

MERRIMACK CONSERVATION COMMISSION
AUGUST 17, 2015
MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, August 17, 2015 at 6:31 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
Kristi Bradshaw, Alternate
Councilor Jody Vaillancourt

Members of the Commission Absent:

Also in Attendance: Chris Wells, Executive Director, Piscataquog Land Conservancy
Kyle Fox, Deputy Director/Town Engineer, Public Works Department

There are currently open positions on the Commission; one full-time member and two alternate members. Individuals interested in serving in this capacity should contact Becky Thompson in the Town Manager's Office.

The Grater Woods Sub-Committee will conduct work days on Saturday August 22nd and Sunday August 23, 2015. A contractor will be onsite for both days. Volunteers are sought to assist in the process, and should meet at 9:00 a.m. at the cul-de-sac at the end of Conservation Drive.

PUBLIC COMMENT - None

APPOINTMENTS

1. Piscataquog Land Conservancy – Chris Wells

Chris to introduce the Commission to the Conservancy and then have a general discussion on areas where we could work together.

Mr. Chris Wells, Executive Director, Piscataquog Land Conservancy (PLC), introduced himself to the Commission. He stated PLC is a regional, private, non-profit land trust based in New Boston, NH. The PLC was founded in 1970 as the Piscataquog Watershed Association. The name was changed to the PLC in the 2007/2008 timeframe. At that time, the organization was doing a great deal of land conservation work, and had been since late in the first decade of their existence. It was the consensus of the Board that the organization was operating more as a land trust than a watershed association.

The PLC's current service area is 12 communities that encompass at least some part of the Piscataquog River Watershed. Within its service area, the PLC currently holds 102 properties. It was noted Merrimack is within the Souhegan Watershed. North of Merrimack is the Piscataquog Watershed, which drains into the Merrimack River (across the river from downtown Manchester). Eighty five of the 102 properties are conservation easements and the other 17 are full fee lands owned outright by the PLC.

The PLC has a staff of four (4), which includes a full-time land protection position, Tom Jones. That position is responsible for all aspects of real estate transactions. Mr. Wells stated he and Mr. Jones collaborate in determining which projects the PLC will undertake, how they would be financed, if necessary, etc. The staff also includes two part-time positions; a Stewardship Director whose job is to oversee monitoring of easements, address any issues that arise such as enforcement, handles the management needs of fee properties and addresses recreational use issues. The other part-time position is administrative in nature. The individual is responsible for the upkeep of the database, membership and fundraising coordination, etc.

Mr. Wells stated when he began his work with the PLC, after having been with the Society for the Protection of New Hampshire Forests (Society) for about a dozen years, one of the things he discovered early on was the New Hampshire Land Trust Coalition maintains a map of the service areas of all of the land trusts in the State. When looking at PLC's service area and the towns to the South, he discovered there is no staffed professional non-profit land trust at the regional level working in those communities of which Merrimack is one. There are about 8 towns

1 that are the Souhegan towns and the small corner of the Nashua River Watershed that comes up out of
2 Massachusetts, e.g., Brookline, Hollis, Nashua. Those 8 communities do not have a staffed regional land trust to
3 work with if they want one.

4
5 Over the past year, he has reached out to those communities offering assistance and trying to assess the need.
6 Being able to identify a need to his Board would allow him and the other PLC staff to work in those communities.
7 Based on feedback received to date, he is at that point now. Mr. Wells stated the PLC is prepared to make itself
8 available to work on conservation projects in the Souhegan towns including Merrimack.

9
10 Mr. Wells spoke of having had opportunities to participate in basic level discussions with some members of the
11 Commission and his desire to expand upon those discussions with the Commission as a whole to determine if the
12 Commission has land acquisition projects it is looking to complete that the PLC could potentially provide
13 assistance with.

14
15 When asked to identify the type of assistance the PLC could provide, Mr. Wells provide the example of a recent
16 opportunity with the Goffstown Conservation Commission and Open Space Committee where they reviewed the
17 PLCs updated Conservation Plan (Plan). The Plan identifies, according to GIS mapping, areas of interest within
18 the Town. A lot of the areas the PLC had either already been working and/or were identified as part of the Plan,
19 were areas the Town wished to address as well. The PLC came away from that meeting with a short list of
20 potential parcels the Town would like that are clearly called out in the updated Plan and are either abutting or
21 almost abutting property the PLC either already owns or has easements on.

22
23 One of the properties is a 101-acre piece along the Black Brooke. The Town of Goffstown had not recently
24 spoken with the landowner. Previous discussions identified high expectations of value by the landowner. The
25 Town asked to be made aware of the outcome of any discussions the PLC might have with the landowner, and
26 was pleased to have them make contact. Mr. Jones contacted the landowner who informed him the property was
27 being appraised and would be put on the market once the appraisal was completed. This particular situation was
28 a scenario where the next generation had responsibility and was liquidating family assets. The individual stated a
29 willingness to accept appraised value whatever that may be.

