MERRIMACK CONSERVATION COMMISSION
JULY 18, 2016
MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, July 18, 2016 at 6:34 p.m. in the Merrimack Memorial Conference Room.

Tim Tenhave, Chairman presided:

Members of the Commission Present:	Michael Boisvert Cynthia Glenn Gage Perry Gina Rosati, Alternate Member Councilor Jody Vaillancourt
Members of the Commission Absent:	Matt Caron, Vice Chairman
Also in Attendance:	Christopher Guida, Principal, Fieldstone Land Consultants, PLLC Kenneth Clinton, LLS/PLS, President, Meridian Land Services, Inc.

Vice Chairman Caron was excused.

Commissioner Perry noted the Cardboard Boat Regatta will be held on August 27th beginning at 1:00 p.m. at Wasserman Park. Inspection of all boats will begin at Noon. Boats will travel a course of approximately 200'.

Councilor Vaillancourt noted the Commission had been provided a copy of the agenda for the July 21st meeting of the Town Council. Under Recognitions, the Town Council will recognize Eber Currier for his many years of volunteer service to the community of Merrimack. The first item under Old Business, "target shooting on Town owned land" was submitted by a resident wishing to engage in a discussion. Included with the agenda packet is a list of talking points. Under New Business, is the "annual update on Lake Naticook" and "Lake Naticook boat ramp discussion". The Lake Naticook Conservation Association (Association) will present these items to the Council.

Councilor Vaillancourt informed the Commission she facilitated a conversation between the Association, the Town Manager, and Kyle Fox, Director, Public Works Department. She stated her understanding the Association leadership would meet with the Town Manager and Director Fox the following day.

Chairman Tenhave noted he is now an alternate member of the Commission. He questioned the will of the Commission. The consensus was for Chairman Tenhave to continue in the role of Chair for the remainder of the meeting.

PUBLIC COMMENT - None

STATUTORY/ADVISORY BUSINESS

1. **Chad E. Branon, P.E. of Fieldstone Land Consultants for Red Oak Property Management, Inc. (applicant) and Turkey Hill Road 136 Trust (owner)**
   Review for recommendation to the Planning Board a subdivision of one lot into two lots. The parcel is located at 136 Turkey Hill Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 386.

Christopher Guida, Principal, Fieldstone Land Consultants, PLLC, stated the project, as proposed, is for a two-lot subdivision. The two issues raised were the size of the lot; when the existing multi-family dwellings were created there was a lot size requirement of 720,000 sq. ft., which the initial proposal did not account for (was smaller). The plan has been revised to allow for that. Although they are no longer allowed in the zone, they are conforming back to when it would have applied.

Another comment referred to the fact that it had been approx. ten years since the boundary plan and wetland delineation had been updated. The wetlands were re-delineated and the boundary plan renewed.

A test pit indicated the area is comprised of Windsor loamy sand and gravel, which will lend itself to high infiltration. There is very little potential for runoff into the wetlands.

Commissioner Perry questioned, and was informed, once the sub-division is approved, both lots are deemed viable, and no future project for that location would be required to come before the Commission. Chairman Tenhave noted, in this instance, the Zoning Board of Adjustment (ZBA) allowed the sub-division to occur, and the Commission has the opportunity to comment on the sub-division itself. Should the Planning Board agree with the sub-division it is the permitting department that handles it all until and unless there is an issue that comes under the purview of the Commission such as violation of a wetland area.

Commissioner Perry commented on the difficulty with reviewing proposed plans, e.g., not knowing what will actually occur when the parcel is built upon. Mr. Guida responded, in this situation, the buildable area is somewhat limited due to wetland and building setbacks as well as access. The buildable area is pretty constrained. Chairman Tenhave noted it appears the driveway gets into the side property setback. Mr. Guida agreed it does a little. However, that is an allowable use through the buffer areas. The project does not encroach on any of the wetland buffers. Chairman Tenhave questioned, and was assured multiple points were utilized in delineating the wetland.

The Planning Board will be notified the Commission has no further concerns and/or recommendations

2. Meridian Land Services, Inc., North View Homes & Development, Inc., & Bernstein, Shur, Sawyer & Nelson, P.A. (applicants) and Greenfield Management, LLC. (owners)
Review for recommendation to the Planning Board for a 66-lot cluster subdivision on four lots (originally part of the Greenfield Farms subdivision) located on Wire Road and Whispering Pines Lane in the R-1 (Residential) and Aquifer Conservation Districts and the 100-year Flood Hazard Area. Tax Map 7C, Lots 28, 30, 40 & 40-1.

Chairman Tenhave recused himself.

Chairman Tenhave stepped down and Commissioner Perry presided.

Kenneth Clinton, LLS/PLS, President, Meridian Land Services, Inc., remarked the sub-division application was previously before the Commission in early May and has been before the Planning Board twice; once as a preliminary discussion and again for a design review seeking additional feedback relative to approach. The final application was now before the Commission, and would be before the Planning Board the following evening.

Mr. Clinton remarked the plan design is almost exactly as it was when last before the Commission. There are four tax map lots. One, Tax Map 7C, Lot 28, would be substantially reduced (to a 7-acre parcel), and would be retained by the Swensons. That would be a standalone conventional lot with a private well, private septic, and well above the frontage required. That lot is not part of the cluster sub-division.

What remains is roughly 125 gross acres. Being proposed is 66 residential lots, which would be serviced by public water and Merrimack Sewer District sewer. Mr. Clinton stated there would be no wetland impacts.

