

MERRIMACK CONSERVATION COMMISSION
DECEMBER 7, 2015
MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, December 7, 2015 at 6:33 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

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

Members of the Commission Absent: Councilor Jody Vaillancourt

Also in Attendance: Kyle Fox, Deputy Director, Public Works Department
Newton Coryell, Chairman, Horse Hill Nature Preserve Sub-Committee
Debra Huffman, Horse Hill Nature Preserve Sub-Committee
Roland Roberge, Horse Hill Nature Preserve Sub-Committee
Sharon Hickey, Horse Hill Nature Preserve Sub-Committee
Steve Marble, 25 Beebe Lane
Kasia Ingram, Environmental Permit Lead, Kinder Morgan
Adele Fiorillo, Environmental Permit Lead, Normandeau Associates
Tom Mahon, Vice Chairman, Town Council
Don Miner, Agriculture Commission

The Commission currently has open positions; 1 full-time and 3 alternate. Individuals interested in serving on the Commission should contact Becky Thompson in the Town Manager's Office.

Chairman Tenhave reminded viewers hunting season is still underway; archery season continues until December 15th. He urged users of the trails to wear orange, and hunters to check the website, www.Merrimackoutdoors.org to learn where hunting is and is not allowed.

Councilor Vaillancourt was excused.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Horse Hill Nature Preserve Parking Lot Expansion

Commission to further discuss and potentially take action on a proposed parking lot expansion project for the Amherst Road Parking Lot.

Chairman Tenhave noted, over the summer the Horse Hill Nature Preserve (HHNP) Sub-Committee had questioned the possibility of expanding the HHNP parking lot at the Amherst Road location. The parking lot is widely utilized, which often results in users of the property parking along Amherst Road and other roads in the area.

The Commission hired Tracy Tarr, Wetland Scientist, GZA GeoEnvironmental, Inc. (GZA), to map the wetlands in the area so that their location and buffers are clearly identified. Wetlands are designated by soil type, presence or lack of water, and wetland plants. Kyle Fox, Deputy Director, Public Works Department (PWD), and his team surveyed all of the markings, and gathered the information received from the Wetland Scientist to create the presentation materials provided.

Deputy Director Fox remarked following the work by GZA locating wetland flags in the field, PWD staff went out with survey equipment to locate them to a better precision. The graphic GZA had sent was based on GPS readings. An actual field survey was conducted, which identified physical location. A day was expended on

1 performing a topographic survey. The limits of the survey were delineated by the contour lines displayed on the
2 plans provided.

3
4 Based on the direction provided, staff created an existing conditions plan and a second plan depicting a few
5 alternatives for parking. The first shows a 42 space configuration; 40 regular spaces and 2 handicap spaces. In
6 that configuration the width of the parking lot would stay the same and the lot would expand straight out into the
7 woods. It would consist of four rows of parking; one on each end and two in the middle head-to-head. The
8 second considers the possibility of additional spaces. The lot could be expanded to the east to accommodate 58
9 spaces. The expansion could be done in phases. The plans identify, for each option, an approximate distance to
10 Mr. Roberge's property. The plans also identify the 25' wetland buffer.

11
12 An estimate was provided for costs associated with both a 42-space expansion and a 58 space expansion. The
13 estimates are based on unit weight, average prices as published by the New Hampshire Department of
14 Transportation (NHDOT). The contractor based prices include materials and labor. One cost, which is difficult to
15 estimate, is the clearing and grubbing. Deputy Director Fox remarked if the Commission wished to serve as the
16 General Contractor for that part or the entire project, its forestry connections may be helpful. In addition, if there
17 were a desire to do an expanded cutting project that too could help with the cost of the project.

18
19 Newton Coryell, Chairman, HHNP, commented he and Mr. Roberge have walked the site. They walked 66' back
20 and flagged that location in green tape. From there they went towards Mr. Roberge's residence 44'. He was
21 happy with that buffer. How that matches to what is proposed he is unclear.

22
23 Mr. Coryell commented on being in the area on a Sunday a week or two ago and witnessing cars parked on both
24 sides of the street. He estimated there to be 16 cars parked outside of the lot noting some cars were doubled up
25 in the lot. His personal preference is for the 58-space expansion. He spoke of spaces lost in the winter months
26 as a result of snow coverage. He spoke of having pushed brush, etc. back from the lot during the spring, which
27 resulted in additional vehicles parking in the lot.

28
29 With regard to cost, he questioned the use of reground asphalt in place of paving. He spoke of there being quite
30 a bit of that material at the Public Works Garage. He has constructed a parking lot out of that material in the past.

31
32 Deputy Director Fox commented he and Chairman Tenhave had discussed that possibility. He used the example
33 of the new parking lot at Wasserman Park, which was constructed with the road grindings from the D.W. Highway
34 project. It was taken to Wasserman Park, rolled right away, and striped with the Highway striping machine, and it
35 has held up well. He stated the important aspect to be having the grindings available fresh and getting them
36 graded and rolled right away. He stated an uncertainty with regard to whether any grinding would be done this
37 coming paving season. He added, if the parking lot were built with gravel, that could be done at a later date.

38
39 Mr. Coryell suggested if 12" of gravel were placed down it would match existing conditions. The grindings could
40 then be placed when available. Deputy Director Fox remarked the reason he included the costs for paving and
41 striping was to get the number of spaces desired. Mr. Coryell stated he is aware of an individual that will supply
42 fill.

43
44 When asked, Deputy Director Fox stated if grindings were utilized they can typically get the paving contractor to
45 haul it locally at no charge. The material would be free at that point. Costs would be associated with having a
46 bulldozer and a roller onsite. When that was done at Wasserman Park, the cost was in the area of a few
47 thousand dollars. It would be a significant savings over paving. When asked, he stated there to be 18 spaces in
48 the existing lot. Mr. Coryell suggested there to be closer to 24 spaces at this time.

49
50 Mr. Roberge stated his belief the distance from the existing parking lot to the end of the proposed expansion is
51 30-40' from his property line. Mr. Coryell suggested the buffer area shown on the plans provided was pretty close
52 to what he and Mr. Roberge had considered when walking the area.

53

1 Chairman Tenhave stated a concern that headlights from a vehicle parked in the furthest spot identified on the 58-
2 space expansion would shine into a residence. It was suggested the resident may not object to the expansion,
3 and that it would eliminate cars from parking in front of the residence/farm business on weekends. Chairman
4 Tenhave stated he has spoken with the resident, who is an integral partner in the project at HHNP. The
5 homeowner requested the parking lot not be expanded any further to the east because of concern with
6 headlights.

7
8 Mr. Roberge commented most of the problems with regard to headlights would be aimed towards his house. The
9 proposal does not expand more with cars facing the neighbor's house on that section, the plan calls for traffic to
10 come in from the east facing his property. Chairman Tenhave responded, in looking at the proposal Deputy
11 Director Fox put together, and there would be 4 additional slots. Commissioner Perry commented if a solution
12 such as what was put in place at the parking lot at Wildcat Falls would be acceptable. Chairman Tenhave stated
13 it could be. He noted when putting a fence up you block the view of law enforcement. Commissioner Perry
14 suggested it would not take an 8' fence to block headlights.