30
31 In this case, the landowner had a solid possible offer from a local developer. It came down to whoever could
32 complete the process first. In this particular instance, for the first time in PLC history, they borrowed money to
33 pre-acquire the property so that they could secure it. They are currently in the middle of a fundraising campaign
34 with the Town of Goffstown who are in for, worst case scenario, somewhere between 50-60% of the total project.
35 They are currently fundraising; in this case from the Aquatic Resource (ARM) Fund and the Land and Community
36 Heritage Investment Program (LCHIP). The hope is to raise enough to reduce the Town's portion to 40-50% of
37 the project. They have to close it out, repay the loan, and convey an easement to the Town in the first quarter of
38 next year.

39
40 Mr. Wells provided the example of a project completed with the Town of Henniker where they had taken a
41 donated easement from the town on a town-owned parcel that had come to them for taxes. The desire was for
42 the property to be in conservation in perpetuity. The best way to do that is to have a third-party hold an easement
43 on it.

44
45 Commissioner Boisvert asked for confirmation the end result of the project in Goffstown is that the land is in a
46 trust controlled by the PLC. Mr. Wells stated that to be correct. He remarked, at this moment in time, the PLC
47 owns the property outright as they bought it off the landowner. When asked about the types of restrictions the
48 PLC places on properties, Mr. Wells responded restrictions are pretty typical of what would be seen with any of
49 the statewide or regional land trusts, e.g., within the carrying capacity of the particular parcel. It is generally that
50 properties are open to at least passive public recreation unless the PLC is holding an easement where the private
51 landowner had stated a preference not to allow public access. For lands specifically owned by the PLC and when
52 doing new easements, they try to encourage landowners to keep it open to the public for recreation. One activity,
53 which they restrict, is wheeled motorized. That does not mean that restriction will be in place forever; however,
54 for the foreseeable future it will be. Just about everything else would be in the realm of possibility, with the caveat
55 that it has to be property specific.

56
57 Mr. Wells spoke of discussions he has had with Vice Chairman Caron regarding mountain biking being an activity
58 that is allowed on conservation lands. He stated that to be an activity the PLC currently allows on some of its
59 properties, and would like to make possible on more properties in the future, as long as the land specific

1 properties can support such an activity. The classic New Hampshire traditional uses such as hunting, fishing, etc.
2 are allowed, unless the property cannot support them.

3
4 Chairman Tenhave spoke of the Commission's use of forestry operations to enhance the habitat, etc. Mr. Wells
5 remarked, to his knowledge, PLC has never done any active timber management on its properties. Part of that is
6 because they have not had many fee lands until recently. He stated it to be fairly likely they would be doing some
7 limited timber harvesting on some of their fee lands over the next few years; ideally for some balance of economic
8 return because it has good timber that is appropriate to harvest, but also to tweak habitat's, which, to some
9 extent, you need to be doing.

10
11 Commissioner Boisvert questioned, and was told the meaning of fee lands is that it is owned outright (full bundle
12 of ownership rights) rather than an easement where all you are holding is a land trust for a Town and in the case
13 of an easement is essentially a perpetual liability to enforce that the development rights have been extinguished.

14
15 Chairman Tenhave questioned if it is typical, in the instance of land for which the PLC holds an easement for the
16 town, to ask a fee for the stewardship of that easement. Mr. Wells stated they do, which is typical of any private
17 land conservation groups. The \$10,000 contribution to the stewardship fund requested by the PLC is the same
18 flat rate requested by the Society.

19
20 Mr. Wells remarked stewardship endowments are hopefully significant pots of money that generate income, which
21 is helpful for the day-to-day management activities, but primarily in place as sort of a worst case legal defense
22 fund. The Land Trust Alliance, which is the national umbrella organization for all of the private land trusts in the
23 country, has been progressively ramping up what they would call the standards and practices so that there are
24 national standards of how transactions and recordkeeping is done, how big stewardship endowments are
25 supposed to be, etc. At this time, that is being ratcheted up to another level called land trust accreditation, which
26 is essentially a third party good housekeeping seal of approval you get by going through a very rigorous process.
27 The PLC is gearing up to undertake that process. For land trust accreditation the trust has to demonstrate that it
28 has X number of dollars per easement it holds in its stewardship endowments.

29
30 To the extent the PLC is acting as the front point group negotiating with landowners on projects that may turn out
31 to be a joint project of the PLC and a Town, they look to the Town, or raise otherwise, a \$3,000 flat fee to cover
32 costs associated primarily with the time required by the land protection employee. Mr. Wells noted if the PLC has
33 to ask a town to make those contributions they will, if that is the only place to get the money. If they can find it
34 elsewhere or at least help defray some of that cost, they do. Those two fees are what the PLC looks for. Costs
35 beyond those associated with the land trust include independent contractor items such as survey and appraisal
36 work.

37
38 When asked, Mr. Wells stated the PLC utilized the services of an outside consultant to develop the process of
39 gathering existing GIS data, e.g., wildlife action plans, aquifers, soils, etc., and works with a group of individuals
40 who can identify the goals and what the emphasis should be, e.g., wildlife versus water quality, etc. When a
41 consensus is reached of what the priorities are, the GIS data is weighted. The rest of the process is computer
42 processing. What comes out of that process is co-occurrence scores, which are all of those layers stacked up on
43 top of each other, and then typically you try to look at what is the reality on the ground in terms of where are the
44 roads, developments, etc., what are the real edges of those areas, and then delineate them into what you say is a
45 focus area, e.g., an area on the ground where there is a very high concentration of natural resource value that
46 one way or the other we want to try to be proactively going after to do more land protection. The point of the
47 process is to try to be more strategic.

