

MERRIMACK CONSERVATION COMMISSION
OCTOBER 19, 2015
MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, October 19, 2015 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

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

Members of the Commission Absent:

Also in Attendance: Brett Vaughn, 123 Wilson Hill Road
Chad Branon, Civil Engineer, Fieldstone Land Consultants
John Hall, Watanic Bowmen
Reagh Greenleaf, President, Watanic Bowmen

Chairman Tenhave stated Kristi Bradshaw has resigned from her position as an alternate member of the Commission. There are currently 3 open alternate positions. Chairman Tenhave commented the Commission would welcome the opportunity to work with and train individuals who have a strong interest in serving in this capacity. Interested parties should contact Becky Thompson in the Town Manager's Office.

Chairman Tenhave noted hunting season has begun. He reminded users of the trails to wear orange, and hunters to check the website to learn where hunting is and is not allowed.

PUBLIC COMMENT - None

APPOINTMENTS

1. Public Hearing for Land Purchase by the Commission

Conservation Commission will conduct a public hearing to consider acquisition of real property for conservation purposes pursuant to NH RSA 36-A, located off South Grater Road. This purchase includes 4 parcels known as Tax Map 5A/003, 5A/065, 5A/065-1, and 5B/001. After the Public Hearing, the Commission will decide on the purchase of these parcels.

Chairman Tenhave stated a Purchase & Sale Agreement (P&S Agreement) is in place for the purchase of the identified parcels. The intent of the Public Hearing was to inform the public of the desired purchase, and to provide an opportunity for public input.

The Conservation Commission operates under RSA 36-A, and has the power to purchase land in the name of the Town, subject to the approval of the local governing body. It was noted, should the decision be reached to move forward, the matter would go before the Town Council on Thursday, October 22, 2015. A requirement of RSA 36-A:5 is that a properly noticed Public Hearing be conducted. Chairman Tenhave stated the hearing was properly noticed.

The four parcels were identified as Tax Map 5A/003, 5A/065, 5A/065-1, and 5B/001. Three of the parcels are owned by the Conservancy Foundation, Inc. and the other by Second Generation LLC and members of the Nash Family and Trust. It was initially believed all four parcels were owned by the Conservancy; however, a Title search revealed that was not the case.

The purchase is for approximately 140 acres at a cost of \$431,600. The Conservation Fund (Fund 53) would be utilized to cover the cost of purchase price, recording fees, attorney fees, and any other related costs. A stipulation within the P&S Agreement is a requirement to purchase all four parcels. They are sold "as is" for conservation purposes only, which is language already included in the Deeds. The sale is contingent upon the Public Hearing and approval of the Town Council.

1 Commissioner Perry noted past practice has been to include within the Deed language that states the parcel(s)
2 would be put into conservation land in perpetuity. He questioned if that wording is included in the current deeds.
3 Chairman Tenhave responded the current wording of the deed is repeated in the P&S Agreement (Section 3),
4 which states: "Use of this land shall be forever restricted for conservation purposes only." Chairman Tenhave
5 stated he spoke with legal counsel, and questioned if the wording could be expanded upon. Counsel was going
6 to take that up with legal counsel for the seller. He commented on the number of people involved in the sale, and
7 relayed the comment was if there were objections to the additional wording the Commission typically uses, the
8 sale would go through with the agreed upon language understanding additional language could be added at a
9 later date. Vice Chairman Caron noted it is not necessary to have a Purchase & Sales transaction to adjust the
10 deed once you own the parcel.

11
12 Chairman Tenhave noted the Conservancy parcels had clean titles. Parcel 5A/065-1 had a discrepancy. It was
13 owned by Mr. Nash and Mr. Tamposi. When Mr. Nash wanted to transfer his half ownership over to Second
14 Generation LLC, which is an LLC that is formed by his grandchildren, the deed work that did the transfer didn't
15 properly describe the property, and therefore it wasn't a proper deed transaction. That was not noticed before Mr.
16 Nash passed away last year, and was not corrected. In working with the Nash family and legal counsel, the
17 decision was reached it was best to get all potential parties who have any claim to this one parcel to sign off on
18 the P&S Agreement and on the Deed that they relinquish any claim to these properties. The deed that will result
19 from that will be a Quit Claim Deed not a Warranty Deed. In order to straighten out the deed we would have to go
20 back to Probate Court. That would result in additional time and funds. In addition, it is the desire of the sellers to
21 sell all four properties at the same time. The Town's legal counsel stated a comfort with proceeding in this
22 manner.

23
24 Chairman Tenhave displayed a map highlighting the property area (can be viewed [here](#)). The purchase expands
25 Grater Woods, which is a critical conservation focus as defined in 2010 by the Biodiversity Conservation Plan.
26 The Town Master Plan update of 2013 listed this as a significant parcel of land for acquisition and conservation.
27 The parcels are within an area designated by New Hampshire Fish & Game as the highest ranked habitat.