When last before the Commission, the majority of the discussion was around drainage. At the time, test pits had not been done to locate and position drainage features. Through the Alteration of Terrain permitting process, the New Hampshire Department of Environmental Services (NHDES) expressed the desire for the Applicant to pursue infiltration, which means get every drop of storm water back into the ground as soon as possible, as close as possible. For the ground the project will intercept, they are doing infiltration for every drop of water; closed system in the roads, which means there are curbs, catch basins, and drain manholes that outlet to treatment swales, and those treatment swales outlet into infiltration basins, and into the ground.

The results of the test pits were excellent. There is an approx. 6-8' grade change over the whole plateau. Test pits in that plateau identified 7-11' for a seasonal high water table, not because that is where the seasonal high water table is, but because it was as far down as the equipment could dig. Soil conditions are ideal for infiltration.

Mr. Clinton had previously indicated the area of the existing sand gravel pit to be one where the soil conditions may not be ideal. That area is being used as a staging area for some Town construction projects. There is a simple, one-page written agreement between Mr. Swenson and R.M. Piper, Inc., which states they may use the area for lay down for certain projects in Town. Over the years, material has been removed from the area as well as brought into the area. It was for those reasons there was uncertainty with whether that area would be ideal for infiltration. There were options of what do to there, e.g., bring in suitable/natural material and do the infiltration or

pursue the less expensive option of a wet pond. The wet pond would have had a greater impact (larger area). Bringing in more material is what was selected. As a result, all of the drainage is infiltration.

Mr. Clinton referred to the road system (named A-G). The way the streets are laid out there is one through road that goes from Wire Road to Whispering Pines and 6 cul-de-sacs. Each cul-de-sac is a grouping of lots. There are only three infiltration basins; first located behind lots 33 and 34; served by treatment swale, the second off the back of roads D and C; gets piped into two sediment forebays before going into the infiltration basin, and the third is large and located in the pit, which has two closed drainage structures going to treatment swales before going into the infiltration basin. Everything slopes towards Baboosic Brook. That drainage pattern will continue. There are three different infiltrations basins on effectively the low side of the development, but still substantially far away from wetland buffers, setbacks, etc.

The Swenson lot will be 7.48 acres (sheet 3 of 37 in the plan set). There are already improvements on that corner of the property, and it could not have become open space regardless.

When asked about open space, Mr. Clinton reiterated the property is 125 acres in total. Required open space is approx. 62 acres, and being proposed is 100 acres. That open space will be in three different lots. Lot 7C/40-2 (8.79 acres) is the lot Meridian has suggested conveying in fee to the Town (has existing agricultural fields). Mr. Clinton spoke of the possible recreational/conservation uses for that lot. He added it is surplus open space, and could be gifted to the Town outright, and the Town could do whatever it wants with the lot without restriction. He stated that is not what he believes to be the purpose and intent. The idea is to suggest to the Town here is some open space, it can be conveyed in fee, the desire is for it to be used for these types of uses, and then, if the Planning Board agrees, the proposal would have to go before the Town Council for approval.

The second lot 7C-40-1 (8.8 acres) is residual that wraps around the southerly end of the property from where road A, comes into the property all the way along the southerly line to where road A bumps into Wire Road. There is a short spur that is technically not only under the powerline easement, but also somewhat behind some other lots.

The third lot 7C-40 (82.5 acres) has Baboosic Brook, Riddle Brook, and a substantial amount of wetlands in addition to uplands.

Mr. Clinton stated he sees there to be several different types of open space lots that will have several different types of uses that are either proposed and/or appropriate, and they will pursue them in that way. As noted previously, there is some level of public easement at the Wire Street Bridge over Baboosic Brook. The Deed states the Town has the right to maintain the side slopes of that bridge, but there is also a clause that suggests the public has the right to use that for perhaps some sort of boat access, e.g., kayak or canoe.

Lot 7C-40 will have to have protective covenants, restrictions, or some conditions on its use, maintenance, and oversight. That is the intent there.

Councilor Vaillancourt referred to the water flow, and stated concern with the lots that are closest to the river; 47-51. She questioned which way water drains from those properties, e.g., would they drain into the swale to the right. Mr. Clinton remarked as has been mentioned previously, they cannot control what an individual homeowner would want to do. If someone buys a lot they envision a certain type of home, how the driveway and house interact with the street, or how the backyard might be. At this point in the process; through sub-division approval and up until there is a building permit application, they have no way of knowing what a landowner will want to do.

Typically in the front yard the builder would like to have the house slightly higher than the road so that there is no water runoff coming right into the garage. Some of the backyards will be suitable for walkouts. In that case there is no question that a lot of the runoff in the back will head towards the brook and the wetlands there. However, there is enough natural buffer (75' is the standard used) before entering the waterbody. Yes there will be rainwater that comes off the roof and deck, which has to be noted in the drainage calculations when talking about where drainage goes when it leaves the site. They cannot increase runoff rate or volume off the site. Mr. Clinton noted homes in the lots cited are fairly internal to the site, and would be more controlled by the natural vegetated buffer behind the lot before reaching the wetland.

Mr. Clinton stated, without question, some runoff will head towards the brook. He suggested it would not be unreasonable to say half of the runoff for those lots would head towards the brook. However, he noted, in his office, the feeling is half the lot drainage from lots 35-37 or 47-51 is not substantial when looking at this 66 lot sub-

division with everything else that this has going for it. Councilor Vaillancourt commented it is not substantial for this project. Commissioner Perry noted the elevation lines are about 2', and the natural grade is already towards the brook.

