



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

APRIL 18, 2016

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, April 18, 2016 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  
Gina Rosati, Alternate Member  
Councilor Jody Vaillancourt

Members of the Commission Absent:

Also in Attendance: Joseph Mroz, Life Scout, Troop 424  
Eric Faust, Eagle Advisor, Troop 424  
David Labrecque, 12 Wright Avenue  
Christopher Guida, Principal, Fieldstone Land Consultants, PLLC

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The Annual Seedling Giveaway is scheduled for Saturday, May 7<sup>th</sup> at Currier Orchards, 9 Peaslee Road, from 9:00 a.m. - Noon. Details of the event are posted on [Merrimackoutdoors.org](http://Merrimackoutdoors.org).

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

PUBLIC COMMENT - None

### APPOINTMENTS

#### **1. Visit from Eagle Scout Joseph Mroz**

Commission to receive a presentation on trail work Joe completed at Grater Woods.

Life Scout Joseph Mroz appeared before the Commission to present his completed Eagle Scout project.

Life Scout Mroz stated his goal was to create a trail at Grater Woods for hikers and mountain bikers. He spoke of having been inspired by his older brother whose Eagle project was a trail at the Horse Hill Nature Preserve (HHNP).

The trail is known as the Eagle trail, is approx. ½ mile in length, a Category B, single track trail, which connects the Red Maple Trail to the Brickyard Trail. Included is a bridge that spans 26' L x 3' W. Life Scout Mroz displayed a series of photographs depicting the project in various stages, and commented on the number of volunteers that supported his project (43).

The total cost of the project was \$760. Two fundraising efforts at Market Basket resulted in a project budget of \$1,100. At project completion, a stockpile of wood and funds remain, which will be donated to the Commission for use in other projects.

The project completed on schedule; was approved in June of 2015, fundraising efforts kicked off in late August, and trail work began. The project was completed in the first week of December. Total estimated number of services hours was 500, which included the planning and approval process as well as the fundraising efforts and actual trail work. The total number of service hours was reduced slightly based on the number of fundraising events being reduced (from 4 to 2), and 1-2 workdays with a lesser number of volunteers.

The original plan called for the bridge to be constructed in two sections. It was re-designed onsite as it was determined to be more efficient to cross in a single section. Life Scout Mroz provided signs intended to be posted on the trail.

**MOTION BY COMMISSIONER CARON TO ACCEPT THE TRAIL AS CONSTRUCTED AND THE INTENDED SIGNAGE**  
**MOTION SECONDED BY COMMISSIONER GLENN**

ON THE QUESTION

Councilor Vaillancourt commented Life Scout Mroz should be proud of the caliber of the work and the number of volunteers that supported his project. She stated she would make the Town Council aware of the completion of the project, and the recommendation of the Commission to accept the trail.

The Commission congratulated Life Scout Mroz on the tremendous job that was done, and thanked him for a wonderful addition to the trail system.

**MOTION CARRIED**  
**7-0-0**

STATUTORY/ADVISORY BUSINESS

1. **David Labrecque (applicant) and Lionel Greenwood (owner)** — Review for recommendation to the Planning Board of a site plan for an application to permit a seasonal wholesale/retail sales and storage of landscaping materials business. The parcel is located at 12 Wright Avenue in the I-1 (Industrial), and Aquifer Conservation Districts, and 100 year Flood Hazard area. Tax Map 4D-2, Lot 001.

Mr. David Labrecque commented he had expected to be coached through this process by Keach-Nordstrom Associates, and was unsure if what has been submitted meets the Commission's standards.

Chairman Tenhave stated his understanding the project has already gone before the Planning Board, and that the Planning Board chose not to waive the full site plan review; have asked for updated engineering drawings, etc. Mr. Labrecque stated his understanding the project would move forward with existing site conditions.

Chairman Tenhave stated his belief what is expected is a set of plans depicting existing conditions and another identifying the results the project will have. He questioned if the discussion before the Planning Board had included a request for a Stormwater Management Plan, and was told it did.

Chairman Tenhave commented, normally, once all of that material is available, the Commission would conduct its review, and forward its comments to the Planning Board. Although it was understood the Applicant would reschedule a time to come before the Commission once all information is available for review/comment, the Commission expressed a willingness to provide some comment at this time.

Chairman Tenhave noted the site is located next to an EPA Superfund site (former New Hampshire Plating Co.). As a result, how stormwater is managed will be of great interest to the Commission. If stormwater were to come off the parcel, enter the adjacent parcel and seep underground, it could potentially pick up materials that have not yet been cleaned, and leach them out towards the Horseshoe Pond and the Merrimack River. How water that might be coming through landscaping materials located on site is addressed will be of importance.