28
29 Chairman Tenhave explained the Conservation Fund has a balance of approximately \$1.2 million. The proposed
30 purchase price of \$431,000 will lower that fund to the area of \$700,000 - \$800,000. When land is taken out of
31 current use, there is a tax required to be paid by the developer. In 2008-2009 the Town Council amended the
32 Ordinance to identify that 50% of revenue gained through land use change tax be allocated to the Town's General
33 Fund and 50% to the Conservation Fund, only if Fund 53 had a balance less than \$1 million. When that change
34 occurred \$124,000 was eligible for a 50/50 split. In 2009-2010, because of the mall, \$1,034,600 was eligible for
35 the 50/50 split, and then in 2010-2011 the Fund exceeded the \$1 million threshold. There was \$117,000 in land
36 use change revenue. Part of it went into the Conservation Fund with the majority going into the General Fund.
37 Since 2011, all revenue from land use change tax has gone to the General Fund.

38
39 Chairman Tenhave declared the Public Hearing open at 6:52 p.m.

40
41 ***No one from the public expressed a desire to provide comment.***

42
43 Chairman Tenhave declared the Public Hearing closed at 6:52 p.m.

44
45 **MOTION BY COMMISSIONER BOISVERT TO APPROVE THE ACQUISITION OF REAL PROPERTY,
46 LOCATED OFF SOUTH GRATER ROAD AND KNOWN AS TAX MAP 5A/003, 5A/065, 5A/065-1, AND 5B/001,
47 FOR CONSERVATION PURPOSES PURSUANT TO NH RSA 36-A AND AT A PURCHASE PRICE OF FOUR
48 HUNDRED THIRTY ONE THOUSAND SIX HUNDRED DOLLARS (\$431,600) PLUS RECORDING FEES,
49 ATTORNEY FEES, AND OTHER RELATED COSTS. FUNDS ARE AVAILABLE IN THE CONSERVATION
50 FUND (FUND 53).**

51 **MOTION SECONDED BY COMMISSIONER PERRY**

52 **MOTION CARRIED**

53 **6-0-0**

54
55 STATUTORY/ADVISORY BUSINESS

56
57 **1. Fieldstone Land Consultants, PLLC (applicant) and Brett W. Vaughn Rev. Trust (owner)**

58 Review for recommendation to the Planning Board of a Cluster Subdivision plan which depicts 16 new
59 residential lots which will be serviced by on-site wells and subsurface disposal systems. The parcel is located

1 at 123 Wilson Hill Road on approximately 74.5 acres in the R-1 (Residential) District and 100 year Flood
2 Plain. Tax Map 4A, Lot 23.

3
4 Chad Branon, Fieldstone Land Consultants, stated the proposal is to subdivide and develop Tax Map parcels 4A-
5 23 and 5A-1. Parcel 4A-23 (approx. 59.1 acres) is situated on the north side of Wilson Hill Road, and has a
6 physical address of 123 Wilson Hill Road. Parcel 5A-1 (approx. 15.4 acres) is situated off of South Grater Road.
7 Together the parcels total approx. 74.5 acres. Zoning is R-1 (Residential), which has a requirement of 25' of
8 frontage, 300' lot depths, and contiguous upland area of 100,000 sq. ft. or 2.3 acres of land. The topography for
9 the property is generally mild with some steeper slopes mixed throughout. The site generally slopes from north to
10 south to Wilson Hill Road.

11
12 The property has, within its boundaries, jurisdictional wetlands. Currently the property is serviced by overhead
13 electric, telephone, and cable as well as onsite septic and well.

14
15 Mr. Branon stated his firm has been working with the property owner over the past year on development options
16 for the subject parcels. Initial evaluations contemplated a single roadway off of Wilson Hill Road that would
17 service 13 lots. The option consisted of 12 new lots and the remaining lot, which encompassed the existing
18 house.

19
20 They also evaluated development options off of South Grater Road; particularly when Mr. Vaughn went under
21 contract with parcel 5A-1. Through preliminary sketches, they found it could yield about 9 lots. Mr. Branon spoke
22 of a development that was proposed in 2006 where there would be improvements to South Grater Road and a
23 development option coming from that direction as well. These options would have included another road. There
24 would have been two cul-de-sac roads; one coming from Wilson Hill and the other from South Grater Road. After
25 evaluating these plans they decided to look at the bigger picture and realized this area of Town would be better
26 served, in their opinion, by an open space or a cluster sub-division.

27
28 When they began evaluating the cluster option they reviewed the surrounding areas to see if it made sense, e.g.
29 contiguous with other conservation areas, etc. They felt a subdivision that is accessed off of Wilson Hill Road and
30 eliminates the improvements off of South Grater Road would allow some kind of continuity and connectivity to this
31 larger open space area.

32
33 Being proposed is a cluster subdivision and placement a large portion of land into conservation easement (all of
34 5A-1 as well as a significant portion of 4A-23).