Commissioner Perry questioned if a Homeowner's Association would be put in place, and was told it is a requirement of any planned residential development. When asked if the open space would be common ownership, Mr. Clinton responded assuming the Town is interested in accepting the gift of the open space lot, two lots would remain. At this point, he is of the belief they would either be held individually by the development company or fractionally (1/66th share) by the landowners. Either way, there is the need for covenants and restrictions that spell out what the uses are. Those generally don't get prepared until the tail end of the approval process. If each landowner has a fractional share of the open space, in accordance with Town ordinances, it is taxable land.

Mr. Clinton reiterated his belief there will be three different levels of uses for the three lots; left natural, public use, and hybrid for the largest lot (7C-40). When asked, Mr. Clinton stated there are times when the development company retains the open space. During the development of a project it is held until a certain percentage of lots are sold. The regulation is fairly open and doesn't dictate how the open space will be held.

Mr. Clinton spoke of having reviewed the minutes of the May meeting, and noted questions that were posed relative to the possibility of signage and fencing. With regard to signage Mr. Clinton stated his understanding for the desire; however, spoke of a prior experience in another town where signs were placed at the 100' wetland buffer, and two years later the definition of the wetland buffer was changed making the signage no longer valid. No one was going to hire someone to take them down. The buffer had started out as 100', but when discussions turned to the functions and values of the wetlands, e.g., was it natural, altered in any way along its path, did it have a certain outlet, etc., the buffers were categorized as 25', 50', or 100'. Some people now feel they can't use their property because they have a 100' buffer, which may have been reduced to 50' or 25'. Mr. Clinton stated his opinion it should not be the Applicant's responsibility. Although he understands it he can't support it.

Commissioner Perry commented the concerns expressed were with the steep slope and the possibility landowners would dump off the back of their property, ride ATVs off into the swamp, etc. He spoke of signage that could indicate "no dumping", etc., and acknowledged no one wants that in their backyard. That is something the Commission is not expecting the Applicant to do. Mr. Clinton stated ATV use will be strictly prohibited in the covenants and restrictions of the open space. He added dumping of brush and grass clippings is going to happen. Commissioner Perry responded he does not think it is done maliciously; people simply thinking it will decompose over time. What happens is that grass clippings, which are full of phosphorous and nitrates, are dumped and make their way into Baboosic Brook, which is a protected water source. The question is how to bridge that gap; provide the education without erecting signage in people's backyards. Mr. Clinton commented just as is the case with placing fertilizer restrictions in Deeds, it comes down to enforcement. It is the enforcement of that, which is just impossible. Language can be placed in Deeds, but nobody reads their Deed or perhaps they do once, and then file it away. Mr. Clinton stated he would not be able to support a fence. He commented although he shares the concerns of the Commission, he does not know how to resolve them.

Commissioner Perry stated he had not perceived the discussion of possible signage and/or fencing to be a request of the Applicant. Councilor Vaillancourt remarked the Commission was brainstorming trying to come up with some kind of a recommendation knowing what its purview is and is not. She spoke of the project's close proximity to the brook, which is something the Commission is obligated to try and protect. She questioned if there is something that could be put in writing for the Homeowner's Association when it is created. She reiterated she is not certain how to educate landowners, but attempts should be made to educate those who are located close to the brook.

Mr. Clinton commented he would imagine that to be a comment the Commission would want to forward to the Planning Board, and stated he would address that with the Planning Board noting the Applicant can ensure language is included in the documentation of the homeowner's association. Councilor Vaillancourt suggested the documentation include a list of best practices for landowners residing in close proximity to a protected water source. Mr. Clinton stated his opinion ideally grass clippings, etc. should be composted on the individual properties. Mr. Clinton remarked there are Best Management Practices (BMPs) for almost everything available through the NHDES. He stated he would commit to supporting that at the Planning Board, and that he would look to locate the language, and if successful, would forward it to the Commission.

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The consensus of the Commission was to forward a recommendation to the Planning Board that language regarding best practices be included in the homeowner's association document(s).

When asked, Mr. Clinton stated the project would be before the Planning Board the following evening for the first hearing of the final application; they will not get conditional approval at that time. The largest piece not yet received is the peer review. He stated there would be the need for a second meeting, and two weeks' time would not be sufficient. His expectation is that the likely target would be for approval in four weeks' time.

Commissioner Glenn requested clarification of what would occur with the sand pit. Mr. Clinton stated part of it would be turned into an infiltration basin to handle drainage. The duration of the current agreement for use of the pit for lay down construction storage is unknown. The plan needs to be approved by both Town and State agencies, construction season will come into play, and the project will be conducted in phases. He is uncertain which will come first; completion of the current agreement for use of the pit or the sub-division wanting to get in there and build the infiltration basin. He stated his belief the agreement will have expired before the project commences.

Mr. Clinton stated R.M. Piper has to have some obligation of returning the pit to its prior condition, and the development portion of it has the obligation to construct that basin in accordance with the design plans so that it is functional and stabilized. The remainder of the pit would be in the open space, would have a different habitat from the forest, wetland, brook; it will add a little diversity to all of that. Mr. Clinton stated his belief there is no type of remediation plan on file. He believes the last uses to have been Town related projects.

Commissioner Perry stepped down and Chairman Tenhave presided.