When asked if there would be equipment utilized to load/unload material, Mr. Labrecque responded there would be, e.g., skid steer, tractor, etc. Chairman Tenhave noted where that would be stored will be of interest to the Commission, e.g., on dirt or gravel versus concrete, etc. Other related issues such as whether there would be a spill kit onsite to address situations such as a transmission leak from the equipment, etc. would be of interest. Chairman Tenhave commented typically with areas of asphalt, stormwater will run to a collection point, and in the treatment of that collection point it will separate out oils and substances that could be harmful; end up going to a

location where they can be cleaned rather than simply leaching straight into the ground. Chairman Tenhave stated current regulations require that all stormwater be treated onsite.

Chairman Tenhave commented it will be interesting to understand how the current use, powerwash facility, will work alongside the proposed use. Mr. Labrecque commented the engineer had mentioned the facility has permits in place to address water. He had indicated to the engineer that he looks at the site as a place of operation, and the engineer stated he looks at the site as a land use, and is excited to put the plan together.

Chairman Tenhave noted if there are winter operations onsite, the Commission will be interested in learning how parking and the parking lot would be used, e.g., whether there is a plan to use deicing compounds, whether salt or artificial, or if sand would be utilized. Being so close to the Merrimack River the Commission would likely recommend not utilizing deicing compounds. If there are plans for landscaping materials, the Commission would be interested in understanding what was being proposed to avoid introducing invasive species to the area, etc.

Councilor Vaillancourt commented she believes the business to be seasonal, and, therefore, the site would not be utilized during the winter months. Mr. Labrecque stated that to be correct. He added he is going on the assumption that at some point in time it might be used for winter storage for boats, campers, etc.

Councilor Vaillancourt remarked the plan notes a temporary construction office trailer, questioned if that would be located onsite year round, and was told that is likely the case. She questioned if there would be the need to address roof runoff from that structure. Chairman Tenhave remarked it would depend upon the size of the structure. The Commission would normally look at how roof runoff is managed. Councilor Vaillancourt questioned if the concrete pre-cast plot bins would be onsite year-round, and was told they would. When she questioned if there would be material in them in the winter, Mr. Labrecque stated there would not be an abundance of materials left in the bins, but if there were leftover material it would likely remain for the winter months.

- 2. BAE Systems Information I & E (applicant/owner)** – Review for recommendation to the Planning Board of a site plan to construct a 2,086 sf. addition and a 9,417 sf. addition to the MER23 building at the BAE Systems campus. The parcel is located at 130 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 006.

*No one was present to represent the project.*

- 3. Wetlands Dredge and Fill Permit Review for Shawn Farrell (owner)** – Review for recommendation to NH DES of an expedited minimum impact wetlands permit for Tax Map Parcel 4A-4 and 4A-4-1, Wilson Hill Road.

Christopher Guida, Principal, Fieldstone Land Consultants, PLLC, noted the project was before the Commission a few months prior, and was discussed in its preliminary stage. The project is moving forward, and a request is being made for a formal Wetland Permit to expand the existing crossing (includes a culvert). The proposal is to maintain that use and extend the culvert to allow for a second driveway to access the large lot as part of the three-lot sub-division.

The additional impact is 683 sq. ft., which includes grading and a riprap apron on the outlet side and a small amount for the culvert (will be replaced with a new one). Wetland impact is minimized by crossing at the existing location. Previously there was some discussion related to the possibility of a common driveway. In this case, it was felt the additional impact of having two driveways was insignificant; the single driveway would have had to be upgraded to be a common driveway (greater width). The wetlands impact would have been extremely similar in nature to accommodate a wider driveway.

Mr. Guida noted the area where some grading was performed to meet the requirements of the Town's driveway standards. The road has been moved (existing gravel road) as far up and away from the wetlands as possible to avoid additional impacts. The slopes are somewhat steep, which limits the road from going further away.

Mr. Guida stated the project has received State subdivision approval. A Shoreland permit has been submitted; the home is at the edge of the 250' Shoreland Protection Area of the Souhegan River.

When asked, Mr. Guida stated the culvert is operational. When asked what materials the new culvert will be made of, Mr. Guida stated it would be the same as the existing; plastic. He commented occasionally they or the State will recommend a concrete pipe; if there is any type of long-term water in the area where there can be

critters that might live in the area. In this situation, the slopes are steep enough and it is seasonal enough where it dries right out.

Chairman Tenhave noted the request was for the Commission to sign off on an expedited Dredge & Fill Permit. If the Commission were to sign the request, it would indicate it is okay with the project as presented and would have no further recourse or comment to provide to the New Hampshire Department of Environmental Services (NHDES). Vice Chairman Caron questioned if that would also be indicating agreement for the relationship of the house to the Souhegan. Chairman Tenhave stated what was before the Commission was only the Dredge & Fill Permit for the culvert.