35
36 At the onset of the evaluation of a cluster subdivision, Mr. Vaughn wished to keep the lot sizes around 2 acres.
37 That yielded approx. 17 lots. It would require a 1,550 linear foot roadway to be constructed. In their opinion a
38 cluster subdivision would be mutually benefit due to a number of factors: would result in less land alteration,
39 would allow the subdivision to be accessed from Wilson Hill Road, which would eliminate the need to upgrade
40 South Grater Road, would reduce the infrastructure required for the development, and would provide a large
41 conservation area and expand upon the goal to continue to preserve this area of Merrimack.

42
43 Mr. Branon noted cluster subdivisions are not permitted in this area of Town. Therefore, the proposal would
44 require a Variance from the Zoning Board of Adjustment (ZBA). Requirements for cluster subdivisions also
45 include municipal sewer and water as well as a 15-acre minimum tract area. The project would satisfy the tract
46 area requirement, but would seek a Variance for the municipal sewer and water requirement. Since the proposed
47 lots are large in size and exceed State standards for conventional subdivisions, they do not foresee any problems
48 with the proposal.

49
50 Test pits have been performed on each of the proposed lots, and have found the soils very suitable for onsite
51 septic systems. Seventeen lots over 74.5 acres yields a 4.4 acre/lot density. Town cluster subdivision
52 regulations, if you meet all of the requirements, require a density of 40,000 sq. ft./unit. Although it can be
53 understood, with that density, why the Town would require projects to be serviced by municipal sewer and water,
54 they believe, in this area of Town with the density proposed and the acreage that is accompanying each lot, that
55 this would be a reasonable proposal. Since the project will require zoning relief and has a very large conservation
56 element, they felt the first step in the process would be to come before the Commission to seek support before
57 making formal submissions to the Planning Board and ZBA.

1 Mr. Branon noted they met with Town staff a few months ago to review this as an option. Staff felt it made sense
2 given the location and perhaps because of an awareness of the potential purchase of property in this area by the
3 Commission/Town.

4
5 Chairman Tenhave questioned, and was told the desire is to obtain a recommendation from the Commission to
6 the Planning Board and ZBA on the concept. Mr. Branon remarked, in general, they seek a letter of support
7 indicating the cluster subdivision does make sense as long as all of the other elements are designed accordingly.

8
9 Vice Chairman Caron spoke of having reviewed maps of the area that denoted several wetlands. Mr. Branon
10 reiterated test pits were conducted. He is not aware of any other wetlands onsite. He noted a recent subdivision
11 that subdivided a parcel off, and a lot of the material utilized for that subdivision is depicted on the conceptual
12 plan. He acknowledged the need for a complete soil mapping of the property, which would consist of delineating
13 wetlands. Chairman Tenhave noted the areas depicted on the map provided are shown as standing water, and
14 questioned if that continues to be the case. Mr. Brett Vaughn (owner) stated his belief it is wet year round.

15
16 Councilor Vaillancourt questioned if there are other cluster developments in Town that are not on municipal sewer
17 and water. Chairman Tenhave responded there was one approved recently; off of Tomasian Drive, which has
18 municipal water and septic systems. It was noted that subdivision comprises 19 lots.

19
20 When asked, Mr. Branon stated Mr. Vaughn's property has a yield of 5 gallons/minute in his well. A neighboring
21 property has slightly over that. They have hired a Hydrogeologist to do an analysis for the property to determine
22 that there would be adequate water for the house sites proposed. That report came back favorable, and will be
23 shared with the Planning Board with any future submission. Mr. Vaughn noted that discussion came up with the
24 Planning Board because one of the abutters at the bottom of the hill has very little water.

25
26 When asked for additional clarification, Mr. Branon stated his belief the Hydrogeologist evaluates the surrounding
27 areas; looks at well yields, maps indicating types of rock, etc., and ultimately puts together the study. Mr. Branon
28 stated they were before the Planning Board for discussion of the proposal that would have yielded a 12 lot
29 conventional development off of Wilson Hill Road. Since that time, his client has gone under agreement with
30 Parcel 5A-1. As a result, all work was looked at again from the standpoint of a master plan for the property. Mr.
31 Vaughn noted the plan for Lot 5A-1 is to maintain it as open space. Mr. Branon added all of the green area
32 shown on the plan would be placed in permanent open space. Chairman Tenhave questioned if it was a small
33 right-of-way depicted between lots 8 and 9, and was told it was a recommendation of the Planning Board to
34 provide connectivity to the road.

35
36 When asked if clearing would take place to provide access to the open space, Mr. Branon stated he does not
37 believe there is the need as the area is pretty open and the goal would be to allow users of the open space create
38 a path.

39
40 Councilor Vaillancourt commented it is not the role of the Commission to provide a letter of support on a
41 conceptual design. The Commission typically identifies concerns and recommendations for addressing concerns.
42 She stated she was uncomfortable setting precedence by doing so. She stated her belief an area of concern
43 would be with regard to the septic and the wetlands.