48
49 Chairman Tenhave stated the Horse Hill Nature Preserve (HHNP) is sort of south central in Merrimack. Located
50 near that is the Wasserman Conservation Area and the Wasserman Park, which borders Naticook Lake
51 (southeast). The HHNP starts taking you to west central Merrimack, and then gets close to the Souhegan River.
52 When crossing the Souhegan River the west side of Merrimack is fairly open space. Grater Woods happens to
53 be all the way northwest and borders Amherst. Amherst has the Amherst Land Trust. The Town of Amherst has
54 about 500-600 acres.

55
56 There are 500 acres in Grater Woods and agreements for 100 acres of easement that would abut Grater Woods.
57 In between the HHNP and on the northwest side of the Souhegan River there are probably 400 acres of land
58 owned by various landowners. The Commission has already identified an area it is targeting. The Commission is
59 trying to create a greenway from Naticook Lake all the way into the Town of Amherst by going around Merrimack

1 north and west. Most of the land along the Merrimack River is pretty much consumed by private landowners.
2 The Town owns little pieces. They don't see that changing a whole lot.

3
4 Chairman Tenhave remarked with the potential pipeline project there may be opportunities for wetland mitigation
5 and perhaps funds available there that could be leveraged. He reiterated the desire of the Commission is to grow
6 the green space between the HHNP and Grater Woods, and acquire or gain easements.

7
8 Chairman Tenhave spoke of the Town having stated, back in the early to mid-2000s, that conservation is a
9 priority. An account has been amassed of about \$1.3 million. Mr. Wells commented on the Commission having a
10 list of landowners owning parcels of interest, and questioned the state of communication at this time. Chairman
11 Tenhave responded things have improved over time, e.g., landowners have a willingness to speak with the
12 Commission. He added the current membership of the Commission has not discussed this issue. There are a
13 few landowners the Commission should be reaching out to. Mr. Wells questioned who has been doing the real
14 estate and fundraising work for past acquisitions of the Town. Chairman Tenhave stated it has been done by the
15 Commission.

16
17 Chairman Tenhave commented the proposed pipeline has brought to light land the Commission considers to be
18 for conservation, but is not identified on a conservation map because it is wholly owned by the Town through the
19 Commission or the Town itself and managed by the Commission. Some of the concerns with the proposed
20 pipeline are can we stop the pipeline because of a conservation easement or should the Commission have been
21 more proactive some 10 years ago and put a third-party easement on the property.

22
23 Mr. Wells remarked he is not sure how much more protection would be gained by having an easement held by a
24 charitable conservation organization. If the Federal Energy Regulatory Commission (FERC) determines the
25 project will go forward, and the necessary land will be taken, he is not sure the PLC, the Society, or anyone else
26 would have greater ability than the Town itself to fight off that eminent domain. The only thing that will be gained
27 is essentially having someone else in your corner with you to the extent that there is going to be any legal
28 challenge.

29
30 Mr. Wells remarked having a land trust hold an easement on Town owned land is not so much for instances such
31 as a highway, pipeline, or utility corridor where there is a real potential for eminent domain. He stated his
32 understanding if you get to the point where eminent domain is part of a project you pretty much trump anyone's
33 property rights.

34
35 Having a land trust own an easement on Town owned property means that land trust will be monitoring that
36 easement at least once a year to ensure whatever recreational use is occurring is within the identified parameters.
37 As an example, if the land trust were to identify an instance such as dumping occurring on the property, it would
38 be flagged, which is both good and bad for the Town in that the land trust would come back to the Commission,
39 inform of the dumping, and require it be removed. The longer term aspect, and really why towns are doing
40 easements with land trusts, is that these are properties that the current generation of residents think will always
41 be there for conservation, but in fact have no legal restrictions on them, it is completely at the whim of the Board
42 of Selectmen or the Town Council and/or by a vote at Town Meeting to turn it into something completely different.
43 If just a straight Town ownership that can be undone for almost any purpose at some point in the future.

44
45 Vice Chairman Caron questioned the timing associated with the possibility of the PLC extending its service area.
46 Mr. Wells responded they basically have already. Over the past few months, the conversation has taken place at
47 the board level. They will do a small tweak to their Bylaws and Articles of Incorporation this fall at their next
48 Annual Meeting to make it official. That will make it officially possible for them to expand to those towns he has
49 mentioned.

50
51 When it was mentioned the PLC has experience seeking State funding, etc., Mr. Wells stated the PLC currently
52 has two LCHIP applications in; one for a property located in Goffstown and another for a project that goes by the
53 name of Rose Mountain and is located in Lyndeborough. They will be submitting an application to the ARM Fund
54 next week for the Black Brook project. Mr. Wells noted, during his employment with the Society, he was on the
55 committee that wrote the rules for the ARM Fund. He is extremely familiar with that program. Mr. Wells stated he
56 personally has never had to do a Farm & Ranchland Protection Program Grant (NRCS). However, Mr. Jones has
57 in his previous job. Mr. Wells added chasing private money is something he has been doing for 20 years.