15
16 Mr. Roberge questioned removing the last 4 parking spaces. Commissioner Perry commented people will park
17 there just the same. Chairman Tenhave remarked when the clearing is done for the next row up it will be
18 necessary to clear far enough for people to back down, which would require them to come really close to the
19 existing spaces. There would be the need to eliminate 8 spaces and utilize some sort of landscaping or other
20 material to discourage people from utilizing that area. Mr. Roberge suggested making the spaces back in only.
21 The question was asked of how that could be enforced.

22
23 Debra Huffman suggested showing the proposal to the homeowner to gain his input, and see what he would be
24 comfortable approving. It was again noted the homeowner has been a good partner to the HHNP and is
25 deserving of the Commission and Sub-Committee being respectful of his home and privacy. Chairman Tenhave
26 noted another issue that has to be kept in mind is the waterline that traverses under the parking lot. All
27 construction has to be done to ensure the water line is not disturbed.

28
29 Deputy Director Fox remarked if someone wants to locate it and point it out, it could be located with the survey
30 equipment and placed on the plan.

31
32 Chairman Tenhave remarked the question is what is believed to be the ideal number of spaces. Once that is
33 identified the layout can be determined.

34
35 Ms. Huffman reiterated the prior weekend there were approx. 40 vehicles in the area. The maximum number of
36 spaces identified is 58. The greatest number possible is desired; however, not at the expense of the neighbor
37 being displeased.

38
39 Mr. Roberge suggested if going west of the gate, two cars could be parked in the area without impacting the gate.
40 There are usually 2-3 cars parked on the grass between the sign and the gate. Deputy Director Fox commented
41 the Fire Department might not care to have folks parking in the entryway. Mr. Coryell stated the cars are usually
42 parked on the grass section, not impeding the entrance.

43
44 Chairman Tenhave suggested the lot could go deeper. Deputy Director Fox responded if that were an option the
45 PWD would have to do additional surveying to determine what the terrain is. If going out another 60' you could
46 gain 20 spots. It was noted, when exceeding 50 spots there is the requirement for 3 handicap spaces.

47
48 Chairman Tenhave stated his preference for the parking lot to be constructed deeper and avoid the possibility of
49 disturbance to the neighbor. Several members expressed agreement. Deputy Director Fox noted if the terrain
50 continues downward there will be the need for additional fill resulting in the project becoming more costly.

51
52 When asked if the PWD would be able to provide plans depicting a layout that went deeper into the property as
53 opposed to locating spaces to the east side of the existing lot and include information on the slope, Deputy
54 Director Fox stated they could.

55
56 Commissioner Perry commented even with 58 spaces, on a sunny day, the lot could still be filled. Chairman
57 Tenhave remarked there comes a point when the lot is simply full. The Commission should be looking for other
58 alternatives for parking. He noted the Commission is speaking with the Bowmen, and looking at opportunities for
59 other access points. Vice Chairman Caron stated another spot that has easily 300 spaces and never used is

1 Wasserman Park, which has a connection to the HHNP trail system. He suggested signage in the Amherst Road
2 parking lot informing visitors 1½ miles away is another parking lot 10 times the size.

3
4 Ms. Huffman commented the Wasserman Park lot is great for bikers who can cover a lot of territory, but for
5 walkers, that is just not the interesting side of the property. Users of the property like to come in, go up the hill, sit
6 by the pond, etc. The Watanic Bowmen parking lot is an awkward place to get to for people to park.

7
8 Mr. Roberge suggested no parking signs be placed on the area of Amherst Road, and was informed that would
9 have to be an action of the Town Council as it would be regulatory signage.

10
11 ***The consensus was for a plan that accommodates approximately 60 spots.***

12
13 Deputy Director Fox commented the current plan indicates the parking lot dead ends, and questioned if the desire
14 is for it to be circulatory (another 20' of pavement would be required to accommodate that). Commissioner Perry
15 suggested that would be nice, but if in place it would likely be used for parking once the provided spaces are
16 filled. Deputy Director Fox stated he would prepare the plan identifying a circulatory route, and if there is a reason
17 not to do it that way, it could be removed.

18
19 ***There being no objection, the Commission went out of the regular order of business to take up item #3***
20 ***under Old Business.***

21
22 **3. Grater Woods Sub-Committee Appointment**

23 Commission to take up the appointment of an alternate position currently unfilled. The term for this open
24 position is for one year expiring on July 31, 2016.

25
26 Vice Chairman Caron introduced Steve Marble. Mr. Marble has expressed an interest in serving on the Grater
27 Woods Sub-Committee.

28
29 Mr. Marble informed the Commission he moved to Merrimack from Pittsfield, NH over the summer. One of the big
30 draws to the home he purchased on Beebe Lane was the easy access to Grater Woods. He spoke of being a big
31 mountain biker, hiker, nature enthusiast. His property abuts Grater Woods. He wishes to be involved and do his
32 part to help maintain it.

33
34 Chairman Tenhave stated there to be an open Alternate position. The way the sub-committee is structured the
35 alternate members are re-appointed on a yearly basis. He would be filling an unfilled spot. As such, that term
36 would expire July 31, 2016. At that time, if he wished to, he would have to express interest to continue with the
37 sub-committee.

38
39 Commissioner Perry noted Mr. Marble has already had the opportunity to attend a few meetings. Vice Chairman
40 Caron commented Mr. Marble is also a reptile enthusiast. There are quite a few out there; large snake
41 population.

42
43 **MOTION BY COMMISSIONER CARON TO APPOINT STEVE MARBLE AS AN ALTERNATE MEMBER OF**
44 **THE GRATER WOODS SUB-COMMITTEE WITH A TERM TO EXPIRE JULY 31, 2016**

45 **MOTION SECONDED BY COMMISSIONER GLENN**

46 **MOTION CARRIED**

47 **5-0-0**

48
49 ***The Commission returned to the regular order of business.***

50
51 **2. Horse Hill Nature Preserve Sub-Committee Charge**

52 Commission to discuss and potentially take action on a proposed Charge for the Sub-Committee. The
53 Commission may also make Sub-Committee appointments at this meeting. The Sub-Committee has an open
54 full-time position and potentially an alternate position(s) depending on how the deliberation of the Charge
55 proceeds.

56 Chairman Tenhave noted the HHNP Sub-Committee Charge resembles those of the Grater Woods Sub-
57 Committee and the Wildcat Falls Conservation Area Sub-Committee Charge.