44
45 Chairman Tenhave noted, over the past few years, the Commission has had 2 other cluster subdivisions come
46 before it, at this preliminary stage, looking for general support; Chestnut Hill/Old Blood, which met all of the
47 stipulations and did not have to go to the ZBA and Tomasian, which had the issue with the sewer. For the
48 Chestnut Hill project the Commission provided a general concept agreement and for the Tomasian project the
49 Commission provided a comment to the ZBA stating if the area were to be developed the Commission believed
50 the cluster arrangement was more appropriate than a conventional development. He noted the intent there was
51 to create the open space around the development and keep it outside of the 250' line from the Souhegan River.
52 As a protected river, Shoreland Protection requires a 250' buffer. Because of the way the cluster was structured,
53 it got it out of that buffer and provided that back to the Town through an easement.

54
55 Councilor Vaillancourt stated she would be open to listening if a member of the Commission wished to provide
56 such a letter and identified the reason(s) why he/she wished to do so. However, at the moment she was not
57 comfortable with stating support of the proposed project.

58
59 Commissioner Boisvert commented the way the subdivision is being proposed and how it abuts conservation land
60 you can almost compare it to Tomasian project in that its layout is preferable to a conventional development. This

1 project would abut conservation land where green space is preferable. Commissioner Perry and Vice Chairman
2 Caron commented they too view the proposed project as being similar to the situation that existed with the
3 Tomasian property. Vice Chairman Caron added the road comes in at 400' and the wet area is at 340'. Any
4 fertilizer used on the lawns of Lots 8-12 would flow right into that area.

5
6 Mr. Branon acknowledged the project would be back before the Commission during the subdivision stage, and
7 they would be able to address concerns and comments relative to that. He noted the project would require an
8 Alteration of Terrain (AoT) Permit. He further stated there would be substantial drainage improvements proposed
9 as part of the development.

10
11 With regard to location, he noted substantial distance between the road, potential house placements, and the
12 jurisdictional areas. He commented when they met with staff in the Community Development Office they did not
13 feel as though it was necessary to prepare a conventional plan proving what you could get for density. Looking at
14 the property (74.5 acres) you can get a pretty good idea of what would be allowed by density if the infrastructure
15 were constructed. The original proposal had roughly a 1,400' cul-de-sac with 12 lots. There was no relief needed
16 for that. What is currently proposed is close to that; 1,500' and 17 lots. Relief is needed because it is a cluster
17 subdivision.

18
19 Mr. Branon noted if going the route of a conventional subdivision, the density would be well over what is being
20 proposed. Mr. Branon stated, although a lot of the work that has been completed is preliminary, he can say for
21 certain the lots will be adequate for septic systems.

22
23 Mr. Branon stated what was being asked of the Commission was some support in the direction of a concept, e.g.,
24 conventional or cluster.

25
26 Chairman Tenhave commented back when a cell tower was proposed for the area (25 years ago), Dick Bond, Soil
27 Scientist, reviewed the parcel (4A-23), and identified significant concerns regarding soils, slopes, and bedrock. In
28 his report, Mr. Bond stated the soils on the property are Chatfield-Hollis-Rock Outcrop Complex 15-35% slopes,
29 Chatfield-Hollis Complex 8-15% slopes, and a small amount of Canton Stony Fine Loam at 8-15% slopes. The
30 report states that Richard Bond found that the bedrock is within 40" of the surface on more than 85% of the site,
31 that the other 15% of the surface of the site is wetland, and that approximately 5% of the 85% of the surface on
32 the site is Rock Outcrop with no soil cover at all.

33
34 Chairman Tenhave commented, with findings of bedrock within 40" of the surface and so much of it, there is
35 concern over whether there is adequate soil onsite or if a lot of material would have to be brought onsite in order
36 to create the septic systems. Mr. Branon responded there are definitely adequate soils. He stated his company
37 has an in-house Certified Wetland/Soil Scientist who witnessed all of the test pits that were done. He stated his
38 belief they did not run into ledge less than 48" onsite. That is more than adequate and meets all local and State
39 requirements. Mr. Branon noted in addition to being a professional Engineer, he is a licensed Septic Designer.
40 He noted at least 1 test pit was dug on every lot. Many were 5-7' and a few where they did not hit any refusal.
41 There is ledge on the property.

42
43 Chairman Tenhave remarked concerns he would have include whether there is sufficient soil to accommodate the
44 septic systems, and sufficient water. He spoke of the likelihood the proposed project would require blasting or
45 chipping away at rock. Mr. Vaughn stated his belief there would not be a need to blast for the road. He reiterated
46 the water became an issue at the Planning Board when abutters stated a concern with a reduction in water. Mr.
47 Vaughn stated they have spoken with the abutters, which resulted contracting for the study. That information will
48 be available to the Planning Board. Mr. Branon stated they would be happy to share that information with the
49 Commission as well.

50
51 Chairman Tenhave noted the Commission will be concerned with how stormwater retention is addressed.

52
53 With regard to the common land, Chairman Tenhave questioned if the intent was to create a Homeowner's
54 Association to manage the land, donate it, have an easement put on it, etc. Mr. Vaughn stated he was thinking it
55 would be conservation land. He has been educating himself on tax ramifications, etc., and believes it would be
56 better managed by the Commission/Town than a homeowner's association. He had thought it would be turned
57 over to the Conservation Commission.