When asked for an update, Mr. Clinton spoke of exchanging emails with the Chairman on the conveyance of the open space lots in the Chestnut Hill Planned Residential Development (PRD). Two of the four open space lots are to be conveyed to the Town. The open space is being conveyed in part to satisfy mitigation requirements resulting from wetland impacts. He commented it can be a difficult process, and Chairman Tenhave has assisted in some of the details with the NHDES. As the open space is being conveyed to the Town, Meridian, as the consultant for the Applicant and owner, doesn't need to be in the mix with regard to how the Town would like to have the property held and used versus the NHDES. It is currently in limbo as all of the final permits are not yet in hand. Until the sewer permit is received, which is the last one needed, all of the work needed to be completed for the application to be ready for the Planning Board to sign off on cannot be done, e.g., Homeowner's Association, covenants and restrictions for the open space, easements, etc. The Town Council would then have to officially accept the gift of those two lots. Mr. Clinton stated the application could be complete in the coming weeks.

<u>OLD BUSINESS</u>

1. Trail updates at Grater Woods

Commission to discuss a request from our Sub-Committee for additional trails at Grater Woods.

Commissioner Perry spoke of the trail walk, which was attended by members of the Commission, Sub-Committee, and the Right Riders. They met at the Amherst parking lot and walked what is known as the D2 and D3 trails. In addition, they walked Centipede, Tadpole, Silverfish, and started the walk on the D4 trail, but was unable to complete the walk given the time of day.

The trail map that was supplied by the Right Riders a number of years ago identifies three trails; D2, D3, and D4. When conducting the walk on the D2 trail it quickly became clear that although a majority of the trail is in Merrimack it is on property owned by Amherst. The Right Riders understand where the lines are, and will work, in conjunction with the Sub-Committee, at reflagging that section to see if they can figure out a way to make the trail work.

The Sub-Committee believes D3 to be the priority. The four gates have been erected, and the Town has supplied the "road closed" signs, which are going up on the gates. Vice Chairman Caron has all of the required hardware to lock those gates. By the coming weekend the gates will be closed and locked. Once that happens there is no access from that South Grater Road portion coming up and from Wilson Hill into that section of Grater Woods. The D3 trail is going to be a priority because that is going to be about the only spot users can get up from Wilson Hill into the property. The trail, as it stands, is okay. There are a few areas that need to be addressed.

DRAFT

The Silverfish trail has existed for some time. However, it is not an official trail as it was never on the map. It has been ridden well enough and addressed well enough that it is now supportable. The Sub-Committee is comfortable with it. It would end up as a red trail; multi-use, non-motorized. There are some improvements the Sub-Committee will make to it. That trail allows access to the area referred to as the view. Chairman Tenhave questioned if the trail would change causing the GPS coordinates that were provided long ago to become invalid. Commissioner Perry stated he could not answer that. However, the current trail is believed to be a good trail. There are a few small changes that will be made to it, which have already been flagged.

Commissioner Perry noted there is a rock bridge on the Silverfish trail, which will have to be hardened up. It is a bit difficult to maneuver across.

Tadpole and Centipede are older trails that have not been officially recognized as trails. Both have been ridden extensively by mountain bike riders, and have become good trails. They support hiking and multi-use. The Sub-Committee deemed the trails appropriate.

Those four trails; Silverfish, D3, Tadpole, and Centipede are all trails the Sub-Committee supports and wishes to bring before the Commission.

The D2 trail needs to be reflagged and D4 needs to be walked. It is a steep area and there is a good deal of water coming down the hill. While walking the trail it seems there are some areas that are pretty nice, but when you look at what has happened you can tell some of the berms that have been made by the bikes were done on wet, soggy ground. The area is only dry at this time because conditions are dry. Although the area has been flagged pretty well not everyone is staying on the trail.

Chairman Tenhave questioned if the Sub-Committee is confident that the current layout for the Bypass Trail (D3) could also be the layout for a service/woods road. Commissioner Perry stated his opinion some of it would support that same function. The trail that is there now will be disrupted when a woods road is put in. The Sub-Committee spoke at length with members of the Right Riders explaining there is a section of it that will be like riding on the Gateway Trail. That is just what has to happen. There is a little different mentality as to how to build trails. When the woods road goes in, their trail will be more hardened than it is now. There would be a section of it that would have to be the D3 trail and the woods road.

Chairman Tenhave commented the Commission would potentially take that parallel trail away, and just use the woods road. Commissioner Perry stated that could happen. The D3 trail is currently a short trail. Its only purpose was to get people into that section of the woods. Whether it becomes a woods road or stays a trail he does not believe to be much of an issue.

Chairman Tenhave stated when the GPS mapping is done with the Nashua Regional Planning Commission (NRPC) the trails will be mapped so that exact coordinates are cited. Commissioner Perry stated that work is planned to begin during the coming weekend.

MOTION BY COMMISSIONER PERRY TO ACCEPT THE FOUR TRAILS RECOMMENDED BY THE GRATER WOODS SUB-COMMITTEE AND IDENTIFIED AS D3 (RED), SILVERFISH (RED), CENTIPEDE (RED), AND TADPOLE (BLUE)
MOTION SECONDED BY COUNCILOR VAILLANCOURT
MOTION CARRIED
6-0-0

NEW BUSINESS

1. **Letter of support for Souhegan River Trail**
   Commission to discuss the "Local Concerns Meeting" for the Souhegan River Trail and decide on sending a letter of support for the Trail. Replay available here: http://merrimacktv.com/online-video/miscellaneous/

Commissioner Boisvert spoke of having viewed the video of the Public Hearing, and stated his opinion construction of the Souhegan River Multi-Use Trail is a great idea.