Chairman Tenhave noted the Souhegan River Local Advisory Committee (SoRLAC), becomes involved with projects that are within the 250' protection area. George May, Chairman, SoRLAC, asked that the Commission pass along any comments or thought about the overall project. Mr. Guida stated his intent to meet with the SoRLAC at their meeting later in the week.

Chairman Tenhave questioned the will of the Commission. Vice Chairman Caron stated he has been to the site during times when the area was wet, and commented it seems as if the area fills a little, the rocks get wet, and then it is gone. It doesn't seem to be a heavy flow area. Commissioner Perry remarked it is a pretty steep grade.

**MOTION BY COMMISSIONER CARON TO APPROVE THE EXPEDITED PERMIT  
MOTION SECONDED BY COMMISSIONER PERRY  
MOTION CARRIED  
7-0-0**

*There being no objection, the Commission took a five-minute recess at 7:20 p.m.  
The Commission reconvened at 7:25 p.m.*

#### OLD BUSINESS

##### **1. Target Shooting Ordinance**

Commission to review progress on the ordinance, signage, and other related items it may need to take action on.

On March 25<sup>th</sup> Chairman Tenhave, Councilor Vaillancourt, Eileen Cabanel, Town Manager, and Mark Doyle, Chief of Police participated in a conference call with the Town's attorney. The intent of the Ordinance and language that would provide a comfort level for all parties was discussed. The conclusion reached was that installing signage stating "No Target Shooting" should address the problem and would allow for enforcement. Further discussion of an ordinance will be delayed pending the outcome of this action.

The signs will be posted by the Commission as the property owner. As the property owner, the Commission has the right to regulate what activity occurs on its property. In order for that process to work, it was necessary for the Commission to take a formal vote stating it does not permit target shooting on its property. That formal vote was taken at the Commission's March 7, 2016 meeting.

During the Town Council's meeting on April 28<sup>th</sup>, Chairman Tenhave will make a request of the Council to take a similar vote and not permit target shooting on any Town owned property. There is always the opportunity for the Council and/or Commission to make an exception should it be deemed warranted.

Commissioner Boisvert noted target shooting is also occurring near the boat launch down by the river (off Greeley Street) on Town owned property.

Councilor Vaillancourt remarked since the Commission falls under Town Government, the Attorney's recommendation was that signage list the Town of Merrimack. She noted Chief Doyle seemed very much on board with this effort, and is willing and eager to work with the Commission/Town on enforcement. She stated her hope those measures will rid the Commission/Town of 98% of the issues. If that is not the case, all parties agreed discussion of an ordinance could resume.

It was noted the measure of an ordinance is not as black and white as posting property as the property owner, but it is something that can be done and can be enforced. However, it could be challenged and require defending.

The Town's legal counsel has indicated she would be comfortable defending such action if required. Councilor Vaillancourt commented signing the property as the property owner seems to be the path of lesser resistance.

Commissioner Perry noted shooting is also taking place in Mitchell Woods and Watkins Forest. Vice Chairman Caron stated there to be another shooting range out behind the Flatley field, on Commission property.

Chairman Tenhave stated, during the March 25<sup>th</sup> discussion he had expressed the desire to clean up the pit, and questioned if Town equipment could be used (something with a bucket). Town Manager Cabanel stated her budget would certainly allow a clean-up activity to occur. Chairman Tenhave noted the clean-up would have to happen on a Saturday so that volunteers could be utilized. Commissioner Perry commented if the intent is to take down the entire berm making the area flat, it would eliminate the conduciveness the area has to that type of activity. Chairman Tenhave has reached out to, and is awaiting a response from the Town Manager regarding coordinating this effort.

Given the quantity of debris that is expected to be removed from the site, it will be necessary to have access to the transfer station. Chairman Tenhave stated he is hopeful, with the help of a few people and some equipment from the Public Works Department (PWD) the Commission could perform the clean-up of its sandpit in a matter of a few hours. Commissioner Perry spoke of the amount of broken glass and lead that is present in the area, which would be difficult to remove.

*The Commission reached consensus, if volunteers could be lined up on short notice, the clean-up would be conducted on April 23rd.*

Commissioner Boisvert commented the same type of clean-up effort could take place down by the river where a great deal of debris is located on Town property. A regular pick-up truck could be used at that location.

## **2. NED Pipeline**

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

- Need letter
- Potential study of our property

Chairman Tenhave questioned the will of the Commission with regard to the draft letter provided. He also spoke of the letter submitted by the Town of Mason, commenting it is a very strong letter, and questioning if the Commission wished to make similar points in its letter.

Commissioner Rosati stated with everything that she has sourced she has tried to source from either the Kinder Morgan website or an official website. If she can source the Town of Mason's information she can include it.