58
59 Chairman Tenhave commented experience says whenever you turn it over to a homeowner's association they
60 either don't get formed or they go defunct at some point. The property changes hands, history is lost and not

1 passed along as part of a sale, etc. That leads to residents assuming it is their back yards, etc. He stated his
2 belief the preference of the Commission would be either an easement granted to a land trust, the Town, or
3 donated to some sort of entity that has the ability to monitor and properly conserve it.

4
5 Chairman Tenhave commented all of the plans he saw that depicted the wetlands were mapped in 2002. He
6 stated the Commission would require an updated wetland survey. Mr. Branon stated they would be responsible
7 for delineating and certifying all of the jurisdictional wetlands as well as the high intensity soil survey, etc.

8
9 Chairman Tenhave questioned the will of the Commission. Commissioner Perry stated it is a viable design for the
10 property. Commissioner Boisvert stated a preference for a cluster rather than a conventional subdivision.
11 Councilor Vaillancourt commented on not having been on the Commission at the time of the other projects
12 mentioned. At this time, she would abstain from voting on any motion put forth.

13
14 **MOTION BY COMMISSIONER TENHAVE THAT, IF THE PARCELS ARE TO BE DEVELOPED, THE**
15 **COMMISSION WOULD PREFER TO SEE A CLUSTER DEVELOPMENT SIMILAR TO WHAT HAS BEEN**
16 **DEPICTED AS OPPOSED TO A CONVENTIONAL DEVELOPMENT ACROSS THE TWO LOTS WITH THE**
17 **STIPULATIONS THAT SOILS AND WATER NEED TO BE APPROPRIATELY TESTED TO SUPPORT THE**
18 **SEPTIC AND WATER NEEDS, THAT ALL STORMWATER AND DRAINAGE ISSUES CAN BE RESOLVED AS**
19 **PART OF THE SUBDIVISION PROCESS AND THAT THE CONSERVATION PIECE BE ADDRESSED WITH**
20 **AN APPROPRIATE ENTITY WHETHER THAT BE THE TOWN, THE CONSERVATION COMMISSION OR A**
21 **LAND TRUST**

22 **MOTION SECONDED BY MEMBER CARON**

23 **MOTION CARRIED**

24 **5-0-1**

25 *Councilor Vaillancourt Abstained*

26
27 OLD BUSINESS

28
29 **1. NED Pipeline**

30 Commission to have a general discussion on the NED project and any immediate actions it may wish to take.

31
32 Chairman Tenhave informed the Commission the last set of scoping comments was filed.

33
34 The Town Council conducted a workshop with representatives of Kinder Morgan on October 8th. Councilor
35 Vaillancourt spoke of an alternate route that was presented at that meeting. The Town Council submitted a letter
36 in response to the Amherst alternate route identifying concerns associated with that route, and requested that the
37 comment period be extended in light of the route change put forth. The Council discussed the Survey Access
38 Agreement, which remains unsigned. Allen Fore, Vice President of Public Affairs, spoke with Town Council
39 Chairman, Nancy Harrington, following the workshop, and stated he would move that Agreement forward. Since
40 that time representatives of Kinder Morgan have visited the Town Manager's Office on a few occasions seeking
41 permits to survey, etc. without the Agreement being signed. Councilor Vaillancourt stated her belief the Town
42 Manager reminded them not only do we not have a signed agreement in place, so they would not be getting any
43 permits, but that they also don't have formal permission to survey any of the Conservation Commission land or
44 School District property.

45 Councilor Vaillancourt spoke of a Press Release put out by Kinder Morgan stating their intention to file their formal
46 application on November 20th. A few representatives from Kinder Morgan have expressed to the Town Manager
47 that Alternate Route Option #7 was their preferred route. That is the route that tries to bypass Fidelity. They have
48 indicated verbally to the Town Manager that is the route they intend to file.

49
50 The Town Council has talked a great deal in the past regarding whether or not to request intervener status. If that
51 were the direction the Council wished to take, the process dictates that cannot occur until after the filing of the
52 formal application. Councilor Vaillancourt stated she has requested the Council formally discuss whether a
53 request will be put forth for intervener status, and suggested the Commission may wish to consider doing so as
54 well. Legal counsel has advised such a request should quickly follow Kinder Morgan's formal application filing.

55
56 Commissioner Glenn commented there were over 500 comments filed during the last few days of the comment
57 period. Chairman Tenhave spoke of having reviewed a filing by the National Heritage Bureau, which he found to
58 have a number of good points. Councilor Vaillancourt spoke of having forwarded one submitted by the New
59 Hampshire Department of Environmental Services. She commented, Pennichuck Water has not come out to

1 state a position against the proposed pipeline, but did give very specific requirements of what would have to occur
2 if the pipeline were to cross their property line to ensure the drinking water would not be impacted.