58
59 Ms. Huffman questioned how the other sub-committees address the issue of attendance. She stated that to have
60 been an issue for the HHNP Sub-Committee. Chairman Tenhave noted the Commission has Bylaws, which state

1 if a member has 5 unexcused absences the Commission can recommend to the Town Council that the member
2 be removed. He suggested the same thing would have to occur in the instance of a member of a sub-committee
3 not meeting attendance expectations. The body that makes those appointments is the Commission. There would
4 need to be a recommendation made to the Commission for removal of a member for non-attendance. The actual
5 action has to come from the Commission or from the individual resigning.
6

7 Ms. Huffman stated that would be fine. Her desire is for consistency with the other sub-committees. Vice
8 Chairman Caron commented the Grater Woods Sub-Committee has monthly meetings, and attendance has not
9 been an issue. Mr. Coryell commented Grater Woods is in the building process. When the HHNP was in the
10 building process ten years ago it was great. Now they are pretty much built out. There are 3-4 members that
11 consistently attend and 3-4 that consistently do not. There are others who have the desired enthusiasm and wish
12 to participate but cannot as there are no available slots. He suggested at times membership is a resume builder.
13

14 Vice Chairman Caron remarked having been on the HHNP Sub-Committee he is aware the scheduling of
15 meetings is pretty tough to follow. He commented on trying to make a meeting and being unable to determine
16 when it would be held. It helps if the meetings are scheduled and posted early. Mr. Coryell stated agreement
17 noting the sub-committee has been lax in that aspect. He stated a desire to be able to post the next four
18 meetings by January 1st. Vice Chairman Caron suggested that effort would result in better attendance.
19

20 Ms. Huffman stated her opinion it would not have an impact on the individuals they were discussing. She noted
21 the individuals receive email notification, at times phone calls, and each date is identified in the meeting minutes.
22 Commissioner Perry spoke of the calendar located on the main website. If meeting dates were provided to a
23 member of the Commission, they could be posted there.
24

25 Ms. Huffman commented one member had moved out of Town without notifying the Sub-Committee. Given the
26 meeting schedule the sub-committee follows (quarterly), it was suggested if a member were to miss 3 meetings a
27 recommendation could be forwarded to the Commission. Ms. Huffman stated if that is in writing and known at the
28 time members are appointed, there would be no surprises.
29

30 Chairman Tenhave stated members are appointed for a certain period of time, and have to come before the
31 Commission for re-appointment. If there is an issue with attendance, the Commission should be informed. There
32 is always the recourse of informing the Commission of issues relative to a particular member. Chairman Tenhave
33 reiterated the Commission is the body that appoints, and can remove a member if deemed necessary.
34 Commissioner Perry noted, the lack of language within the Charge would allow each circumstance to be viewed
35 on a case-by-case basis.
36

37 Ms. Huffman suggested attendance be referenced in some way within the Charge to identify expectations. The
38 consensus of the sub-committee was that some language regarding attendance be included within the Charge.
39

40 Sharon Hickey, Horse Hill Nature Preserve Sub-Committee, questioned if there is a term limit, and was informed
41 terms are for three years and are staggered. Ms. Hickey questioned if some would be up this July, and was
42 informed there are some terms that will expire in July. Mr. Coryell commented the Charge notes a Chairman and
43 Vice Chairman, but excludes the position of Secretary. When asked why, Chairman Tenhave noted it is the
44 responsibility of the Chair to ensure minutes are completed, etc. If the Chair chooses to appoint a Secretary to
45 take on that task that is his/her prerogative. The intent is not to preclude a position, but to ensure the meetings
46 can be conducted, e.g., each sub-committee needs a Chair and a Vice Chair who would preside over the
47 meetings if the Chair were unavailable to.
48

49 Ms. Huffman noted the Charge states: "Final approval of all recommended activities, alterations, improvements,
50 plans, ordinances or policy changes, additions, or deletions rests with the Conservation Commission or as
51 dictated by the Horse Hill Nature Preserve Definitive Plan, Merrimack Town Charter or applicable State Law."
52 However, in the 4th paragraph under Representative Activities, it states: "Formulate, implement and oversee
53 improvements or alterations to the Conservation Land in accordance with the approved Definitive Plan." She
54 questioned if the correct interpretation is that the sub-committee needs to get permission from the Commission for
55 any alterations or improvements before implementing such change. She provided the example of putting in new
56 trails. Chairman Tenhave stated, as written, the answer is yes, the sub-committee would have to come before the
57 Commission for approval.
58

59 Ms. Huffman provided the example of changing trail course to divert around water. She questioned if the sub-
60 committee would have to have first gained Commission approval. Chairman Tenhave suggested that would

1 depend on how lenient the Commission wished to be. Ideally the Commission would not want the sub-committee
2 to have to come back and forth. He stated the Commission wants to avoid a new trail being put in place without
3 its knowledge. The Commission has to interact with others whether that be in regard to safety, wetlands, etc.,
4 and not everyone is as keenly aware of wetland rules, etc. Commissioner Perry commented it is not so much to
5 gain permission as it is the responsibility of the Commission to be aware of activities occurring. The Commission
6 is ultimately responsible for what occurs with the sub-committee.

7
8 Chairman Tenhave stated, in an emergency situation, he would hope the sub-committee would resolve the issue
9 right away. The Commission meets every two weeks, and can handle almost anything if made aware. There is a
10 member of the Commission on the sub-committee. As long as that Commissioner is present at the meetings and
11 aware of what is taking place, it is that member's duty to keep the Commission apprised.

12
13 Ms. Huffman stated the sub-committee frequently addresses the need for culverts, and questioned if that activity
14 needs to be brought before the Commission. Chairman Tenhave stated if working within a wetland the
15 Commission should be aware. The Commission is responsible to the Town Council and the New Hampshire
16 Department of Environmental Services (NHDES) when it comes to wetland issues.

17
18 Chairman Tenhave commented it is grey and that is how it is going to be. The sub-committees are responsible to
19 the Commission and the Commission is responsible to the Town Council. The desire is for the Commission not to
20 be blindsided. Commissioner Perry stated the Commission tried to create a charge that is generic enough to
21 cover the properties regardless of where they are but specific enough to give each sub-committee and the
22 Commission the ability to deal with issues as they arise.

23
24 Chairman Tenhave noted one of the other items that came up was the possibility of placing term limits on the
25 position of Chairman. Ms. Huffman stated that would require someone else wanting to take on that responsibility.
26 Chairman Tenhave stated the need for the election process to be undertaken. If the decision reached is to leave
27 the existing Chairman in place, as long as that is done as an official act the requirement is met.

28
29 Chairman Tenhave stated he would re-work the language to address the attendance issue, and would bring the
30 Charge back before the Commission at its next meeting to be voted upon. The proposed language would be sent
31 to the Chairman of the Sub-Committee to allow further opportunity for input.

32
33 Commissioner Glenn questioned if there would be different requirements for full members versus alternate
34 members. Chairman Tenhave stated his opinion, given the members serve the same amount of time, he believes
35 they should have the same requirement/criteria.

36 37 Appointments

38
39 Chairman Tenhave noted the full-time slot that is open is the slot that was held by Adrian Cote. There are also
40 three alternate slots open. Chairman Tenhave proposed two of the current alternate members be re-appointed or
41 allowed to come forward to seek full membership. It was noted Peter Mikolajczuk wished to move from an
42 alternate position to a full position. Sharon Hickey also applied for a full position. Mr. Coryell stated he would be
43 asking one of the current full members to consider moving to an alternate position. If that were acceptable, he
44 would like to open the full position up to Ms. Hickey.