58
59 Mr. Wells remarked the fact that the Town already has a significant pot of money to work with is a huge help in
60 terms of attracting other funds.

1 Chairman Tenhave stated the Town has a Land Conservation Investment Program (LCIP) property (80 acres).
2 He commented there are groups within the Town that are very reluctant to get involved with LCHIP because of
3 requirements associated with that program. Mr. Wells questioned the requirements of LCHIP that townspeople
4 are not comfortable with. Chairman Tenhave suggested some of the concern is with losing some control, e.g.,
5 may not be able to do everything the Town wishes to do on the properties. He noted the LCIP property does not
6 allow motorized use, and that was done specifically based on the previous landowner's demand.

7
8 Mr. Wells commented whether LCHIP or ARM Fund, there is language that has been written into the original
9 legislation for those programs. For example, with LCHIP, public access is required. With the ARM Fund, it is,
10 and should be, based on trying to mitigate the actual impacts on wetlands of development projects. Sometimes
11 they work and sometimes they don't. One of the things gained by working with a land trust is their familiarity with
12 these types of programs, those who run the programs, and what the rules are. A big part of the role of the land
13 trust is trying to identify what are the right sources of funds to try to put together in a way that works for the
14 property and the landowner, and if anybody is going to be a partner in managing the property. Getting that right is
15 important.

16
17 Mr. Wells remarked, as a regional land trust, they do work on a regional scale. These areas that are some of
18 those last best places in Town are more often than not going to be spilling over into the next town over. The PLC
19 can work to bring those two towns together and coordinate efforts.

20 21 STATUTORY/ADVISORY BUSINESS

22 23 **1. Dredge and Fill Application for the Bean Road Bridge Replacement**

24 Commission to review a NH DES Dredge & Fill permit for a bridge replacement project on Bean Road
25 being done by the Town of Merrimack. The Commission is also an abutter to this project.

26
27 Kyle Fox, Deputy Director/Town Engineer, Public Works Department (PWD), informed the Commission the
28 proposed project is that of a bridge replacement on Bean Road. The bridge is on the State's Redlist. Following a
29 State inspection last year, the weight posting was down posted to 10 ton, meaning trucks and school buses
30 cannot currently go over it. The condition of the bridge is poor. The existing bridge was built in 1981. It is a
31 multi-plate arch bridge (oblong metal plate arch) made entirely of galvanized steel. The spring line, which is
32 where the curvature comes in and all of the soil brushes come in, has rusted away. As the soil brushes push in
33 and as you get flood flows that take soils out, it collapses on itself. When they fail they fail fairly quickly and
34 dramatically.

35
36 The project had been in the State Bridge Aid Program before going on the Redlist, which placed the Town in a
37 good position to be ready to replace the bridge. Being proposed is a new bridge with a 67' span (currently 21').
38 The channel will be opened quite a bit. Baboosic Brook, as it comes down to the metal plate bridge, necks down
39 at the bridge and then widens back out. The new bridge will straighten that channel out, which will help water
40 velocities through the area, and will be better for the brook.

41
42 The new bridge will be steel beam with exposed concrete deck, meaning there will be no pavement on the deck.
43 The bridge will be 30' wide curb to curb (two 12' lanes and two 3' shoulders). There is the ability to make
44 adjustments such as 11' lanes and 4' shoulders to accommodate bikes and pedestrians. Given the location on
45 Bean Road and the little likelihood of ever connecting to sidewalks, the decision was made to go with a wider
46 shoulder rather than sidewalks on the bridge. Chairman Tenhave commented there is a good deal of foot and
47 bicycle traffic.

48
49 Deputy Director Fox stated, once replaced, the grade of the bridge will be approximately 1' lower than it is
50 currently. Further east from the bridge, the area of low point in the road will be raised about 1'. What currently
51 happens, and what happened in '06 and '07 during the floods was, because the bridge is uphill at the low point, it
52 never flowed full during the flood. The road overtopped east of the bridge. By raising the grade of the road and
53 widening the bridge it will force the water through the bridge, which is where it should go so the road can remain
54 open during floods.

55
56 There are a number of invasive species near the bridge. As part of the contract, the contractor is required to
57 develop an invasive species plan, which follows State RSA regarding invasive species to ensure they are handled
58 appropriately to avoid spreading.