3
4 Chairman Tenhave stated he has heard from Dr. Amstel who spoke at the workshop and stated concern with the
5 Heron rookery located behind her property and on the Fidelity property. She informed him she had spoken with
6 John Pru who came out to visit with her. She would like to know if there is anything more she could do, and has
7 asked to be alerted to activities that would be noteworthy for her.

8
9 Chairman Tenhave stated while he was away, he received an email from Lucas Meyer, Public Affairs, Kinder
10 Morgan. Mr. Meyer was trying to set up a meeting to discuss wetland mitigation opportunities. He spoke with him
11 this afternoon, and let him know the process of submitting an agenda item so that he could be placed on a future
12 agenda. Mr. Meyer indicated a desire to be on the agenda for one of the November meetings.

13 NEW BUSINESS

14 **1. Forestry Plan for Wasserman Conservation Area and Riverside Park**

15
16 Commission to discuss forestry plan proposal for these parcels as provided by Mike Powers of Bay State
17 Forestry.

18
19 Chairman Tenhave noted the Commission is interested in creating a Stewardship Plan for the Wasserman
20 Conservation Area. He had been asked to contact the Forester to get his thoughts and what the forestry aspect
21 might be. The cost of doing a forestry plan for the Wasserman Conservation area would be \$2,875 (only a portion
22 of an overall Stewardship Plan).

23
24 Chairman Tenhave remarked since the time the Commission decided to move forward with requesting a quote for
25 that, he has been giving a great deal of thought to how to go about putting together a Stewardship Plan for that
26 property. In 2014, the Commission debated what a template should look like for a Stewardship Plan. He
27 commented both the Master Plan and Definitive Plan for the Horse Hill Nature Preserve (HHNP) were year-long
28 processes involving many hours. The Grater Woods Stewardship Plan was a multi-year effort.

29
30 He questioned the will of the Commission as to whether the desire is to follow past practice or consider, with a
31 smaller parcel such as this, having a professional prepare a Stewardship Plan.

32
33 Commissioner Perry commented despite the desire to conduct the work, he does not have the necessary time to
34 commit to working on such a project. He suggested, given the smaller size of the parcel, it may present a good
35 opportunity to have the work outsourced and utilize that as a template for the future. Vice Chairman Caron
36 questioned what there is to be done in addition to the forestry aspect. Commissioner Boisvert suggested it could
37 be future trail management. Commissioner Perry stated there is no timber stand map for that property, there is no
38 information on soil available, etc. Vice Chairman Caron suggested a forestry plan would cover a lot of that type of
39 information. He questioned the value gain from undertaking an entire Stewardship Plan on such a small parcel
40 that is already well known. He agreed a forestry plan has to be completed. He is not sure what else needs to be
41 done that would justify the expense. Commissioner Boisvert commented that is a valid thought.

42
43 Chairman Tenhave remarked his thoughts were around are there hidden things out there the Commission is not
44 aware of, e.g., hidden communities, strategies to address invasives, what is known about the 20-acre parcel that
45 sits next to it, etc. Beyond those issues his interest would be in trail systems, are there wetland issues, animal
46 activities the Commission may wish to be aware of, etc. He questioned if, like what was done with Grater Woods,
47 is there a list of projects to be addressed on the parcel. It was noted the LCIP Agreement states there should be
48 some kind of management plan for the property. He noted that could be structured around a forestry plan and not
49 do much more than that.

50
51 Vice Chairman Caron volunteered to work with the New Hampshire Association of Conservation Commissions to
52 see if he can find a student volunteer/intern to take on completing a full stewardship plan. Chairman Tenhave
53 stated he would let Mr. Powers know the Commission may or may not move forward, that other options are being
54 considered, and the quote will be placed on hold for the time being.

55 OTHER BUSINESS

- 56
57
58 ● Watson Park Kiosk - Update
59

1 Chairman Tenhave stated the latest email exchange with the Artist indicated the need for sealing of the artwork
2 on the kiosk itself. Chairman Tenhave stated he was approached just before leaving on vacation, and asked if all
3 of the funds that were allocated could be utilized (up to \$600) so that the structure that covers the electrical
4 panels, etc. could be done as part of the project. That is something the Artist will move forward with and keep the
5 cost within the \$600 that was approved. It was noted the Artist was featured in an article on the front page of the
6 Telegraph and was in the Patch as well. Chairman Tenhave commented the project came out very well. He
7 informed the Commission George May has expressed the desire for some sort of ceremony to be conducted at
8 the completion of the kiosk.
9

10 • HHNP Parking Lot - Update

11
12 Chairman Tenhave stated the wetlands have been delineated. He spoke of having talked with Kyle Fox, Deputy
13 Director, Public Works Department, regarding laying out a plan for that. Deputy Director Fox would like to appear
14 before the Commission at its November 2nd meeting to discuss options. He suggested the Commission do a hard
15 surface in the parking lot as opposed to the gravel. That would be similar to what was done for Wasserman Park
16 to provide parking down by the lake (\$10,000-\$12,000 cost). It was noted the surface material is such that water
17 would penetrate. To fit within the area, the parking lot would become square as opposed to rectangular. If a
18 harder surface were used it could be lined to create parking spots. Chairman Tenhave stated he would extend an
19 invitation to attend the meeting to members of the HHNP Subcommittee.
20