Chairman Tenhave noted the desire is to develop a trail from the Merrill's Marauders Bridge all the way into Watson Park, which has been part of and dates back to what was known as the iTRaC program.

DRAFT

The Town Center Committee operates as an AdHoc Committee created by the Council in 2009 to implement the Merrimack Town Center Pedestrian and Trail Master Plan, which was developed under an iTRaC program in conjunction with the NRPC.

The Town Center Committee developed a Town Center Plan, which included trail work through Watson Park, north towards the Twin Bridge Park, and then west across to the Souhegan River. Along with that were side projects such as the pedestrian bridge, which was done with the former Town Manager and the Merrill's Marauder's Bridge Committee. When completed, it will be a formalized trail (10' wide) that will provide a transportation alternative for people from the west side of the F.E. Everett Turnpike all the way into Watson Park.

The project is going through the planning process, and is seeking letters of support from the various boards and commissions. The Commission was provided with a draft letter. Commissioner Perry stated his only concern with the language is with specifying the type of use, e.g., hiking and viewing. He questioned if the trail would be closed to bicycles, etc. He commented he would not want to start limiting the use already. The trail will be 10' wide, and there will be a good deal more activity than foot traffic. Councilor Vaillancourt suggested the draft be amended by removing the words "for hiking" and "and viewing".

The consensus of the Commission was to express support for the project.

2. New member for Wildcat Falls Sub-Committee
Commission to discuss the application of Liz Petrides to join the Wildcat Falls Conservation Area Sub-Committee as a full-time member.

Chairman Tenhave commented Ms. Petrides is a member of the Michael LoVerme Memorial Foundation, which has been doing a lot of volunteer work in Wildcat Falls. They are proposing installing some benches along the trail system, and are looking at benches similar to those installed near the High School. Ms. Petrides is an active user of the property, has participated in clean-up days, etc. She would like to become a full-time member. She has confirmed there would be no conflict of interest related to her position on the foundation.

Chairman Tenhave stated his belief Ms. Petrides will make a great addition to the Sub-Committee. He questioned the will of the Commission with regard to inviting Ms. Petrides to attend a meeting prior to formalizing the position. Councilor Vaillancourt suggested the Commission vote on the position, and invite Ms. Petrides to a future meeting to allow the Commission the opportunity to meet her.

MOTION BY COUNCILOR VAILLANCOURT TO APPOINT LIZ PETRIDES AS A FULL MEMBER OF THE WILDCAT FALLS CONSERVATION AREA SUB-COMMITTEE WITH A TERM TO EXPIRE JULY 31, 2017
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
6-0-0

3. Sub-Committee Appointments
Commission to discuss making re-appointments or updated appointments to all its Sub-Committees as is necessary by the end of July of every year.

<u>Wildcat Falls Sub-Committee</u>

Chairman Tenhave informed the Commission Ms. Labonte is currently serving as Chair, and has expressed, if the will of the Sub-Committee, she would like to continue serving in that capacity.

MOTION BY COMMISSIONER TENHAVE TO RE-APPOINT KAREN LABONTE AS A FULL MEMBER OF THE WILDCAT FALLS SUB-COMMITTEE WITH A TERM TO EXPIRE JULY 31, 2019
MOTION SECONDED BY COUNCILOR VAILLANCOURT
MOTION CARRIED
6-0-0

<u>Horse Hill Nature Preserve Sub-Committee</u>

Commissioner Glenn informed the Commission both Peter Mikolajczuk and Helynn Wenz have indicated the desire to be reappointed.

Chairman Tenhave questioned if any current alternate members have expressed the desire to become full members, and offered to table appointments until Commissioner Glenn has the opportunity to question whether any current alternate members wished to be considered for one of the full time positions. Commissioner Glenn stated her belief the current membership, as a whole, would like to see the current full time members re-appointed.

MOTION BY COMMISSIONER GLENN TO RE-APPOINT PETER MIKOLAJCZUK AND HELYNNE WENZ AS FULL MEMBERS OF THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE WITH TERMS TO EXPIRE JULY 31, 2019
MOTION SECONDED BY COMMISSIONER BOISVERT
MOTION CARRIED
6-0-0

Grater Woods Sub-Committee

Councilor Vaillancourt stated her opinion the makeup of this committee needs to be adjusted. While she believes Ms. Barnes has done a great job of maintaining continuity by representing the School Board on this sub-committee, her position on the sub-committee is as a citizen of Merrimack not as a representative of the School District. Councilor Vaillancourt stated her opinion the sub-committee should specifically identify one of the full-time positions to be filled by a representative of the School District.

Councilor Vaillancourt stated it has been proven that the School District is a cooperative and valuable partner. They are a large land owner for Grater Woods. She believes it would benefit the School District, the sub-committee, and the Commission to have a representative of the School District serving on the sub-committee.

MOTION BY COUNCILOR VAILLANCOURT TO AMEND THE MAKEUP OF THE GRATER WOODS SUB-COMMITTEE SUCH THAT THE POSITION CURRENTLY FILLED BY SHANNON BARNES BE IDENTIFIED AS ONE TO BE FILLED BY A REPRESENTATIVE OF THE SCHOOL DISTRICT
MOTION SECONDED BY MEMBER ROSATI

ON THE QUESTION

Chairman Tenhave suggested the Commission look to the School District to nominate an individual for that position.