Commissioner Rosati commented what has been said is that there is the need for .6 billion cubic feet of gas per day. She is unsure how that number was arrived at. If all of the existing pipelines come in (2 others are seeking approval), New England will have 4 times more gas than the New England Governors have asked for. The Department of Energy has approved .8 billion cubic feet of gas to be exported through Canada to our "allies" to be converted into liquid natural gas and shipped overseas. From Kinder Morgan's 1.2 billion cubic feet, you can subtract about half of that, which they have found customers for. She stated the point to be that this gas would be for export. She was looking to prove that the Northeast Energy Direct (NED) pipeline should not take the land of New Englanders for exporting gas.

*The following amendments were recommended:*

- Include a reference to the Federal Energy Regulatory Commission's (FERC) Policy Statement on Pipeline Certificate.
- The 5<sup>th</sup> paragraph on the 1<sup>st</sup> page, which begins "There are no gas-fired", should be the start of a new paragraph.
- Chairman Tenhave will add his signature to the letter as the Chairman of the Commission. Reference in the letter to his opinions, should be amended to state the opinions to be those of the Commission.

The item will be placed on a future agenda for final review/approval by the Commission.

Chairman Tenhave informed the Commission of having met with Jeff Littleton, Moosewood Ecological Services, at the Commission's parcel on Continental Boulevard. Together they walked some of the property (until reaching wet area). He has not yet received cost information for a study. There is a dry area on the northeast portion of the parcel Mr. Littleton is looking into gaining access to as that will get him closer to the back side of the property. Mr. Littleton had commented he does not believe it to be a traditional vernal pool area, but it may have a lot of the same characteristics, e.g., there could be frogs, turtles, etc. in the area. Mr. Littleton will look to the Audubon Society and others to inquire if they could look at the area to determine if there are any migratory birds, etc.

Mr. Littleton mentioned the transmitters that were attached to turtles remain attached. He has reached out to New Hampshire Fish & Game to identify the proper way to remove those devices, and hopes to remove them before the batteries die. He has asked if the Commission is interested in his tracking where they ended up to see if more can be learned about their activity. Chairman Tenhave had suggested the Commission would be interested in that information. He asked that he be provided with information on how that would be done, etc. so that the subject could be placed on a future agenda for discussion.

Councilor Vaillancourt noted the Senate President took a formal stand in opposition to the proposed NED pipeline, which may not have a legal bearing, but is a big deal for the State. Senator Sanborn is pushing hard on fighting the eminent domain issue and looking to change eminent domain laws. There is a good deal of back and forth about whether the Federal processes trump the State over eminent domain. Eminent domain, in this instance, would be the taking for profit for a private company, which she believes is an issue a lot of people in this State can agree on whether for or against energy infrastructure.

Commissioner Rosati spoke of an individual in the pipeline opposition that called the FERC, and came to understand the FERC is of the mindset that exporting is our civil duty; supposed to be helping out allies.

Councilor Vaillancourt commented the need was a New England thing when the Governors got together and talked about what they wanted. She suggested if we can get the New England government behind the fact there is no need and that eminent domain would be taking our property for no need, we might have a leg to stand on.

Commissioner Rosati commented even as early as 2014 there was discussion of Bear Head Liquid Natural Gas (LNG), etc. They were talking about exporting the gas up through there, and the whole gist was getting the gas through New England so that it could get to Dracut so that it could get it up through the Maritimes & Northeast. This has been something that has been in play for a long time. They have known about this; they have just been very quiet about it.

Commissioner Perry commented one of the things we still don't have a good answer to is when the Marcellus shales are no longer producing, what are all of these pipelines doing? Councilor Vaillancourt responded they would be used for another product.

### **3. Website Update**

Commission to discuss analytics report on the website and what it wishes to do next.

Chairman Tenhave spoke of the analytics report received from Cindy Wetherbee, Wetherbee Creative. Councilor Vaillancourt commented she found some of the information of interest, but a lot of the information provided was not something she could make a good deal of sense out of.

Commissioner Boisvert commented he visited the website recently and when starting from the home page he was able to go back and forth between that and some of the other sites, e.g., HHNP. However; when starting at the HHNP page he was unable to toggle back and forth to the home page. Chairman Tenhave stated his belief the links on the left side of the page are intended to bring the user back.

The report identified 11,649 browsing sessions over the course of a year (76.1% of which were new users). The average time spent on the website was just under 2 minutes. Fifty five percent of the users are from New Hampshire, 25% from Massachusetts, 5% from New York, and less than 1% from Rhode Island.

Chrome was the most used browser followed by Safari and Internet Explorer. The largest operating systems that accessed the site; Windows (38%), iPhone (32%), Android 18%, and general MAC users 8%.

It turns out people are coming to the site by navigating to it, but also through searching. There is some social media activity, but very little at this point. The site is linked on other websites resulting in referrals, although most of the referrals are coming from the MerrimackNH.gov site. Users are also coming in from NHMountainhiking.com, Facebook, etc. On average, the site receives 750 unique visitors per month. Ms. Wetherbee seems to believe we are right on target with the audience being sought.