21 • Watanic Bowmen Agreement

22
23 Chairman Tenhave spoke of discussion that occurred at the Commission's last meeting regarding the agreement,
24 e.g., has it worked well, etc.
25

26 Mr. John Hall, Watanic Bowmen, questioned if what was being referred to was the agreement regarding the
27 parking lot or sharing of the safety zone around the property. Chairman Tenhave stated his belief, at one point,
28 there was a written agreement. The item was placed on the agenda for the Commission to consider whether it is
29 time to bring this subject forward again. He noted had the Commission decided to put a formal agenda item on a
30 future agenda, the group would have been invited to participate in the discussion. He thanked Mr. Hall and Mr.
31 Greenleaf for their attendance.
32

33 Mr. Hall stated he has copies of the original documents, which were written and signed by the Town Manager at
34 the time. That came after a good deal of discussion around how the club and the Town could utilize the Bowmen
35 parking area in conjunction with the HHNP. He stated, to date, he cannot think of any issues they have had with
36 the arrangement.
37

38 Reagh Greenleaf, President, Watanic Bowmen, commented, at any given time, there could be 3-5 cars parked
39 there (hikers). They are glad to see the use as their parking lot is basically for their Sunday archery shoots and
40 isn't filled even during those times. The agreement allowed for use of the parking lot in exchange for the club's
41 use of a portion of the HHNP land for 3D shoots. He stated the arrangement has worked well for them.
42

43 Chairman Tenhave stated the Commission is pleased with the ability to have a kiosk located there, which allows
44 for information to be shared.
45

46 Mr. Hall commented, prior to the increased exposure to the area, there were constant problems with dirt bikes,
47 etc., and that activity is all but gone. He spoke of the condition of the improved condition of the roadway and trails
48 and the ability for the Police to gain access to monitor the area. He noted he makes the Police Department aware
49 of days when archery shoots are planned.
50

51 Chairman Tenhave stated his awareness of instances, including a recent shoot, where items were left behind.
52 Mr. Hall responded that is not supposed to happen. He commented anything left behind is of value, and if left
53 behind it is in error. He continued by ensuring the Commission the Bowmen do not shoot across any trails. The
54 main trails are kept open. The main trails may be used to get to the next target, but no main trails are taped off.
55 Mr. Hall stated he has been a member of the club for 40 years, and cannot think of a single incident that was not
56 resolved quickly.
57

58 Chairman Tenhave commented in 2014 there was an instance where there was no signage on the Quarry Trail as
59 it comes across Naticook Road. There was nothing that identified a shoot occurring even though there were
60 signs in the other places. There was one trail user who walked into the middle of one of the shoots and was

1 surprised by it. Mr. Hall stated he provides Newton Coryell, Chairman, HHNP Subcommittee, a copy of the
2 schedule early in the year for posting to the kiosks.

3
4 Mr. Hall spoke of an incident that caused him concern; in the area next to the swamp located on their land, they
5 had placed a "Do Not Enter" sign with survey red tape on an area where the target would be further into the
6 HHNP. Twelve mountain bikes broke through the ribbon and got behind the target. He commented there are
7 times it is not understood there are two different parcels of land.

8
9 Mr. Hall stated a willingness to work with the Commission to address any issues that may come up. Vice
10 Chairman Caron commented he and Commissioner Glenn were at the HHNP Subcommittee meeting the prior
11 Monday at which a number of issues were brought up. The Subcommittee has volunteers that are out on the
12 trails daily. One of the concerns that came up was the paper plates that are put on the trees. One of the
13 volunteers has been taking those down on Mondays following shoots. Mr. Hall responded that is the type of
14 information the club should be made aware of.

15
16 Mr. Greenleaf commented there are typically less than 40 paper plates in the woods; one at each target and
17 sometimes one pointing a direction. They retrieve them when they leave. They may miss a few, but an effort is
18 made to remove them. He commented they put them up some time from Monday to Saturday, and there are
19 times when they go through and the paper plates are missing. Vice Chairman Caron noted the volunteer that
20 removes them is aware of the shoot dates as he is part of Mr. Coryell's email chain. Mr. Greenleaf reiterated
21 there is the need to make the club aware. Vice Chairman Caron stated a recommendation was for the placement
22 of an A frame with notification "Archery Shoot In Progress" in entrances to the HHNP that are not equipped with a
23 kiosk (both powerline entrances and somewhere on the Quarry Trail). Mr. Greenleaf responded that seems like
24 an easy enough thing to do. He noted Mr. Hall had made quite a few signs that were laminated that state
25 something along the lines of "Caution Archery Shoots in Progress". Those are usually posted on the trails off the
26 powerlines. Mr. Hall requested the Commission provide a map detailing the desired locations for such signage.
27 He stated that could simply be done.