Commissioner Boisvert stated support for the motion. However, questioned what would occur if the School District was unable to fill that position. Chairman Tenhave stated, in that instance, the position would be empty. The Commission would have to have the logistics to allow for an alternate member to fill that spot. Councilor Vaillancourt stated she has never seen a School District committee assignment go unfilled. She noted the position would be filled by a representative of the School District not of the School Board. Doing so increases the number of individuals that could be considered for nomination.

Chairman Tenhave noted the nomination would come before the Commission, and the Commission would vote on the appointment. He stated the need for the Charge to be updated to reflect the change.

Commissioner Perry remarked, while he understands the point of view expressed by Councilor Vaillancourt, the Commission did not make it a requirement for a representative of the School District to fill a position on the sub-committee because there is no such requirement for a specific individual/representative on any of the sub-committees. He commented the sub-committee and the School Board and School District have always worked well together. He is uncertain there is the need to have a specific representative on the sub-committee.

Councilor Vaillancourt reiterated the School District owns a great deal of property on Grater Woods. Commissioner Perry remarked there is the desire for a member of the School District to be on the sub-committee, he is pleased that Ms. Barnes is on the sub-committee; she has a great voice, and there is a great exchange of information that occurs. He stated a concern with the possible scenario of that position being vacant. He questioned what benefit is gained by requiring one of the positions be filled by a representative of the School District. He reiterated the sub-committee has a representative of the School Board in place, and it has been made very clear there is the desire for a member of the School District to participate.

DRAFT

Commissioner Boisvert commented there is a difference between this sub-committee and the others in that the School District owns a portion of Grater Woods. The proposed change would encourage the School District to continue to have representation on the sub-committee. He was acceptable to the idea that should the position go unfilled, an alternate member of the sub-committee could fill in.

Councilor Vaillancourt stated Ms. Barnes is acting as a liaison from the School District. That is what her role is, and how she is acting. If she steps away the sub-committee will lose that liaison to the School District, and on the Grater Woods property that is a huge asset. She stated her belief the sub-committee stands a greater chance of having the position filled if it is required to be filled by a representative of the School District. She noted, when the sub-committee was first created there was a School District representative on it. She is uncertain why the makeup of the sub-committee changed.

The School District never at any point in time said they were not interested in having representation on the Sub-committee. That decision was made by the Commission even though it was known that the School District was very interested in having representation on the Sub-Committee. Commissioner Perry stated they did not want to require it.

Commissioner Boisvert noted the main access to Grater Woods is through school district school property. Commissioner Perry disagreed noting Conservation Drive and the Amherst parking lot are entrances, and are now more publicly accessible.

When asked, Commissioner Rosati stated she can see where it would be helpful to have representation from the School District on the sub-committee. She does not see how it would have a negative impact. She believes it would be helpful to have a representative of the School District going to bat to protect the land, should that be necessary.

MOTION CARRIED
5-1-0
Commissioner Perry voted in opposition.

The Sub-Committee will be asked to propose language for the required amendment to the Charge, and to forward same to the Commission for consideration.

When asked for input on the potential re-appointments, Commissioner Perry commented, presently, the sub-committee is a fairly active group with good attendance at meetings. He stated there are no members not wanting to be re-appointed. He commented there is not much in terms of distinction between full members and alternate members with regard to participation.

MOTION BY COMMISSIONER PERRY TO RE-APPOINT MATT CARON AND JOE COGAN AS FULL MEMBERS AND STEVE BACHAND, STEVE DESILETS, AND ADAM DODGE AS ALTERNATE MEMBERS OF THE GRATER WOODS SUB-COMMITTEE WITH ERMS TO EXPIRE JULY 31, 2019 AND JULY 31, 2017 RESPECTFULLY
MOTION SECONDED BY COUNCILOR VAILLANCOURT
MOTION CARRIED
6-0-0

<u>Ex Officio Members</u>

Commissioner Rosati expressed an interest in attending meetings, and stated she may, in the future, request the opportunity to serve as an Ex Officio member. Chairman Tenhave noted the Horse Hill Nature Preserve Sub-Committee has been in existence the longest, consists of both senior and freshmen members, and meets quarterly. Grater Woods is in active development; a lot occurring, e.g., trail work, etc. That sub-committee meets monthly. The Wildcat Falls Sub-Committee had a 6-month hiatus due to extenuating circumstances. That sub-committee is not very active at this time beyond clean-up, markings, etc. Chairman Tenhave commented it is a mature property, and, in his opinion, the level of activity is appropriate for that property.

Commissioner Perry noted all of the meetings are open to the public and meeting dates advertised. Commissioner Rosati remarked she will look to attend a few meetings, and see which would be the best fit.

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MOTION BY COMMISSIONER TENHAVE TO RE-APPOINT COMMISSIONER PERRY AS THE EX OFFICIO MEMBER OF THE GRATER WOODS SUB-COMMITTEE, COMMISSIONER GLENN AS THE EX OFFICIO MEMBER OF THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE, AND COMMISSIONER TENHAVE AS THE EX OFFICIO MEMBER OF THE WILDCAT FALLS SUB-COMMITTEE
MOTION SECONDED BY COUNCILOR VAILLANCOURT
MOTION CARRIED
6-0-0

Commissioner Perry commented on previous discussion around standardizing the charge for the sub-committees. He noted the Grater Woods Sub-Committee Charge is the only one that has a one-year term for alternate members, and questioned the will of the Commission relative to changing that. Chairman Tenhave stated he was open to the discussion. His recollection is that it was originally left as one-year as the belief was it is such a dynamic group that there might be shifting and adjustment. Commissioner Perry noted the current membership has been on longer than one year. Chairman Tenhave commented if moving to three-year terms, he would like the terms to be staggered.