45
46 **MOTION BY COMMISSIONER GLENN TO APPOINT PETER MIKOLAJCZUK AS A FULL MEMBER AND**
47 **SHARON HICKEY AS AN ALTERNATE MEMBER TO THE HORSE HILL NATURE PRESERVE SUB-**
48 **COMMITTEE WITH TERMS TO EXPIRE JULY 31, 2016 AND JULY 31, 2017 RESPECTIVELY**
49 **MOTION SECONDED BY COMMISSIONER CARON**
50 **MOTION CARRIED**
51 **5-0-0**

52 53 Beaver Activity

54
55 Chairman Tenhave spoke of increased beaver activity occurring in the HHNP, which has been documented in
56 photos. Ms. Huffman remarked it appears as if there has been a breach as the water has drained down some.
57 Ms. Hickey noted water is no longer on the trail. For the time being it looks pretty good. It is hoped it will stay that
58 way during the winter months. Ms. Huffman questioned if water levelers could be utilized. Commissioner Perry
59 stated he has contacted the consultant, and is awaiting a return call to schedule a site visit. Once the consultant
60 has had the opportunity to visit the site, he can make recommendations. Mr. Roberge questioned if the sub-

1 committee could remove one of the dams or whatever is being built next to the bridge so that water will flow
2 correctly underneath the trail. Commissioner Perry noted if you remove a dam they will simply rebuild it. Ms.
3 Huffman questioned if trapping occurs, and was informed what the Commission has learned is if you remove
4 beaver they will simply populate more. They will self-sustain a population. They will limit the number of babies
5 they have. That limit is done because of food supply and other issues. When the food supply goes the beaver go
6 as well, which is probably what is happening by the Watson property; the food supply is dwindling, they have
7 been reproducing, and they are moving. Eventually they will probably move out of the Watson property and
8 closer to the Souhegan River or the sand pit.
9

10 Chairman Tenhave suggested waiting for a recommendation from the consultant. In the meantime, if there is the
11 need for emergency activities to keep water off the trail, he does not see a reason not to undertake such activities.
12 Vice Chairman Caron stated his belief he has already taken that action, e.g., took the butts from a large tree that
13 had been cut, laid them around, packed leaves and dirt up against them, and dug a trench behind it. The result is
14 the water goes back under the bridge.
15

16 Culvert Material

17
18 Chairman Tenhave spoke of the material on the culvert that allows the stream to run through is not allowed. It
19 has asphalt byproducts in it, and cannot be that close to the wetland. It has to come out. Chairman Tenhave
20 stated the need to keep an eye on the location near Post 3, which is right on the crest. If it runs far it will run into
21 the wetland. Perhaps it could be re-compacted and watched over the spring season to see if there is any
22 movement of the material.
23

24 Mr. Coryell questioned if the large sections were removed and that was packed down would it be okay. Chairman
25 Tenhave stated it would not. It is in a wetland. That whole area was a wetland and had a minimum disturbance.
26 The Commission had to go through NHDES to put in that whole thing up until the stream crossing. That whole
27 area up until you get 40' beyond the stream crossing cannot have this kind of material. It has to be clean fill,
28 gravel, sand, etc.
29

30 **4. NED Pipeline**

31 Commission to have a general discussion on the NED project and any immediate actions it may wish to take.
32 This discussion will include:
33

- 34 • A meeting with representatives of Kinder Morgan related to the wetland mitigation process. The goal
35 would be for the Kinder Morgan team to explain how the Department of Environmental Services (DES)
36 wetland mitigation process works and to begin a dialogue about potential mitigation projects in Merrimack
37 that could be included in the Site Evaluation Committee (SEC) application and what sort of projects DES
38 is looking for.
39

40 Kasia Ingram, Environmental Permit Lead, Kinder Morgan, stated the purpose of meeting with the Commission
41 was to discuss local mitigation opportunities Kinder Morgan may be able to include in its compensatory Wetland
42 Mitigation Plan that will be submitted as part of their wetland permit application for the Northeast Energy Direct
43 (NED) project. The context would be for any of the permanent impacts that occur with the wetland crossings.
44 During construction they typically have a 100' easement. At wetlands crossings it is generally neck down to a 75'
45 workspace area. During operation of the project, they maintain a 50' permanent easement across all of the areas
46 being crossed for the project, which includes wetland crossings. Within that 50' operational easement they
47 maintain a 10' area that is centered over the center line in an herbaceous state to allow for periodic
48 checks/surveillance of the pipeline. In forested wetlands, within 15' of either side of the pipeline, they can they
49 can selectively cut trees that are over 15' in height.
50

51 There is a permanent conversion within wetlands where they have the permanent conversion of the cover type
52 from forested to emergent or scrub shrub. Those constitute the permanent wetland impacts. That is what they
53 would be mitigating for in this case, and what they wished to discuss with the Commission.
54

55 As part of the permitting process, there are two different avenues that can be taken. One is to evaluate local
56 projects that could be included. Going that route the impacts that occur within the Town, the compensation or
57 mitigation for those impacts would be a direct benefit to the Town in which the impacts occurred. The other route
58 is to go in the in lieu fee direction, which is payment to the Aquatic Resource Mitigation (ARM) Fund. The impacts
59 are mitigated through payment to that fund, and the Town isn't necessarily granted those funds. There is the
60 need to apply for funding and to compete with other communities within that same watershed.

1 It is the State's preference and Kinder Morgan's preference to meet with the towns where the impacts are
2 occurring to see if there are any local projects that potentially fit within the framework of the impacts that are
3 resulting from the project that could be included, and therefore, directly benefit the Town.
4

5 The goal for this meeting was to meet with the Commission and provide additional information on what is being
6 looked for, the timeframe, and what types of projects fit within the framework of the impacts from the project.
7

8 Adele Fiorillo, Environmental Permit Lead, Normandeau Associates, stated if you do conservation properties, e.g.,
9 purchase an easement or in fee, the Wetlands Bureau looks to see a third-party easement holder. They want to
10 have some idea of what the property provides in terms of natural resource values, e.g., does it have potential for
11 rare species habitat, prime wetlands, adjacent to existing conservation lands, etc. They look at all of those
12 different parameters and see what the conservation values are. They also link the mitigation package to the
13 functions and values of the wetlands that are being lost and try and match that to the mitigation proposal.
14

15 The other important component is timeframe and ability for the Town to see the project through to the end. The
16 timeframe needs to meet within the schedule of the permitting process because they like to see their mitigation up
17 front. We're talking about no net loss of wetlands values so in order to say you can do your project by impacting
18 these wetlands, we want our mitigation close to the front end of that project because we don't want to have that
19 loss in functions and values for a five-year period or however long it would take that the permit is valid for.
20

21 Land values and the requirements to put it into legal conservation easement, locating a third-party easement
22 holder, which also includes often a fee so they can monitor it into perpetuity; all of the dollars add up as to what it
23 could cost. Typically the ARM Fund can support portions of projects, but there is the need for some indication
24 that the Town has funding through some mechanism to help support the project to see it to the end. Typically the
25 cost can help the Town/Commission if there is already a project in mind that has some associated funding and
26 has an advance interest from a conservation group.
27

28 Chairman Tenhave noted the Commission's comments to the Federal Energy Regulatory Commission (FERC)
29 stated a strong desire that the funds be spent locally and not on the ARM Fund. He spoke of a project where
30 mitigation dollars were utilized to preserve some upland buffers to a wetland, which is an option Kinder Morgan
31 could do. There was another project where the need existed to replace a bridge between Nashua and Merrimack,
32 and as part of the replacement there was a wetland impact. Those mitigation dollars were utilized to restore a
33 wetland area. Within the Red Maple Trail project, the Commission took ATVs and other undesirables from going
34 through a very rare natural community. Currently the Commission is working with a local developer who is
35 looking to develop a new area in Town that has wetland mitigation involved, and the Commission is looking to be
36 the third-party easement holder for upland areas on that one.
37

38 Chairman Tenhave stated the Town values conservation land tremendously, and over the early 2000s put more
39 than \$1 million away for the Commission to utilize for the preservation of land and maintenance of current
40 properties. It was noted the Commission has full control of conservation funds. The only time the Commission
41 has to include others in the approval process is if the intent is to purchase in fee property. That would require a
42 vote of the Town Council.