1 With regard to the stream channel, the flow elevation of the brook itself will remain the same. Where it flows
2 currently is where it will flow after the project is completed. Instead of flowing through a metal plate arch, which
3 has corrugations, the new bridge will have a rock base underneath. The rock will come up at a 2-1 slope to the
4 bridge. On top of the rock in the streambed will be natural streambed material. It will appear, to wildlife, as a
5 normal stream channel. The base is called keyed stone filled, which means the excavator works the rocks in and
6 really nudges them together to make a solid foundation. The stream channel will be laid on top of that; 1' of
7 material that is just like the sandy gravelly material you normally see in a streambed.
8

9 The project proposes to impact 9,377 sq. ft. of wetland. The application was submitted, and a letter received from
10 the New Hampshire Department of Environmental Services (NHDES) stating they have received the application
11 and approved it for technical review. Deputy Director Fox stated his belief the Commission had until the following
12 day to submit comments. Chairman Tenhave noted the comment period is technically 14 days from submittal,
13 which would be the 18th. However, if necessary, a letter could be submitted stating the Commission will submit
14 comments and wishes the comment period to be extended to 40 days.
15

16 Deputy Director Fox stated the three outstanding pieces that need to occur for the project to go out to bid are
17 wetland approval from NHDES, easements from abutters, and final approval on the plan set from the New
18 Hampshire Department of Transportation (NHDT). The hope is to be out to bid sometime in late
19 September/early October so that construction could begin in November and the substructure work being done
20 during the winter months when the brook is at its lowest. The expectation is that the bridge would be open by fall
21 of next year.
22

23 The McGaw Bridge project, which was supposed to go out last year, has been delayed by the New Hampshire
24 Division of Historical Resources (DHR). That work is nearing completion. The goal is for both projects to go out
25 to bid together to gain favorable bid pricing and open it up to some of the larger contractors.
26

27 When asked about the wetland impact, Deputy Director Fox responded because the bridge needs to be widened,
28 equipment needs to get down adjacent to the bridge to perform the work, e.g., excavator to set the stone slopes,
29 etc. The second part of the impact is related to the current 12" high pressure waterline that goes diagonally under
30 the bridge. Because of the bridge type being used, they are driving piles that will support the abutments, the
31 waterline needs to be relocated. It will be reinstalled to the north side of the bridge.
32

33 Deputy Director Fox stated the approaches to the waterline as it approaches the brook from each end will be dug
34 in a trench. Once you get close to the brook they will dig a big hole in each side. They are actually going to bore
35 a sleeve underneath the brook, and then will push the pipe through the sleeve. There won't be any digging
36 through the brook itself. The actual impact to the brook will be minimal from the waterline. From the actual bridge
37 construction, the contractor will be required to build cofferdams in some form or another, whether that be
38 sandbags or silt curtains, etc. to protect the brook. Sedimentation of the brook should not happen during the
39 project.
40

41 Chairman Tenhave stated his pleasure with the addressing of invasives, noting a large issue that is ongoing with
42 Japanese Knotweed further downstream of this bridge. Deputy Director Fox stated the projects does not include
43 any landscaping. All around the bridge will be stone fill with geotextile fabric underneath. Where it abuts to
44 lawns, they will hydroseed at the end of the project (very minimal). The entire length of the project along Bean
45 Road is 725'. There are no stormwater structures going through there. On the northeast side of the bridge there
46 will be two culverts installed under driveways. That is the only drainage being installed in the area. As you head
47 east along Bean Road, coming down the hill past Profile Drive, there is an existing rock armored swale, which will
48 not be touched.
49

50 ***The consensus of the Commission was to inform NHDES the Commission has no comments to provide.***
51

52 **2. Pennichuck Water Works, Inc. (applicant) and Southwood Corporation (owner)**

53 Review for recommendation to the Planning Board of a 2-lot subdivision and a site plan to construct a 32,300
54 sq. ft. water distribution facility. The parcel is located at 16 Daniel Webster Highway and Manchester Street in
55 the I-1 (Industrial), Aquifer Conservation Districts and 100-year and 500-year Flood Hazard areas. Tax Map
56 1D, Lot 001.
57

58 ***No one was in attendance to present the project.***
59
60

1 OLD BUSINESS

2
3 **1. NED Pipeline**

4 Commission to have a general discussion on the NED project and any immediate actions it may wish to take.
5 Commission will also review written scoping comments it wishes to make before the August 31st deadline.
6

7 Chairman Tenhave remarked, at the end of the last meeting, he agreed to compile ideas and thoughts forwarded
8 to him for inclusion in the written comments. However, he has not received any information to add to what was
9 provided/discussed previously. Having heard the scoping period may be extended, he questioned if anything is
10 known with regard to that. Councilor Vaillancourt responded she is not aware of any change. She noted the
11 Town Council has not met since the Commission's last meeting. Their next meeting is scheduled for August 20th.
12 She stated her opinion the first draft of the written comments was pretty inclusive.
13

14 Commissioner Perry spoke of one of the recent articles Councilor Vaillancourt distributed, and commented it
15 seemed to indicate the impression the proposed pipeline is not a good idea. Councilor Vaillancourt stated the
16 article was about comments the Office of Consumer Advocate (OCA) made to the Public Utilities Commission
17 (PUC). The OCA is a regulatory body whose authority is not clear. They are appointed by the Executive Council
18 and the Governor. It may be that they hold some weight, even if their role is advisory. Councilor Vaillancourt
19 commented it seems the expert at the PUC might be back peddling a little, which would be good for those who do
20 not want the project to proceed.
21

22 Chairman Tenhave questioned if there has been an announcement regarding the third scoping meeting in the
23 State. Councilor Vaillancourt stated there is an Open House scheduled for 6:00 p.m. on September 17, 2015 at
24 the Merrimack American Legion located at 43 Baboosic Lake Road. However, she is not aware of a third scoping
25 meeting having been scheduled.
26