Chairman Tenhave questioned the will of the Commission moving forward. Vice Chairman Caron commented the results of the report indicate the website is doing what it was intended to do. He questioned if there is the desire to do more, and commented he has received feedback that the website is great. Commissioner Perry commented some have asked him how to be made aware of activities taking place. If the calendar were more populated that could be helpful. He suggested informational items on planting, invasives, etc. could be useful. Chairman Tenhave commented the Commission has targeted its funds towards land acquisition; however, education is also a major focus for the Commission. The website could be utilized more if the resources were available to populate it. He suggested mobile to be the direction users are going, and it would be helpful if the website were more tailored towards mobile devices. Commissioner Perry stated agreement; particularly when it comes to maps. Commissioner Boisvert stated agreement.

Councilor Vaillancourt stated she liked the recommendation to keep the website fresh and interesting by scheduling regular updates, which could be performed 2-3 times a year. In her opinion, that and the mobile focus were the two most important takeaways from the report.

Councilor Vaillancourt recommended contracting with Wetherbee Creative to manage the website; set up a schedule for updates, and keep content on hand for those regular updates. She is cognizant of the fact there is a cost involved, but believes having someone responsible for that task would be valuable. Chairman Tenhave suggested it is worth trying. He believes having someone that can be called, provided the information, and then tasked with putting the information into the right form would be useful. He also likes the recommendation to rework the home-page to focus the changeable and fluid content to the top of the page. Leaving the more static content at the bottom.

Chairman Tenhave noted the Nashua Regional Planning Commission (NRPC) will help with maps; providing material that can be available online and offline. They suggested a storyboard, which might be a good replacement for the Google map that appears on the top right-hand section of the website.

Commissioner Perry commented a short while back the Commission discussed specific items on the website that needed to be addressed, and questioned if they were being addressed. Chairman Tenhave stated a request could be made.

Chairman Tenhave noted another one of the recommendations he likes is having a focus on volunteer efforts. Commissioner Rosati stated a willingness to work towards setting up an Instagram account. Commissioner Perry commented that would require a good deal of effort and a constant source of photos. There would be a concern with people posting photos that were not reviewed/approved by the Commission, etc. He suggested a Facebook page might be more suitable to the type of information the Commission would have to post. Commissioner Rosati suggested a Twitter account could be established. She commented her daughter is very tech savvy, and would be able to run an account until leaving for college.

***The consensus of the Commission was for a mobile focus, reworking the home-page to focus the changeable and fluid content to the top of the page, addressing the situation that comes about when users click on the Google calendar, e.g., the calendar is small, and when clicked on you get the highlight as to what was clicked on, but cannot get over to the X to get rid of it (it is below the top level of the picture so you can't read what it is), rolling up improved maps when available through the NRPC, and focus on volunteer efforts.***

Chairman Tenhave stated he would request Ms. Wetherbee put something together so the Commission can take this to the next step.

#### **4. Maps for our Properties**

Commission to review what the NRPC may be able to do for us and discuss how the Commission may want to proceed.

At its last meeting, the Commission requested Chairman Tenhave contact the NRPC, and request a quote to produce trail maps that would be consistent for all Commission properties. The NRPC has provided a proposal. The first step in creating maps is data collection (done with a device they are comfortable with and one which can provide great accuracy). The cost associated with the data development/collection, is not great in the overall scheme of the project, and would provide the level of accuracy the NRPC is comfortable with while providing the Commission a quality product.

Commissioner Perry commented on the need for someone to accompany representative(s) from the NRPC. Chairman Tenhave agreed someone would have to accompany them or a knowledgeable person on the parcel being discussed would have to sit down with them to use the current maps to identify the characteristics of the site, e.g., where a bench might be located, etc. The Commission would be able to identify the trails it owns and is promoting and those it does not wish to see mapped. He reiterated it would be beneficial to have an expert on each of the properties sit down with the NRPC before they move forward with the data collection. Vice Chairman Caron questioned if the NRPC could provide the tool and allow the Commission to collect the data. Chairman Tenhave stated that to be an option. The information would have to be collected in a manner that they identify. Commissioner Perry stated his only reservation is that the issue has been discussed on numerous occasions; however, a consolidated effort to gather existing data has not taken place. He suggested the Commission may already have a ton of the data that would be sought.

Chairman Tenhave commented the concern he had with the NRPC utilizing their device is their ability to take data and put it in the various forms the Commission might want. He remarked some of the Garmin and other units require the data to be massaged. With GPX units if information is collected on the wrong format, the level of accuracy can be all over the place.