43 Chairman Tenhave stated an interest in understanding the timeline. He commented projects typically take a while
44 to go from concept to fruition. He is unsure there is a single project that is ready to go, but understanding what
45 the timeframe is and what the impact penalty might be would be helpful.
46

47 Ms. Ingram stated they are anticipating making their application the first quarter of 2016. That would be when
48 they would want to have some preliminary information for any potential projects that could be included in the initial
49 application. At that point, they would need a description of a project and some mapping to support it; enough to
50 get in front of NHDES to have them review it. Ultimately they will have the say as to whether the mitigation is
51 suitable for the impacts. That is their next step. If NHDES believes a project suitable, additional information
52 would be provided at that time. As far as the overall project schedule, the current schedule is anticipation of a
53 FERC Certificate the 4th quarter of 2016 and beginning construction 2017 with in-service fourth quarter 2018.
54 That is the overall project timeline. As was mentioned, the mitigation would have to move prior to or concurrent
55 with the project construction activities.
56

57 Chairman Tenhave stated he was not yet prepared to make a recommendation.
58

59 Ms. Ingram remarked they were not expecting the Commission to have a project ready to hand them at this time.
60 They simply wished to meet to provide additional information not understanding how familiar the Town is with the

1 process. She stated they would like to see, within 30 days; some information about potential projects or if there is
2 one good project. That is ultimately what they are looking for. They would like to receive a description of a
3 project and mapping.
4

5 Chairman Tenhave commented one of the issues the Commission runs into in say the purchase of an upland
6 buffer area or an easement of it is the confidential nature of the activity and the need for negotiations, which may
7 need to take place in non-public session. He stated he is hesitant to go too deep into the discussion of some
8 items because of that sensitivity. The concern he has with the 30-day timeframe is the upcoming holiday season.
9 The Commission has a limited meeting schedule over the next 30 days. Because of that, a 30-day limit is likely
10 tight. He stated it could be the Commission's first meeting in February before something could be provided that
11 the Commission could agree upon. He remarked the Commission can strive to do better than that noting the
12 desire to be partners in this; if the pipeline is coming the Commission wants to handle the mitigation correctly, and
13 would like to take advantage of that opportunity.
14

15 Chairman Tenhave questioned if the information is needed for the Site Evaluation Committee (SEC) Application.
16 Ms. Fiorillo responded they understand the mitigation negotiations will start after they file. If there are things that
17 come up afterwards that can be incorporated into a future mitigation proposal, she believes that would be fine.
18 She remarked it is a matter of sitting down with the Wetlands Bureau and saying this is what we have gotten from
19 the towns, does it seem compelling enough to take it to the next step. They will say yes or no. If they say yes
20 then they start getting into the nitty gritty, and that is when the real hard lift starts. She stated part of the
21 documentation for the application will be that they have met, that the Commission has interest in participating in
22 proposing some Town specific mitigation, and keeping a placeholder in there.
23

24 Chairman Tenhave stated it has been the consensus of the Commission, since day 1, that it would like to be a
25 participant in mitigation and to keep the mitigation within the Town.
26

27 Ms. Ingram commented it is understandable that additional time would be needed particularly given the holiday
28 season. They do have to balance that with their schedule, submission of the application, and ensuring they are
29 getting the appropriate information included. She stated it sounds like they can work with that. Chairman
30 Tenhave stated the Commission is also familiar with how NHDES works, and understands the Commission could
31 insert itself if it is believed it is being pressured around the holidays, etc.
32

33 Commissioner Perry commented the Commission does have a history with NHDES on mitigation projects. They
34 understand the Commission is serious about it. Chairman Tenhave added they know the Commission
35 understands how to put plans together and make things happen. Ms. Ingram remarked that helps.
36

37 Chairman Tenhave commented it will likely be difficult to try to understand what the value of the mitigation will be.
38 While the Commission has funds available to it, there are long-term plans for that money, and some has already
39 been allocated. He remarked if they had any kind of idea at some point, he would appreciate that information.
40 Ms. Ingram responded they can do that. She stated they are still working to evaluate the impacts. That will be an
41 ongoing process. Temporary impacts will be mitigated onsite. Those areas will be returned to pre-construction
42 condition. This discussion is around the permanent impacts. She stated her belief they are in the 1 to 1.5 acre
43 range of permanent impacts. They will fine tune that number. To provide some context at this time, that is
44 probably what they are looking at.
45

46 Chairman Tenhave opened the floor to comments from the public. No one from the public expressed a desire to
47 speak.
48

49 Chairman Tenhave informed the Commission he learned earlier in the day that a survey was requested of one of
50 the conservation properties. Apparently there was some miscommunication as to who owned the property or
51 where the survey request should go. John Proulx, Land Agent, Kinder Morgan, has forwarded it along. Chairman
52 Tenhave commented if either of the representatives speaks to Mr. Proulx on a regular basis, they could let him
53 know the request was news to the Commission today. The Commission has not had an opportunity to discuss or
54 even think about what they should be doing with the survey agreement. That is something the Commission would
55 have to do in a public session. The Commission does not meet again for another two weeks. Ms. Ingram stated
56 they would find the appropriate person. Chairman Tenhave stated he would try to get back to Mr. Proulx in an
57 email to make him aware as well.
58

59 Councilor Mahon remarked last Wednesday the Municipal Pipeline met with the Governor. There was discussion
60 of the impacts of the discharges from the compressor station and the metering station. He provided copies of the

1 materials that were sent related to potential impacts of emissions or blowdowns primarily from the compressor
2 station, but also from the metering station.

3
4 He remarked they are talking about an 800 meter radius. When they have a discharge/blowdown, it is potentially
5 an 800 meter radius around it. That is half a mile. The other thing to keep in mind is at the presentation last week
6 they talked about how they were going to scrub what they were going to put in the pipe at the source before they
7 put it in. It may make some of the items identified no longer an impact, as they may have already been removed.

8
9 Chairman Tenhave remarked there was an interesting comment by a speaker from the public at the end of the
10 meeting who pulled out information on what you should do if you are a first responder and there is an incident. It
11 talked about the fact you need to be upwind so that the wind is blowing away from you, and that you need to be
12 monitoring and looking for certain bad things like Benzine and other things like that, which they had stated earlier
13 in the meeting would have been scrubbed out, but now they are telling you that you have to worry about it
14 anyway. They are inconsistent with their own message.