27 Chairman Tenhave spoke of having received comments from Mr. Littleton, the Wildlife Ecologist who is
28 performing the Environmental Impact Study (EIS) for the Commission, late the previous day, and stated his intent
29 to review the comments over the course of the week and to speak with Mr. Littleton to determine if there is
30 information there that the Commission might like to include in the written comments for the scoping meeting.
31

32 Chairman Tenhave stated, in the preliminary draft of the written comments, the information was general in nature.
33 He would like to be more specific when identifying steps the Commission would like taken, e.g., knowing there are
34 New Hampshire threatened and rare species identified on the property, the Commission would like the following
35 additional studies to be conducted prior to placement of a pipeline, etc.
36

37 Councilor Vaillancourt stated she would review the documents and notify the Chairman when she has completed
38 that task and inform him of any comments she may wish to have added to the written comments. Commissioner
39 Glenn spoke of the deadline for submitting comments when a definitive route is not yet known. The Commission
40 discussed the difficulties encountered when trying to consume the information provided with Kinder Morgan's
41 formal submittals to date.
42

43 Councilor Vaillancourt suggested there is a general idea of impacts to conservation property based on available
44 information on where the proposed route would go. Chairman Tenhave stated a desire to understand if any
45 additional infrastructure features have been outlined in the latest submittal. Councilor Vaillancourt responded
46 there was one area along Naticook Road that appears to affect private homeowners, where they had a substantial
47 permanent Right-of-Way infrastructure on either side of the proposed route. Chairman Tenhave commented it
48 appeared as though the farm at the end of Farmer Road would be severely impacted, and the horse farm along
49 Peaslee. Chairman Tenhave noted the horse farm is right up against the Commission's property line. He
50 commented there is ambiguity there as to who owns what. It is something the Commission has never pushed
51 because 50' one way or the other didn't really matter a whole lot.
52

53 Commissioner Perry remarked there were a few comments made at the time the initial draft was reviewed, which
54 could be incorporated. Chairman Tenhave questioned the will of the Commission given the Commission will not
55 meet again prior to the submission deadline.
56

57 ***The Commission was in agreement with what has been presented to date. Chairman Tenhave will forward***
58 ***a copy of the final draft to the Commission. Should any member of the Commission disagree with the***
59 ***final version he/she shall make that known.***
60

1 NEW BUSINESS

2
3 **1. Pedestrian Bridge Project in Wasserman Conservation Area**

4 Commission to discuss and approve costs for a pedestrian bridge project in Wasserman Conservation Area.

5
6 Vice Chairman Caron stated the proposed project is similar to the bridge over the beaver dam on the Drilled Rock
7 Trail in Grater Woods (first, longer section). The need for this project was seen during the LCIP walk conducted
8 earlier this year. There are several places along the Naticook Brook, which flows from Naticook to Greens Pond,
9 where people are skipping over rocks to get across the brook. The bridge would provide access from the
10 Wasserman Park Conservation Area over to the other side of the bridge, which is also Wasserman Park
11 Conservation Area. Beyond that is another conservation area (common land to a development area), which has a
12 great deal of activity.

13
14 Vice Chairman Caron noted the area chosen to construct the bridge has trail and signage leading up to it. It is a
15 place where unauthorized ATV use has occurred. Placement of a bridge could serve as more of a deterrent.

16
17 Being proposed is a 3' wide, 20' long bridge. The quote from Reeds Ferry Lumber was in the area of \$893.00,
18 and did not include header boards (2 x 8s) and decking material, e.g., fasteners. The intent is to precut the
19 lumber. The timeframe for completion would be dependent upon volunteer availability; however, it is expected to
20 be prior to the onset of winter. It was noted the wetland delineation training is scheduled at the HHNP in
21 September. Vice Chairman Caron stated the bridge project could be planned for October.

22
23 **MOTION BY COMMISSIONER TENHAVE TO APPROVE THE EXPENDITURE OF AN AMOUNT NOT TO
24 EXCEED ONE THOUSAND DOLLARS (\$1,000) TO INSTALL A PEDESTRIAN BRIDGE IN THE WASSERMAN
25 CONSERVATION AREA**

26 **MOTION SECONDED BY COMMISSIONER PERRY**

27 **MOTION CARRIED**

28 **7-0-0**

29
30 **2. Update on Land Acquisition Activities**

31 Commission to discuss land acquisition activities and take any necessary action.

32
33 Chairman Tenhave commented he had believed he would have additional information to share, which is why the
34 item was placed on the agenda. At this time, the Commission is diligently working on land acquisition as was
35 discussed with the Town Council at its meeting of January 8, 2015.

36
37 OTHER BUSINESS

- 38
39
 - Update on Environmental Impact Study for the HHNP and Gilmore Hill Memorial Forest.

40
41 Chairman Tenhave reiterated a preliminary draft of the EIS was received the prior afternoon. The intent was to
42 get the discussion going and highlight areas of concern Mr. Littleton has. Chairman Tenhave will be speaking
43 with Mr. Littleton regarding the final report and his attendance at an upcoming meeting to present it to the
44 Commission (targeted for September).