Chairman Tenhave suggested the Commission invite representatives from the NRPC to the May 16<sup>th</sup> meeting so that the details of such a project can be discussed. Vice Chairman Caron commented on the timeline identified in the proposal (October of 2017). Chairman Tenhave indicated the timeline is very flexible and dependent on the Commission. The NRPC would not be able to start such a project until July 1st, but the timeline can be much shorter if the Commission is willing to commit the time necessary. There has to be a point person so that immediate decisions can be made.

Chairman Tenhave noted the NRPC is an ESRI house as is the Town of Merrimack. He had been pushing the idea of having maps that were Google compatible because Google is well known, etc. The NRPC has stated ESRI makes a good quality product. It is an application that can be put on a phone and is available in Android and Apple. Most people have Google maps on their phone. That compatibility is there. The NRPC is conducting its own project using ESRI. They want to create versions of the maps that are compatible with the ESRI tool, but will also provide the Commission, if desired, something that is more Google maps compatible. They are also going to do the GPX data downloads. A lot of folks are familiar with that format when doing pulldown maps. Commissioner Perry commented on the ease of creating GPX download, and his surprise that there would be an associated cost for that.

Chairman Tenhave stated the need for the Commission to determine what the maps will look like (pdf versions). The Commission will have to be prepared to identify what is desired for map features. Commissioner Perry spoke of colored maps losing their usefulness when copied in black and white. He suggested shapes and line types are better for maps.

Commissioner Rosati questioned, and was informed users of the trails could access the GPX file or the Google map version, which would show the user where they are located. The user could start walking and would be walking on the trail on the map interactively. Councilor Vaillancourt commented the GPX portion of the mapping helps prevent users of the trail system from becoming lost.

Chairman Tenhave spoke of the story map; the idea is as the user is moving around on the map, the picture and column on the left had side would change and provide information.

## **5. Water control devices and beaver activities**

Commission to review recent activities related to controlling water levels in trouble areas in Town. Also include an update from our contractor and potential other projects the Commission may need to act on.

Commissioner Perry stated he has been trying to find a way to capture data. Tracy Tarr, Wetland Scientist, GZA GeoEnvironmental, Inc. (GZA) provided him with a free tool to load on his phone, which identifies where you are. She will be working on identifying the cost of having it hosted for a year until the GIS is online for the Town.

The device for Hansom Drive was installed earlier in the day. The PWD went to the site and met with Beaver Solutions. They pulled the grate (dammed up) and the water level went down significantly. The device was installed, and hopefully tonight they will dam up around the culvert which will result in the water level coming up another 6-8" and leveling off.

In the next few weeks they will visit Mast Road, Lyons Road, take care of Merrymeeting Drive, and the trail off the bottom side of Palmeri Drive where there are three stepped dams to see if something short of a deceiver could be placed in that area.

Commissioner Perry spoke of having visited the site of Reeds Ferry School, and noting there is a lot of water being held back. A nature walk has been constructed in the area, and a good deal of ATV use is coming in from the back road into the fields.

Vice Chairman Caron noted the HHNP is almost at the point where it is no longer an issue. The priority on that one can be dropped. Commissioner Glenn noted if that one is reviewed, members of the HHNP Sub-committee would like to be present.

Chairman Tenhave spoke of having received emails from abutters who are pleased with the work that was done. Commissioner Perry noted there were some who were concerned with the water level (wanted it higher).

Chairman Tenhave remarked he told those who have contacted him that the beavers will go in and try to plug and do whatever they can and eventually they will just stop looking at it. As long as our own Public Works folks don't think it is a bad thing we are doing then we are okay. You want the beavers to dam because they will not be successful in stopping the water, and then they will leave it alone. The one at Greens Pond Road has twigs and stuff growing out of it and water flowing right through it. It doesn't appear that the beaver are adding to it anymore.

#### NEW BUSINESS - None

#### OTHER BUSINESS

- Update on Land Donations

Chairman Tenhave stated the closing on the parcel off of Brookside Drive (Tax Map 6B/159) has not yet happened. The attorney is getting the final closing paperwork together.

Chairman Tenhave informed the Commission of discussions he has had related to the 120 acres that will come to the Commission (own in fee) as mitigation for the Chestnut Hill development. The NHDES approved the wetlands permit with the mitigation. That permit also came with certain stipulations that had to be completed, and those items are being worked with the owner of Old Blood LLC. Before they can do any major construction on the project, the NHDES requires that the donation be made.

In other discussions he was told it is something at least some of them would like to have done by the summer timeframe. Once that work is completed the Commission would look to have an official Public Hearing and land donation acceptance.

- Update on HHNP Parking Lot RFP

The RFP closes at 2:00 p.m. on Friday, April 22<sup>nd</sup>. Chairman Tenhave will be there so that bids received can be opened.