15
16 Councilor Mahon commented you must not forget that they will give you the worst case scenario they have to deal
17 with. He remarked if he were an emergency responder he would be doing that anyway just as a matter of
18 caution. He stated the only thing he got out of the meeting was the belief the Town should be pressing both the
19 SEC and the FERC to require Kinder Morgan to do pre-construction air quality sampling as well as provide air
20 quality sampling after; permanent sampling around those sites. Commissioner Perry stated ground water should
21 be tested as well. Councilor Mahon stated the air quality monitoring is an additional concern that has been raised
22 recently. That was talked about with the Governor and her staff who spoke of going through the Planning Board.
23 Councilor Mahon noted the Town had recently gone through that process with the Outlet Mall to require pre-
24 construction, during construction, and post-construction to ensure the aquifer was protected. He stated the
25 Merrimack Village District (MVD) and their consultant have been dealing with that. They made a very effective
26 presentation. The air quality is something that had not been raised previously. His comment to staff and his
27 colleagues on the Town Council was that the Town should start pushing for this as part of the process. They are
28 saying they are allowed 50 tons of particulate and that they will only emit 49.33 tons.

29
30 Councilor Mahon noted there will be impacts; the metering station is over by the river. The prevailing wind blows
31 into Litchfield and Londonderry except when it rains, and then Merrimack would get it.

32
33 Chairman Tenhave questioned how active the Town of Hollis is with regard to the proposed pipeline. Councilor
34 Mahon responded, to his knowledge, the Town is not very active. Chairman Tenhave noted the now proposed
35 route goes across property owned by the Town of Hollis as well as Hollis Conservation owned property, yet he
36 has heard nothing from the Town. He questioned if Councilor Mahon has seen filings from Hollis. Councilor
37 Mahon responded e has not. The people that have showed up in Amherst when the alternatives were discussed
38 were residents that were involved when this was coming through before. It appears to him they are content to let
39 that group handle it. With regard to taking any kind of formal action; he has not seen or heard anything from
40 them.

41
42 Chairman Tenhave stated he was thinking of reaching out. He has done that once and got a very quick reply that
43 said yeah we're aware, thanks. He noted their parcels of land are in the highest habitat marked by the latest
44 analysis and goes through significant water resources and aquifer. As a conservation commission, water
45 resources are key in the RSA as to your concerns, and they seem to be ignoring that.

46
47 Councilor Mahon commented apparently the emissions from a generating station are much worse than they are
48 from a compressor station or the metering station. When asked if a location has been identified, Councilor Mahon
49 stated it would be in the Bon Terrain Industrial Park in Amherst.

- 50
51 • Whether the Commission should petition for intervener status at this time and how best to do that.
52 See: <http://www.ferc.gov/resources/guides/how-to/intervene.asp>
53 <http://www.ferc.gov/resources/guides/citz-guide-gas.pdf>
54

55 Commissioner Glenn informed the Commission the FERC officially accepted the filing today, which was the last
56 day they could accept it. The Commission needs to file for intervener status by January 6, 2016. It was noted the
57 Commission will meet once more before that deadline. Chairman Tenhave noted the Commission's receipt of an
58 estimate from the Town's attorney to file and represent the Commission in the intervener process. The estimated
59 cost was identified as \$2,000. The process of obtaining intervener status would be the extent of representation.

1 Chairman Tenhave commented now that the Commission has a property directly in the proposed route there is
2 the potential for the Commission to have different interests than those of the Town. He stated appreciation of the
3 offer of representation.

4
5 He questioned the will of the Commission with regard to doing its own filing and saving the \$2,000.
6 Commissioner Glenn stated she has seen a lot of groups, including towns that have filed on their own behalf.
7 Chairman Tenhave stated his impression to be that an individual/group can file, and as long as nobody else says
8 we don't want that person, you get in; there is no real approval process. He questioned if anyone had a different
9 impression. Commissioner Perry commented having read some, it sounds as if you are applying, and they have
10 the ability to say no. Commissioner Glenn remarked it appears people that aren't direct abutters may be denied.
11 Given the Commission would be directly impacted she does not believe they could be denied intervener status.

12
13 Vice Chairman Caron questioned if an attorney would have knowledge of pitfalls the Commission would not be
14 aware of. Chairman Tenhave responded he is not sure. He suggested Commissioners given the matter some
15 thought between now and the next meeting. He commented he can see the value in having an attorney represent
16 the Commission and who has provided a flat rate fee to get the job done. Commissioner Perry noted there are
17 individuals the Commission could speak with to determine whether the price quoted is favorable. Chairman
18 Tenhave commented the Commission would also have the advantage of understanding the attorney will be
19 preparing the paperwork for the Town, which will presumably be filed electronically and be available for viewing.

20
21 ***The consensus was to place the matter on the next agenda for action by the Commission.***

- 22
23 • Update on getting a law firm to represent the Commission.

24
25 Chairman Tenhave noted the Commission has an action that will come before it at the next meeting; survey
26 permission has been requested for the parcel. When asked if the Town has signed a survey agreement,
27 Chairman Tenhave stated it has not. The proposal is no longer planned to go through the parcels that were
28 originally discussed. Commissioner Perry stated, and Commissioner Glenn agreed, he does not want surveyors on
29 the parcel without a member of the Commission present. Chairman Tenhave stated the Commission would need
30 to either assign/appoint someone to act on its behalf, hire an attorney, or be prepared to negotiate. He stated the
31 matter of how to address the survey request will need to be determined at the next meeting.

32
33 Chairman Tenhave commented there is always the option to deny the request. It was noted the next meeting is
34 scheduled for December 21st. Chairman Tenhave mentioned if members are concerned with the timing with
35 which it may decide to seek legal assistance; an additional meeting could be scheduled as long as 24 hours'
36 notice is provided to the public.

37
38 Chairman Tenhave stated he would provide Commissioners with a copy of the survey request as well as the
39 Deed for the parcel, which identifies restrictions/stipulations.

40
41 Commissioner Glenn informed the Commission she continues to wait for a response from the last attorney she
42 reached out to. Although she does not believe it would be the case, there is the possibility of a conflict for the
43 attorney. She has questioned others for referrals. She commented, at this point, a lot of attorneys have already
44 been retained, particularly those that are local. Chairman Tenhave suggested reaching out to the attorneys that
45 attended the yearly conference.

46
47 Chairman Tenhave spoke of having attended, along with members of the Town Council, the public information
48 session conducted by Tennessee Gas Pipeline on December 3rd. Lon Woods, Chairman, MVD and Ron Miner,
49 Superintendent, MVD were also in attendance along with a gentlemen from Emery & Garrett, their water
50 consultants. The gentleman spoke eloquently. When the Moderator tried to shut him down, the public spoke out,
51 and the Moderator allowed him to finish his statement. The event was attended by 200 or less individuals. No
52 new information was provided. The discussion was basically around the benefits of lower prices, etc.