Commissioner Perry stated he would bring the discussion up at the meeting scheduled for the following evening.

4. Annual Meeting of the Commission
Commission to review its by-laws and see if any changes are necessary. Commission to also hold its annual election for Chairperson and Vice Chairperson.

<u>Bylaws</u>

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

Commissioner Perry noted Article III B states: "A quorum of four (4) Full-time members or designated Alternates or ex-officio member, shall constitute a quorum necessary to transact business at all meetings. Minutes shall be taken whenever a quorum of four members is assembled." He stated the language restricts a gathering of four or more at any type of a social event. Councilor Vaillancourt responded it is an age old debate and a matter of opinion. If there is concern, legal council could be consulted. When a quorum of the Commission is assembled at a social gathering as long as members are not conducting official Commission business, it is not a violation of the Right to Know Law.

Commissioner Perry recommended the language be amended by adding at the end of the last sentence of Article III B "and acting in their appointed roles" or something similar.

Chairman Tenhave suggested the last sentence under Article III B could be deleted, and that Article III C addresses minutes of meetings.

The consensus of the Commission was to amend the Bylaws by deleting the last sentence under Article III B.

<u>Elections</u>

Chairman Tenhave called for nominations for Chairman and Vice Chairman of the Merrimack Conservation Commission for the 2016-2017 term.

COMMISSIONER PERRY NOMINATED MATT CARON AS VICE CHAIRMAN OF THE MERRIMACK CONSERVATION COMMISSION FOR THE 2016-2017 TERM

VOTE ON ELECTION OF MATT CARON TO THE POSITION OF VICE CHAIRMAN OF THE MERRIMACK CONSERVATION COMMISSION FOR THE 2016-2017 TERM
MOTION CARRIED
5-0-1
Councilor Vaillancourt abstained

Chairman Tenhave noted, in the absence of election of a Chairman, Vice Chairman Caron would be required to serve in that capacity until a Chair is elected.

Commissioner Rosati commented on the amount of work required by the Chairman, and questioned why the Town does not have a paid employee serve in that role particularly given the required knowledgebase and time commitment.

Councilor Vaillancourt stated there are no towns in the State that have paid conservation commission members. Chairman Tenhave agreed there is no precedent for that. He added the Town could decide that the support group that supports the Commission, e.g., Tim Thompson, Director, Community Development Department, has a staff member that regularly attends, and facilitates the meetings.

Councilor Vaillancourt spoke of the fact that Chairman Tenhave will remain on the Commission as an alternate member, and, as a result, his institutional knowledge will remain. She commented the role of the Chairman is to facilitate the meeting; the individual has to understand how to run a meeting. In her opinion the other important aspect of the position is communication; the individual has to be willing to be the facilitator of open communication between the members of the Commission and Town government.

Chairman Tenhave stated the workload to require approximately 5-10 hours/week.

No nominations were put forward.

Chairman Tenhave stated election of a Chairman would be the first item on the agenda for the next meeting.

<u>OTHER BUSINESS</u>

- Update on Jeff Littleton's work at our Continental Drive property

Chairman Tenhave stated Mr. Littleton, Moosewood Ecological LLC, has indicated work is progressing with field surveys; he found a few easy access points to do the ecological inventory, but his main focus until the end of last month was dealing with turtle trappings, bird surveys, plant surveys, and wetland evaluations. He is also trying to recover the transmitters that were left on turtles.

Mr. Littleton submitted an invoice for May, which has been processed.

- Kiosk update at Wildcat Falls Conservation Area

Chairman Tenhave stated the Wildcat Falls Sub-Committee asked if the Town would deliver some gravel to be placed around the kiosk, which was surrounded by overgrown plants, etc. With the placement of gravel, it will be very clear that it is a clean standing area. The gravel has been delivered.

The sub-committee is also looking at the feasibility of placing a dispenser for doggie bags on the kiosk. Should the sub-committee wish to proceed with that, the matter would come before the Commission for approval.

- Update on no-cut buffer area along HHNP and Wasserman Heights

Chairman Tenhave stated an update was not available as he had not had the opportunity to speak with Jillian Harris, AICP, Planning & Zoning Administrator. He did relay the concerns and desire of the Commission to Ms. Harris.

- Update on encroachment into Wasserman Conversation Area

There was no update available.

- Update on Anheuser Busch Volunteer Opportunity

Commissioner Perry stated he responded to an email received, and is waiting to hear back from the representative of Anheuser Busch.

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- Naticook Lake update

Chairman Tenhave spoke of having attended the Annual Meeting of the Naticook Lake Conservation Association. Matt Casparius, Director, Parks and Recreation, was also in attendance as was George May, President, Souhegan Watershed Association. Chairman Tenhave suggested there to be no reason why the Commission should not consider being a member of the Naticook Lake Conservation Association. As a Town, Merrimack is the largest abutter to the lake. The only requirement for membership is that you be an abutter to the lake itself (annual dues are $20). The Association has a small budget. The biggest activity they are doing is related to Milfoil.