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

Chairman Tenhave stated there to have been very little movement with regard to this matter. The matter is in the hands of the Town, and at the point where an inspection needs to be conducted, and mitigation activities decided upon and worked. Councilor Vaillancourt will follow up.

- Update on encroachment into Wasserman Conservation Area

Chairman Tenhave informed the Commission he met with Derek and Jillian Harris, Planning & Zoning Administration, and Robert Price, Assistant Planner, on the property. Derek realized once he had the land surveyed that he had encroached. Meridian did the survey work and other engineering activities. Chairman Tenhave suggested they be utilized to determine how to remedy this situation.

Chairman Tenhave remarked it is a Land Conservation Investment Program (LCIP) property, which is overseen by the State. Derek had been of the belief that he owned this area of land, which is not the case. Trees were cut and material was left on top of the property. Once the material is moved the stumps will be visible, and it will be understood which trees were on Commission property.

Chairman Tenhave stated his suspicion there are only a handful that were on Commission property. The trouble is when some of them fell they fell onto Commission property and now need to be removed. He encouraged Derek to speak to Meridian about the most expedient and least impactful way to cleanup, and informed him if it turns out the cleanup is worse than the current condition that should be discussed with the Commission. Derek agreed once he has a plan together he will review it with the Ms. Harris, Mr. Price, and Chairman Tenhave before taking any action. He has been very proactive and accommodating. He understands he made a mistake that needs to be corrected. The desire for all involved is simply to get it right.

- PLC and conservation easements, want to get input from the Commission

Commissioner Boisvert stated he has been communicating with Chris Wells, Executive Director, Piscataquog Land Conservancy (Conservancy) regarding the Blood Road property being donated to the Commission. In the past, the Commission has discussed the Conservancy overseeing an easement. He questioned the will of the Commission noting there is a cost involved, restrictions related to an easement, etc. Each time the Commission places a property under the care of the Conservancy there is a cost of approximately \$20,000 involved (regardless of the size of the property).

Chairman Tenhave stated the Commission discussed the idea of having a third party hold a conservation easement over our properties. They would be another legal entity that would have oversight as to what takes place on the property. That is not a service that is provided at no cost as it requires maintenance, annual reports, etc.

Chairman Tenhave remarked he had felt it important to get the opinion of legal counsel. When last discussed the Commission went over the legal opinion provided. The general scope was that it is probably not necessary to take such action. Chairman Tenhave remarked, after that detailed discussion, he did not get the impression from the Commission that it was something it wished to pursue immediately; rather have Commissioner Boisvert explore the idea of if we really wanted to do it what it would look like on one of our properties and the cost involved.

Commissioner Boisvert stated there is a desire on the part of the Conservancy to understand the position of the Commission.

Vice Chairman Caron stated it sounds as if the NHDES is acceptable to the Commission overseeing the properties associated with the Chestnut Hill development. Chairman Tenhave stated that to be the case for those parcels, but the Commission has a number of parcels that don't have the same conservation restrictions on them. The Commission could update the Deeds, but as the holder of the Deed and the grantor of the Deed, legally it could be undone, e.g., those who make up the Commission at a future time could change the Deed. If a third party is introduced there would be another party that would jump in and stop that action.

Commissioner Boisvert remarked the possibility of future legal action over the land is the reasoning for part of the fee involved. Vice Chairman Caron commented it may be that, at some point, the Commission may wish to consider going this route with the entirety of its properties.

Chairman Tenhave remarked to take it to that scale, other entities would have to be involved, e.g., if going down this road the Commission would have to be prepared to defend this action to the Town Council. It would affect some usage of the property. Chairman Tenhave remarked there are residents who would oppose outside strings attached to property owned by the Commission. They are not sure they would want to allow today's generation to

impact the views of tomorrow's generations. Commissioner Rosati asked, and was told such an arrangement would be permanent.

Councilor Vaillancourt reiterated there is a cost involved, and there will be those that the Commission would have to convince that this action would be prudent. She stated she personally is of the opinion the Commission is not yet ready for such a move. Commissioners Caron and Perry stated agreement.

Commissioner Boisvert commented one of the restrictions the Conservancy places on properties is no motor vehicle usage. Chairman Tenhave remarked that is their standard and the Commission would have to make them aware that would not work on certain properties.

***The consensus of the Commission was to express gratitude for the time and effort the Conservancy has put forward to make such a proposal; however, the Commission is not yet in a position to move forward.***

Commissioner Perry stated his opinion the Commission would ultimately be interested in such an arrangement. However, not at this time.

- Update on declassifying a portion South Grater Road

The Commission will be before the Town Council on April 28<sup>th</sup> to address the declassifying of a portion of South Grater Road and the emergency lane.

Chairman Tenhave stated the need to identify the linear feet (for emergency road and section to be declassified). It was noted the beaver pond area is currently under water. Commissioner Perry noted the availability of online tools that can be used to mark boundaries and identify linear feet.