53
54 **NEW BUSINESS**

55
56 **1. Gates and Related Items for South Grater Road**

57 Commission to discuss and potentially move forward on the proposed gates on South Grater road as
58 indicated in the Grater Woods Stewardship Plan.

1 Chairman Tenhave commented the item is not truly a new item as it has been in the Stewardship Plan and have
2 brought it up on several occasions. Now that the Commission owns even more property they don't have that
3 issue to worry about. He questioned if the Commission wished to bring the matter back up again. Vice Chairman
4 Caron stated he has gained knowledge of the process, which, for the Commission, is relatively easy, and perhaps
5 a bit more involved when it goes before the Town Council and the requirements for them in following legal
6 process.

7
8 Commissioner Boisvert questioned if the desire is to change the classification of the road. Vice Chairman Caron
9 responded we almost can't change the classification of the road until the gates are in place. The gates represent
10 a classification. By gating the road you are changing the classification. Until you gate it, it stays a Class VI road.
11 When the gates are in place it can remain a Class VI road as long as the gates are able to be opened and closed.
12 If the intent is to lock the gates, you would first have to change the classification of the road. A lot of towns leave
13 the road as a Class VI road, and close it seasonally. That is permitted, but there has to be a reason for locking it
14 seasonally. As an example, a lot of towns in New Hampshire allow a road to be open for three of the seasons.
15 Some towns will say a road is not safe for travel during all four seasons and will lock the gates without changing
16 the classification of the road.

17
18 When you go to the trouble of locking the gates and changing the road to an emergency lane that gives you the
19 ability to then improve the road, etc. There is a cost involved. Chairman Tenhave provided the example of Old
20 Kings Highway, which was turned into an emergency lane. Commissioner Boisvert questioned if the South Grater
21 Road improvement project is on the mitigation list. Chairman Tenhave stated it is one of the items the
22 Commission set out to do, and could be placed on the mitigation list. Vice Chairman Caron stated agreement.
23 Chairman Tenhave stated his preference would be to discontinue a portion of South Grater Road; the portion
24 impacted by where the Commission would like to put the gates. That would result in that area no longer being a
25 road at all. He explained when a road is discontinued it is split in half and half goes to the landowner impacted on
26 one side and half to the landowner impacted on the other side. The Commission owns both sides of that road. It
27 would be discontinued, and could be gated as it would be the property of the Commission. He commented, with
28 the beaver pond, the Commission does not want people traversing through there. The desire is to re-route the
29 trail area, and no longer utilize that road. Vice Chairman Caron noted traffic on that road recently has been
30 significant.

31
32 Discontinuance of a road requires a Public Hearing, and approval of the Town Council. Chairman Tenhave
33 questioned what action is identified in the project plan. Vice Chairman Caron stated his recollection the wording
34 address the installation of locked gates. He noted the previous contractor has a lot of experience with very large
35 gates, and is a welder/fabricator. Chairman Tenhave stated a willingness to work through the process with the
36 Town Council. Commissioner Boisvert questioned if estimates would be sought. Chairman Tenhave stated the
37 approval process is where to begin. He suggested it would be a viable project; preserving a whole wetland area.
38 He stated his belief the cost would fit within the dollar figure Kinder Morgan would be willing to spend, if the
39 Commission wishes to wait as long as that would take to install the gates.

40
41 Vice Chairman Caron commented there is a sensible location for the placement of a gate on the
42 Amherst/Merrimack side. He questioned the will of the Commission with regard to the location for placement of a
43 gate on the opposite side. Chairman Tenhave noted it would have to be in the area where the Commission owns
44 both sides of the road. He spoke of the road itself going along the beaver pond from the powerlines all the way
45 out to Amherst. If you were to go past the power lines, past the shooting range, there is a bypass trail that goes
46 up over the ridge and comes back down again. Between the point where that trail spurs off and the actual pond
47 and where the other trail shoots to the west towards Amherst; somewhere in that area there should be enough
48 rocks, boulders and cliffs where a gate could be placed. Vice Chairman Caron suggested the gate be placed
49 more towards the shooting range. Chairman Tenhave noted the Commission does not own both sides of the road
50 in that area. He suggested the gate could be moved further down when additional land is owned by the
51 Commission.

52
53 It was noted as soon as you discontinue a section of road that impacts another landowner they have the ability to
54 be reimbursed. They could also add another access point or be provided a key and allowed access. Vice
55 Chairman Caron stated he would happily provide a key if a gate could be placed in that area. Chairman Tenhave
56 commented the problem would be there is no way of knowing who that owner might be in the future. Vice
57 Chairman Caron commented the direction could be to propose the placement of three gates and provide the
58 landowner access. Chairman Tenhave stated his opinion the Commission should move towards discontinuing the
59 portion the Commission has full control over. He noted that is where the biggest wetland impact is. It is basically
60 just beyond the other side of the pond. There is the need to get people out of that pond.

1 Vice Chairman Caron suggested a gate could be placed before the turn up to Amherst. Chairman Tenhave
2 remarked the Commission now owns all of that land, and a gate could be put further out, which would not be
3 blocking a Class VI road. Vice Chairman Caron commented that is an area with a great deal of activity. There
4 could be a number of gates. He offered to start taking photos and look at four locations for possible gates. He
5 will bring information back to the Commission. Commissioner Boisvert offered to be of assistance.
6

7 Chairman Tenhave stated he would begin preparing something to bring before the Town Council for
8 discontinuance of a portion of the road.
9

10 OTHER BUSINESS

- 11
- 12 • Grater Woods Stewardship Plan, Appendix E
- 13

14 Commissioner Perry stated there to be no change beyond creating an “archive” section where projects that
15 weren’t being actively worked would be placed, etc. He noted the Grater Woods Sub-Committee would be
16 meeting the following week, and he intends to present the amended version at that time. Once agreement is
17 reached by the sub-committee, it will be brought back before the Commission for approval.
18

19 Commissioner Perry commented one of the items the sub-committee will address is the name of the latest trail
20 created by Eagle Scout, Joe Mroz. Joe’s Father passed away suddenly over Thanksgiving. The intent is to
21 include part of their name or something similar in the naming of that trail. He questioned the will of the
22 Commission with regard to the naming of the trail being brought forward for approval. Chairman Tenhave
23 responded, in the past, there have been instances where naming of trails was approved by the sub-committee
24 and instances where it has come before the Commission for final approval. For some of the trail names at the
25 HHNP approval was sought from the Board of Selectmen as that was done prior to the Commission being the
26 overseer of the HHNP. Recently naming a trail in memory of an individual who has passed came up at the
27 Wildcat Falls Sub-Committee. Chairman Tenhave stated he queried the Town Manager for guidance and past
28 practice, and was informed the only guidance they had was for naming features within the Town that is under the
29 Town Council purview. The comment that came up was there is a hesitancy to name things after people because
30 who is to say that this person deserves a named item and this person doesn’t. There is not a limitless supply.
31

32 Chairman Tenhave stated he is happy to allow the Sub-Committee to make a recommendation to the
33 Commission. He stated it to be his desire, if a trail were proposed to be named after an individual that the request
34 comes before the Commission for approval.
35