Chairman Tenhave noted there to be another association on Lake Naticook. There is a common beach area on Lake Naticook that is not owned by the Town or Camp Sargent. It is for the Ingham Road neighborhood area. That association is made up of people having beach rights to that area. However, as some members crisscross, the two groups are not completely independent of each other.

Commissioner Perry remarked the Association is a very active group. Because of their grant work with NHDES, they are one of the groups NHDES looks to because they get work done.

- Website update

Chairman Tenhave stated Wendy Wetherbee, Wetherbee Creative, has begun work on the website.

Pennichuck Corporation has asked if the Commission would include a link to their videos on its website. The Commission was acceptable to adding that.

- Biodiversity Plan

Chairman Tenhave spoke of being contacted by Tara Kessler, Planner, City of Keene. The Keene Conservation Commission is in the process of putting together a conservation plan for the City. One of their members highlighted Merrimack's Biodiversity Conservation Plan. Ms. Kessler wished to speak with him regarding how helpful that Biodiversity Plan has been, e.g., where has it been used, is it being used.

He brought up the fact that Section V of the latest Town Master Plan is a direct reflection of a lot of the work that came out of the Biodiversity Plan, that it was used during the NED pipeline process, the Commission has used it to concentrate where dollars are expended in acquiring land, etc. She questioned if the Commission reviews it on a regular basis, and he informed her it does not. But added situations bring the Commission to look at it in different ways. When the Commission's goals were crafted input from the Biodiversity Plan became part of that as it addresses education, acquisition, and the conservation focus areas, which are in the goals of the Commission. He relayed to her his belief the document has been very helpful for the Town since it was done in 2010.

- Outdoor Classroom

Commissioner Perry spoke of the property where the Outdoor Classroom is located; connects from Bambi Lane on one side and Grater Woods on the far side. The Outdoor Classroom was built with the Logs to Lumber project, which was some time ago. Some of the seats are no longer in the best condition. The Grater Woods Sub-Committee is looking into what could be done to upgrade the seats. Feedback is welcome.

- Bambi Trail Extension

The stream bed that is in the trail that comes from Bambi Trail into the Outdoor Classroom is currently bone dry. With ease of access, he and Vice Chairman Caron have been performing some work in the area, e.g., moving rocks to redefine the channel, etc. The streambed is roughly 8-10' wide, and the section that has been walked through is closer to 20' wide.

Commissioner Perry informed the Commission requests for funding to cover costs associated with bridges, walkways, etc. will be coming before the Commission.

Commissioner Boisvert commented he has not been in the area for some time, and is not aware of the current condition of the Outdoor Classroom. Commissioner Perry commented for some time the sub-committee spread

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chips on the trail on a yearly basis. It has not been done as regularly as it needs to be, which has resulted in the trail becoming narrower. The area needs some work, e.g., the seats are made of untreated Hemlock.

Commissioner Boisvert suggested it would be interesting to understand if the area is being used or would be used if improved. Commissioner Perry remarked part of the reason it is not being used currently might be because it looks like it has been left to decay. Chairman Tenhave commented it would be interesting to see what the School might say about that.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . June 20, 2016

MOTION BY COMMISSIONER TENHAVE TO TABLE UNTIL THE NEXT REGULAR MEETING OF THE COMMISSION
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
6-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn remarked during the recent meeting of the Horse Hill Nature Preserve Sub-Committee, the no-cut buffer area in Wasserman Heights was discussed, and the Sub-Committee expressed a desire to be part of the remediation. She informed them it is more of a Town issue at this time, and it may be that she simply keeps them informed of what is occurring. She stated her belief if assistance were needed the sub-committee would be willing to provide that.

The sub-committee was made aware the Commission has contracted with the NRPC for mapping. The only concern expressed was the desire to have the ability to make changes when needed.

Commissioner Glenn noted the sub-committee was pleased with the parking lot expansion, and expressed gratitude. There remains interest in paving with the reground material.

There was concern raised regarding beaver activity on Palmeri Drive. Commissioner Perry stated there was some miscommunication and the gentleman from Beaver Solutions was unable to locate the exact area of concern. Commissioner Perry will reach out to him, and look to have the area addressed during this time of low water level.

Commissioner Glenn spoke of bridge repairs that had to be done, and that material costs were paid by Newt Coryell. Receipts have been provided for reimbursement (approx. $50.00).

MOTION BY COMMISSIONER GLENN TO REIMBURSE NEWT CORYELL FOR EXPENSES ASSOCIATED WITH BRIDGE REPAIR IN THE HORSE HILL NATURE PRESERVE. SOURCE OF FUNDING IS THE HORSE HILL NATURE PRESERVE FUND
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
6-0-0

Commissioner Perry stated the Blodgett Hill Summit Trail is presently washed out and pretty steep. There is a trail that bypasses that, which has been laid out and flagged. That trail and another, which has also been flagged and walked, seem to be trails that will be supported. Those trails will be coming before the Commission for official designation.

The first trail will bypass the portion of the Blodgett Hill Summit Trail where erosion is occurring (between post #s 14 and 15). The second trail is from post #6 up through the powerlines to Blodgett Hill Summit.

Trail discussion will be placed on the Commission's next agenda.

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ADJOURNMENT

MOTION BY COMMISSIONER GLENN TO ADJOURN
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
6-0-0

The July 18, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 9:23 p.m.

Submitted by Dawn MacMillan

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