- Target Shooting Signage

Vice Chairman Caron remarked in order for the signs to be posted, there is the need for posts and hardware to affix the signage to. It may be that the cleanup of the area will require the use of magnets. He questioned if the PWD would have those materials. Chairman Tenhave was of the belief the materials would not be available as the department has not planned for this need.

Chairman Tenhave questioned the will of the Commission with regard to allowing for the purchase of the equipment/materials necessary to complete the work, and approving reimbursement of the cost at a future meeting. Commissioner Rosati questioned what the cost might be. Vice Chairman Caron was unsure as the opportunity has not existed to research cost. The Commission has 100 signs. Commissioner Rosati questioned if \$1,000 would be sufficient, and was told it would.

**MOTION BY COMMISSIONER ROSATI TO APPROVE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000) FOR THE PURCHASE OF EQUIPMENT AND MATERIALS NECESSARY TO POST SIGNAGE AND CLEAN THE AREA IMPACTED BY TARGET SHOOTING ACTIVITIES. FUNDS ARE AVAILABLE IN FUND 53  
MOTION SECONDED BY COMMISSIONER BOISVERT  
MOTION CARRIED  
7-0-0**

Commissioner Boisvert questioned the will of the Commission regarding pursuing the possibility of acquisition of a parcel located along the Merrimack River. Chairman Tenhave requested Commissioner Boisvert meet with Tim Thompson, Director, Community Development Division, regarding that area. Director Thompson should be able to provide the history of the parcel, owner information, fair market value, etc. At this time the desire would be simply to explore options.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . March 21, 2016

*The following amendments were offered:*

- Page 2, Line 14; add "take" before "action"
- Page 4, Line 3; add "he" before "would"

Page 5, Line 5; replace "all terrane" with "all-terrain"

**MOTION BY COMMISSIONER ROSATI TO ACCEPT AS AMENDED  
MOTION SECONDED BY COMMISSIONER TENHAVE  
MOTION CARRIED**

**6-0-1**

*Commissioner Boisvert abstained*

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn stated, at the last meeting of the HHNP Sub-committee, she spoke of scheduling a walk, which was requested by Matt Casparius, Director, Parks and Recreation. The Sub-committee has a gentleman that is very interested in doing the walk. He does a lot of Geocaching out there, and can lead hikes, etc. The gentleman is not a member of the Sub-committee as he is a resident of Nashua. Commissioner Glenn will reach out to Director Casparius.

Councilor Vaillancourt remarked the Town had a revolving fund on the ballot for the Parks and Recreation Department, which passed. Most of their programming is self-funded. The revolving fund will eliminate the need for the department to wait until the start of the budget cycle in July in order to begin planning.

Commissioner Glenn stated the proposal to trap, hunt, and hound the Bobcat has been withdrawn by the Fish & Game Department. The Joint Legislative Committee on Administrative Rules had expressed serious concerns about the procedures to get to that point.

Commissioner Glenn noted at 6:30 p.m. on Thursday, April 21<sup>st</sup> a presentation would be given at the Milford Town Hall titled "Becoming Wolf: Coyotes in Eastern New England". Additional information is posted on the Milford Library's website; [www.wadleighlibrary.org](http://www.wadleighlibrary.org). Commissioner Perry suggested items such as that should be posted to the Commission's calendar. The Commission was in agreement.

Commissioner Glenn remarked some have asked how the situation with the tree cutting might have been avoided. Commissioner Perry noted individuals are supposed to file an Intent to Cut. He is unsure of the specific requirements associated with that, and stated his belief it is on a commercial base as opposed to an individual cutting a single tree on their property, etc. Vice Chairman Caron noted a number of cuts have occurred this year alone. A request will be made of the Community Development Department to inform the Commission when an Intent to Cut is received.

A meeting of the Grater Woods Sub-committee is scheduled for Tuesday, April 19<sup>th</sup> at 6:30 p.m. at Town Hall in the Community Development Department meeting room.

Chairman Tenhave stated there has not been any activity with the Wildcat Falls Sub-committee. The expectation is the sub-committee will not meet until May.

Chairman Tenhave informed the Commission he would not be present for the May 2<sup>nd</sup> meeting. As of this time, there is nothing new for the agenda.

***The consensus of the Commission was to consider cancelling that meeting.***

Commissioner Perry commented on costs typically expended on miscellaneous items, e.g., tags, pens, etc. during the Annual Seedling Giveaway (\$20±). The Commission was acceptable to reimbursing for such expenses.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN  
MOTION SECONDED BY COMMISSIONER CARON  
MOTION CARRIED**

**7-0-0**

*The April 18, 2016 meeting of the Merrimack Conservation Commission was adjourned at 9:36 p.m.*

Submitted by Dawn MacMillan