 opportunity for Mr. Gagnon to address the topic of soils with the two groups. Understanding soils and having  
16 them correct dictates how storm water is dealt with; whether it infiltrates or not. He stated his belief Mr. Gagnon  
17 wishes to suggest a potential ordinance or an amendment to address oils. Chairman Tenhave stated he spoke  
18 with Director Thompson and Robert Best, Chairman, Planning Board, and indicated the Commission would also  
19 like to discuss salt, fertilizers, etc., and whether there are areas the Planning Board would like the Commission to  
20 address.

21  
22 • GIS Meeting

23  
24 Commissioner Boisvert informed the Commission the last Town GIS meeting is scheduled for Thursday, July 23<sup>rd</sup>.  
25 The Town GIS system should be up and running shortly thereafter. Vice Chairman Caron questioned if  
26 member(s) of the group would be able to attend a Commission meeting to present the information. Commissioner  
27 Boisvert suggested a Town employee may be able to. Councilor Vaillancourt suggested a request could be  
28 made; however, recommended holding off on such a request for the time being.

29  
30 • Bean Road Bridge

31  
32 Chairman Tenhave stated the Town is looking to rebuild the Bean Road Bridge that crosses Baboosic Brook. A  
33 parcel owned by the Commission is a direct abutter. There will be a wetland impact. As a result, the Commission  
34 will participate in the process.

35  
36 • Correspondence

37  
38 The 45th Annual Meeting of the New Hampshire Association of Conservation Commissions will be conducted on  
39 November 7<sup>th</sup> at the Pembroke Academy in Pembroke, NH.

40  
41 A thank you card was received from Ms. Sue Holstein, former Community Development Secretary.

42  
43 Chairman Tenhave spoke of a pamphlet regarding training on aquatic invasives, which is taking place in  
44 Massachusetts. The pamphlet is available for review.

45  
46 The New Hampshire Timber Owners' Association forwarded an update, which is available for review.

47  
48 A new version of Forest Notes was received from the Society for the Protection of New Hampshire Forests, which  
49 includes an article on the NED Pipeline project.

50  
51 The New Hampshire Department of Transportation will be making improvements on 101A from Craftsman Lane to  
52 Continental Boulevard. A meeting is scheduled for July 27<sup>th</sup> in the Matthew Thornton Room.

53  
54 Solid Earth Technologies provided informational material.

55  
56 PRESENTATION OF THE MINUTES

57  
58 Merrimack Conservation Commission. . . . . June 15, 2015

1 *The following amendments were offered:*

2

3 Page 1, Line 24; add "that" after "Commission"

4 Page 2, Line 39; replace "of" with "or"

5 Page 2, Line 58; add "to have" after "look" and delete "to" after "Commissioners"

6 Page 4, Line 48; add a "." after "plan" and replace "and" with "An" and "reach" with "was reached"

7 Page 5, Line 8; replace "blown" with "blow"

8 Page 6, Line 59; delete "to" after "in"

9

10 **MOTION BY COMMISSIONER GLENN TO ACCEPT AS AMENDED**

11 **MOTION SECONDED BY COMMISSIONER TENHAVE**

12 **MOTION CARRIED**

13 **3-0-2**

14 *Commissioner Caron and Councilor Vaillancourt Abstained*

15

16 PUBLIC COMMENT

17

18 James Francis, 4 Klara Drive

19

20 Commented on having reviewed information on the FERC pre-filing [process](#). Within the documentation it states  
21 in part: "Holds NEPA scoping meeting(s) and site visit in the project area. Consults with interested agencies."  
22 He questioned if there has been any contact with regard to site visits in the project area or if Merrimack can  
23 directly contact and consult with the FERC as an interested agency. Councilor Vaillancourt stated she is not  
24 aware of there being any contact with the FERC regarding site visits. Chairman Tenhave stated he is not aware  
25 of any site visits, and commented, if the route were known, site visits could be suggested. They do conduct  
26 meetings with interested parties, which are posted. Those have included NH DES and other State agencies. He  
27 is unsure of whether they have included meetings at the municipal level.

28

29 COMMISSIONER COMMENTS

30

31 Commissioner Glenn spoke of the Horse Hill Nature Preserve Sub-Committee meeting the prior Monday. The  
32 Sub-Committee discussed the expansion of the parking lot, and the Commission's actions relative to wetland  
33 delineation. Members of the Sub-Committee spoke of having removed some debris from the grassy area, which  
34 users have begun parking in.

35

36 Vice Chairman Caron spoke of having attended meetings of the Piscataquog Land Conservancy (PLC). The PLC  
37 has been conducting a variety of events, e.g., hikes, bike rides, etc. Several of their communities are affected by  
38 the NED Pipeline project. Attending the meetings has provided an additional learning experience. Chairman  
39 Tenhave noted the PLC will be in attendance at the Commission's August 17<sup>th</sup> meeting.

40

41 Chairman Tenhave spoke of the Wildcat Falls Sub-Committee having lost a post, which has since been found.  
42 He encouraged the Sub-Committee to make a police report. Having visited the parking lot, he noted the trail map  
43 was not up on the kiosk. The drive into the parking lot is in need of maintenance. He will reach out to the PWD  
44 regarding that.

45

46 The fence that was erected between the parking lot and the first homeowner's property is about 70% obscured by  
47 foliage at this time. It is likely, when leaves drop, the fence will be 10-15% obscured. Quite a few White Pines  
48 have had growth of 12-18" in length, which means they are getting plenty of water and sun and growing very  
49 quickly.

50

51 ADJOURNMENT

52

53 **MOTION BY COMMISSIONER GLENN TO ADJOURN**

54 **MOTION SECONDED BY COMMISSIONER CARON**

55 **MOTION CARRIED**

56 **5-0-0**

57

58 *The July 20, 2015 meeting of the Merrimack Conservation Commission was adjourned at 9:21 p.m.*

59

60 Submitted by Dawn MacMillan