- 45
46
 - Grater Woods Police Patrol - Update

47
48 Lt. Tarleton has provided an update, which will be forwarded to the members of the Commission. The team has
49 been conducting 4-hour patrols. To date, seven patrols have been conducted. Lt. Tarleton reported: "As of
50 today's date, we have been unable to locate anyone participating in unauthorized ATV or motorcycle use and/or
51 illegal shooting on the Conservancy Foundation piece. Although there are signs said activity may still be taking
52 place (i.e. those observations made by Mr. Caron and Off. Kelleher on 8-16), we have had no direct contact with
53 said violators. Those we have made contact with consist of hikers, bikers and subjects walking their pets. All of
54 which appreciate our efforts and presence. Any chance we've had an opportunity to pass-out the informational
55 pamphlets we have done so. Miles logged per patrol vary from 10-15 (on average, occasionally more/less). Those
56 areas that cannot be patrolled via OHRV have been walked." Thirty three contacts have been made during the 7
57 patrols.

58
59 Lt. Tarleton also stated: "I feel the patrol has been a success. I believe our presence has had an effect and feel
60 confident that the word is out that we're out there and are being ever vigilant. Although we got off to a slow start

1 due to those issues previously discussed, I believe we can continue to make a bigger push into the Fall months.”
2 Chairman Tenhave noted the issues previously discussed were a number of other patrol activities the department
3 had to do in the summer timeframe that limited their ability to conduct this work.
4

5 Lt. Tarleton also stated: “We may also consider the possibility of doing some early evening patrols in an effort to
6 see what if anything that produces.” Chairman Tenhave questioned whether those members of the Commission
7 who have used the area in the early evenings believe there is enough use to warrant that change. Commissioner
8 Boisvert stated it seems there is less illegal activit this year than there was last year. Vice Chairman Caron stated
9 agreement. He commented he spends a lot of time in the area. He joined the officer in the patrol last Sunday.
10 During that time they encountered 4 individuals, and did not witness any unauthorized/illegal activity.
11

12 Councilor Vaillancourt questioned what the decision had been with regard to when the patrols would be
13 conducted, and was told the decision was for the patrols to run through the entirety of September. Councilor
14 Vaillancourt stated her impression the number of people utilizing the trails in the early evening hours would
15 decrease as the year progresses. If the Commission is to authorize patrols during those hours, they should begin
16 now. When asked, Chairman Tenhave stated the normal hours of patrol have been 10:00 a.m. - 2:00 p.m. on
17 weekends.
18

19 Vice Chairman Caron stated he has been provided with Activity Sheets for each of the patrols. The information
20 includes names of individuals they spoke with, observations, activities they participated in, the number of
21 informational pamphlets handed out, etc. He offered to provide copies.
22

23 Commissioner Boisvert suggested the most likley hours for illegal activity to be 2:00 - 6:00 p.m. on weekends.
24 Councilor Vaillancourt questioned if calls made to the Police Department regarding gun fire, etc, are being traked.
25 She stated she is aware of calls that have been made. Vice Chairman Caron stated the Commission had inquired
26 about that, and was told there is no way for the department to separate those calls from calls on other matters.
27

28 Chairman Tenhave suggested it may be that these activities are not being seen due to the time of year, e.g.,
29 people vacationing, etc. It may be that an uptick will be seen come September. Vice Chairman Caron
30 commented they did find a newly established firepit right in the middle of Wildlife Opening 1. Commissioner Perry
31 remarked there is a lot of wood in the area that was left to be used for things such as duck blinds, which never
32 came to fruition. Some 4-5 years ago the Commission spoke with the Fire Department about a permit for a one-
33 time burn. At that time, the Chief had commented they should be able to accommodate that. That would require
34 the depatment to be onhand. He suggested the Commission consider pursuing that. Chairman Tenhave
35 suggested the Sub-Committee take up the issue to determine if they would be interested in overseeing such an
36 activity.
37

38 Councilor Vaillancourt commented Chief Doyle provides the Town Council with weekly updates, and has included
39 information regarding the patrols such as engaging with individuals and passing out flyers providing educational
40 opportunities, etc.
41

42 ● Invasives at Brookside Drive - Update
43

44 Waiting for the State to approve the permit to work within the wetland. Concern was noted with regard to the
45 window of opportunity for the spraying to be conducted. Chairman Tenhave commented next year we will have to
46 apply earlier. Vice Chairman Caron suggested the contractor should be on top of such issues.
47

48 ● Watson Park Kiosk - Update
49

50 The Commission previously approved the painting of the watershed mural on the kiosk. Chairman Tenhave
51 continues to work with the artist, George May, Chairman, Souhegan River Local Advisory Committee, and Paul
52 Micali, Finance Director/Assistant Town Manager, to address all associated aspects of the project, e.g., liability,
53 etc.
54

55 Chairman Tenhave informed the Commission he has spoken with Matt Casparius, Director, Parks & Recreation,
56 about the kiosk itself and the fact that the base is exposed. He asked Director Casparius to work with the PWD to
57 cover the base with a material that is easy to maintain.
58