28
29 Mr. Hall noted for set-up and take-down for shoots they use a four-wheeler with a small trailer to transport the
30 equipment (4 weekends a year). Chairman Tenhave stated this particular subject has come up before. It is the
31 hope that the folks that are visiting and see the ATV do not believe that to be a normal occurrence for that parcel.

32
33 Chairman Tenhave suggested the time is appropriate to review the agreement, which he believes to have a set
34 time period. Mr. Hall stated it ran out a long time ago. Chairman Tenhave stated the Commission would perform
35 a review and perhaps engage in further discussion or simply get the parties together to sign another agreement.

36
37 • NHACC Annual Meeting -Update

38
39 Chairman Tenhave noted he submitted the necessary paperwork to the Finance Department for the four
40 Commissioners who have registered for the meeting. The meeting is scheduled for November 7th. Chairman
41 Tenhave stated, for the public, although a quorum of the Commission will be present at the Annual Meeting, no
42 formal action by the Commission will occur.

43
44 • Wasserman Conservation ATV Issue - Update

45
46 Chairman Tenhave spoke of having contacted Chief Doyle and Lt. Tarleton regarding this issue. When asked,
47 Vice Chairman Caron stated the patrols have been successful. Although the target audience was not found, there
48 were additional benefits that were previously not known. He commented on having received a call from an Officer
49 on the first night who stated he was heading over to the Wasserman Conservation Area to take a look. He called
50 back and said I met someone on a four-wheeler, and had a great discussion.

51
52 • Grater Woods ATV Issue - Update

53
54 Chairman Tenhave suggested it may be good to do an update on the Grater Woods patrols. Vice Chairman
55 Caron stated his belief those patrols have concluded. Commissioner Perry spoke of having seen an ATV on the
56 trails the previous Sunday, and later realized it was the Police patrol. Vice Chairman Caron stated he had not
57 received a report from that particular patrol. Commissioner Boisvert spoke of having received a positive comment
58 from one of the neighbors who ran into a patrol out there. She had relayed concerns to the Officer, and was glad
59 to see him there. Vice Chairman Caron stated his belief the greatest concern expressed by the public relates to
60 shooting that is taking place. He stated, with that property becoming that of the Commission within the next few

1 weeks, that situation needs to be addressed. Chairman Tenhave suggested the placement of large signs stating
2 the property is now owned by the Town of Merrimack, and target shooting is not permitted without permission. He
3 noted that is State law. Commissioner Perry suggested the biggest thing the Commission could do would be to
4 clean the area.

5
6 Vice Chairman Caron suggested a future agenda item, after November 10th, will be gates. The question is
7 placement.

- 8
9 • Beaver Policy and Water Control Activities

10
11 No new information was available.

12
13 PRESENTATION OF THE MINUTES

14
15 Merrimack Conservation Commission. October 5, 2015

16
17 *The following amendments were offered:*

18
19 Page 1, Line 51; delete “and” after “water resources,”

20 Page 1, Line 26; replace “7th” with “8th”

21 Page 2, Line 32; delete “more” after “reminiscent”

22 Page 3, Line 57; replace “poorly” with “poor”

23 Page 7, Line 38; delete “Baboosic Brook is a flow in a certain channel.”

24 Page 8, Lines 26 and 27; add the following sentence: “She expressed an interest in learning more about the
25 process for the sewer installation crossing the brook.”

26 Page 8, Line 48; replace “7th” with “8th”

27 Page 8, Line 45; replace “Coping” with “Scoping”

28 Page 9, Lines 52, 53, and 56; replace “LaReau” with “L’Heureux”

29 Page 11, Line 53; add “Caron” after “Vice Chairman”

30 Page 13, Line 20; replace “you” with “your”

31
32 **MOTION BY COMMISSIONER PERRY TO ACCEPT AS AMENDED**

33 **MOTION SECONDED BY COMMISSIONER BOISVERT**

34 **MOTION CARRIED**

35 **6-0-0**

36
37 PUBLIC COMMENT - None

38
39 COMMISSIONER COMMENTS

40
41 Commissioner Perry commented he and Commissioner Boisvert had the opportunity to walk some of the HHNP.
42 He spoke of the varying topography. The information they gathered was forwarded to the Chairman.

43
44 Councilor Vaillancourt encouraged attendance at the Town Council meeting of October 22nd in support of the land
45 acquisition.

46
47 Chairman Tenhave noted the driveway and parking lot for Wildcat Falls was graded, which has addressed the
48 many pot holes.

49
50 ADJOURNMENT

51
52 **MOTION BY COMMISSIONER CARON TO ADJOURN**

53 **MOTION SECONDED BY COMMISSIONER GLENN**

54 **MOTION CARRIED**

55 **6-0-0**

56
57 *The October 19, 2015 meeting of the Merrimack Conservation Commission was adjourned at 8:58 p.m.*
58
59
60

- 1 Submitted by Dawn MacMillan

DRAFT