36 Vice Chairman Caron suggested if there is a great spot on the trail for a bench, would the Commission be
37 amenable to dedicating the bench as was done for Harold Watson. Chairman Tenhave stated that to have been
38 the compromise for the Wildcat Falls instance; a bench or another feature added to the property with a plaque,
39 etc. It was suggested it would be best to name the trail after an attribute of the trail. Commissioner Perry stated
40 the name the sub-committee came up with originally remains appropriate (Eagle Trail) particularly given the
41 profile of the trail.
42

43 Commissioner Perry stated the completed projects would be moved to the completed section of Appendix E. He
44 noted there is a section within the Stewardship Plan, Section V, for trails. That section lists the actual trails. He
45 stated his assumption that would not be updated until the map is updated as they go hand in hand. When a trail
46 is completed, on the project side, that is the trigger to cut and paste the description of just the trail itself into the
47 trail section and it also dictates that the map be updated. He stated he would try to keep the updates separate as
48 he believes the appendixes can be done without much issue. The trail section should not be much of an issue as
49 it is a factual item, not something that is changing the management philosophy.
50

- 51 • Target Shooting/Firearms Ordinance Update
- 52

53 Chairman Tenhave informed the Commission Councilor Vaillancourt is working on this. It may be ready for
54 review at the Commission’s next meeting. If not, it would be presented early next year.
55

- 56 • Watanic Bowman Agreement Update
- 57

58 Chairman Tenhave stated he has started the conversation with Town staff to identify any items they wish to see in
59 an updated agreement. The feeling expressed was yes we have an agreement in place that stands for five years,
60 but if both parties wanted to look at it again they would be more than willing to look at it again. Chairman

1 Tenhave spoke of having received a voice mail earlier in the day from John Hall who was looking for clarification
2 on some of the comments that came out of the Commission's last meeting. He will follow up with him. Chairman
3 Tenhave remarked the Commission wants to make a viable agreement that works for all parties.

- 4
- 5 • Chestnut Hill - Old Blood Properties Conservation Easement Update
- 6

7 Chairman Tenhave stated the last vote was that the Commission takes an easement on portions of the Chestnut
8 Hill development. That process is part of the wetlands permitting process, which means it has to be ironed out
9 before they can get their Permit. They are now getting to that point. He questioned the will of the Commission
10 with regard to permitting him and Commissioner Boisvert to work out the details, and then bring the result back to
11 the Commission for discussion and approval.

12
13 Commissioner Boisvert questioned if the Commission is comfortable with bringing in a third party such as the
14 Piscataquog Land Conservancy (PLC). Chairman Tenhave stated the way the agreement stands is that the
15 Commission would take an easement on the parcel and the ownership somewhere. Another option could be for
16 the Commission to be the owner of the property and the PLC has a third-party easement over it. Chairman
17 Tenhave commented the NHDES has changed its rules in the past couple of years, and are stressing third-party
18 easements. They are acceptable to the Town owning the property and the Commission holding the easement.
19 The Commission would essentially be the third-party.

20
21 ***The consensus of the Commission was to allow Chairman Tenhave and Commissioner Boisvert to move***
22 ***forward in that effort, and report back to the Commission.***

- 23
- 24 • Commission Walk of Newly Acquired Properties Near Grater Woods
- 25

26 ***A Site Walk will be scheduled for Saturday, December 12, 2015 at 9:00 a.m. The Site Walk will begin at the***
27 ***Amherst parking lot on Grater Road off of South Baboosic Lake Road.***

- 28
- 29 • Beaver Policy and Water Control Activities
- 30

31 Commissioner Perry remarked the Town GIS project has a limited number of licenses for a few groups to test it
32 out. The Commission's data layer has not yet been put into the GIS system. He is working to determine what
33 needs to happen to get that data layer in the system. Timothy Thompson, Director, Community Development
34 Division, is one of the license holders. The Commission can work with him to get that accomplished.

35
36 PRESENTATION OF THE MINUTES

37
38 Merrimack Conservation Commission..... November 16, 2015

39
40 **MOTION BY COMMISSIONER TENHAVE TO TABLE THE MEETING MINUTES UNTIL THE COMMISSION'S**
41 **NEXT MEETING**
42 **MOTION SECONDED BY COMMISSIONER GLENN**
43 **MOTION CARRIED**
44 **5-0-0**

45
46 PUBLIC COMMENT

47
48 Don Miner, Agriculture Commission

49
50 Questioned how the meeting with the representatives from Kinder Morgan went. Chairman Tenhave responded
51 the Commission did not meet with them for very long. They explained the wetland permitting process and the
52 mitigation process as they understood it. The Commission posed a few questions as to the extent of the
53 permanent impact, which they expressed to be 1-1.5 acres. Commissioner Perry noted temporary impacts would
54 be restored to original condition.

55
56 Mr. Miner questioned if the route has changed again. He spoke of the route identifying the proposed pipeline
57 traversing across Bob LeBlanc's property, and noted the wetland located across the street from there. He
58 commented the NHDOT was originally going to put Continental Boulevard in Mr. LeBlanc's yard. The reason they
59 did not was because of the bog located there and the fact it has 30' plus of Peat moss. Chairman Tenhave noted
60 the Commission has a conservation easement over that parcel. He commented when talking about permanent

1 impact they are referring to the 10' over the pipeline. In a non-wetland area they would have a wider area that
2 they would maintain herbicides and all of that, but over the top of a pipeline in a wetland area they will only
3 maintain the 10' that are right on top of the pipeline. The rest of it they will let go back to the way it was. They will
4 open it wide when they do their work, but then will close it all down. Their permanent impact is the 10' over the
5 top of the pipeline. That is their definition.
6

7 Mr. Miner commented he does not see it that way. Commissioner Boisvert questioned if there would be third-
8 party verification that the areas are restored. Chairman Tenhave stated there is a permit and inspectors involved
9 in the process.
10

11 Mr. Miner spoke of meeting with gubernatorial candidate, Chris Sununu. A direct question asked was can anyone
12 stop this pipeline. His response was yes. When asked who, his response was the Governor. He also disclosed
13 this election will happen prior to the final say regarding the pipeline. He did not state opposition to a pipeline, but
14 acknowledged the questions that need to be answered are not being answered. He stated he has spoken with
15 someone at a higher level within Kinder Morgan, and he informed her that their public relations are inadequate.
16

17 Mr. Miner stated a meeting has been scheduled with gubernatorial candidate, Collin VanOstrin, on the 16th at 7:00
18 p.m. He invited members of the Commission to attend to pose questions of him and his plan for the pipeline.
19

20 COMMISSIONER COMMENTS

21 Vice Chairman Caron thanked all of the volunteers that came out over the weekend to help with the Eagle Scout
22 project.
23

24 Commissioner Boisvert thanked his colleagues for their dedication.
25

26 ADJOURNMENT

27
28
29 **MOTION BY COMMISSIONER CARON TO ADJOURN**
30 **MOTION SECONDED BY COMMISSIONER GLENN**
31 **MOTION CARRIED**
32 **5-0-0**
33

34 *The December 7, 2015 meeting of the Merrimack Conservation Commission was adjourned at 9:37 p.m.*
35
36
37

38 Submitted by Dawn MacMillan