1 • HHNP Parking Lot Wetland Delineation - Update

2
3 Chairman Tenhave stated the contract is in place. There may be activity later in the week on delineation work.
4 An email will be sent off to the Police Department and other Town staff to ensure they are aware GZA
5 GeoEnvironmental, Inc. (GZA) will be out there. Commissioner Perry questioned if the markings would be
6 identified as associated with work being performed on behalf of the Commission to avoid the perception they
7 could be related to the proposed pipeline. Chairman Tenhave stated understanding of the concern. The Sub-
8 Committee is aware of the activity. Chairman Tenhave suggested a note could be placed at the kiosk informing
9 users what the markings are for. GZA employees will wear clothing that identifies their company, the Police
10 Department will be aware of their presence, etc. Mr. Littleton has stated an interest in their findings.

11
12 Chairman Tenhave stated the educational training for the Commission and Town staff will be conducted on
13 September 12, 2015 at 9:00 a.m. The Sub-Committee Chairs were asked to invite their members. Councilor
14 Vaillancourt noted the notice was sent on to the Town Council.

15
16 • Beaver Policy and Water Control Activities

17
18 Chairman Tenhave spoke of wanting to get the information before the Town Council in October. Commissioner
19 Perry stated work continues on gathering the information.

20
21 Chairman Tenhave spoke of the Town having a new Operations Manager in the Highway Department,
22 Lori Barrett. Eileen Cabanel, Town Manager, has questioned if the Commission would like to meet with Ms.
23 Barrett and discuss this issue. Commissioner Perry will reach out to her.

24
25 Chairman Tenhave noted Town Manager Cabanel requested information on the cost of work the Commission had
26 hoped the PWD would do this year so that she could see how that fits into any monies that were carried over from
27 last year. Commissioner Perry spoke of having received an email from Director Micali. He provided him with a
28 copy of the spreadsheet and the list of all of the locations to be addressed. Commissioner Perry stated he has
29 requested the locations be reviewed again. Beaver activity has resumed, in particular in the area behind Madison
30 Drive where they are starting to rebuild some dams far upstream from where the device was installed. A spot
31 near the Wire Road Bridge is an area where private citizens are dealing with this issue on their own (private
32 property). They are successful at this time, but the beavers will return.

33
34 Councilor Vaillancourt stated although she did not have any definite information for the Commission, she did not
35 believe there would be a problem on the Town side. Town Manager Cabanel has mentioned to her that she is
36 looking specifically at areas. Chairman Tenhave stated a desire for the Commission work and the work of the
37 PWD to be done all together. Commissioner Perry commented there are four entities that need to have work
38 done; the school district, the Commission, Merrimack Village District, and the PWD.

39
40 Chairman Tenhave commented, after Commissioner Perry has the opportunity to engage in a discussion with Ms.
41 Barrett, he would like to reinforce with the Town Manager that the Commission needs someone that can act with
42 authority to keep the momentum moving. There will need to be line items in the next fiscal budget to address
43 these issues. Councilor Vaillancourt reiterated it is on the radar. She does not believe it will be a problem.

44
45 Commissioner Perry stated the area being addressed by private citizens and the area behind Madison are a little
46 different in that it is not a single place where the issue exists (address it in one area and it moves to another).
47 They will require a different solution than what has been used in the past.

48
49 • Online Storage

50
51 Commissioner Perry stated there is storage space. Issues relative to saving to the site are being addressed.

52
53 PRESENTATION OF THE MINUTES

54
55 Merrimack Conservation Commission. August 3, 2015

56
57 *The following amendments were offered:*

58
59 Page 1, Line 38; add “, Vice Chairman Caron,” after “he”
60 Page 2, Lines 9 and 39; replace “slumping” with “sluffing”

- 1 Page 2, Line 13; replace "log retention for oil purposes" with "booms" and replace "site to site" with "side to side"
2 Page 2, Line 20; replace "sated" with "stated"
3 Page 3, Line 37; replace "Vice Chairman Caron" with "Commissioner Perry"
4 Page 3, Line 40; replace "Environmental Engineer" with "Project Manager"
5 Page 4, Line 38; replace "Vice Chairman Caron" with "Commissioner Perry"
6

7 **MOTION BY COUNCILOR VAILLANCOURT TO ACCEPT AS AMENDED**
8 **MOTION SECONDED BY COMMISSIONER CARON**
9 **MOTION CARRIED**

10 **5-0-2**

11 *Commissioners Glenn and Bradshaw Abstained*

12
13 PUBLIC COMMENT - None

14
15 COMMISSIONER COMMENTS

16
17 *A brief discussion ensued regarding the next meeting scheduled for September 14, 2015.*

18
19 ADJOURNMENT

20
21 **MOTION BY COMMISSIONER GLENN TO ADJOURN**
22 **MOTION SECONDED BY COMMISSIONER PERRY**
23 **MOTION CARRIED**

24 **7-0-0**

25
26 *The August 17, 2015 meeting of the Merrimack Conservation Commission was adjourned at 8:42 p.m.*

27
28 Submitted by Dawn MacMillan