



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

FEBRUARY 22, 2016

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, February 22, 2016 at 6:32 p.m. in the Matthew Thornton Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman  
Michael Boisvert  
Cynthia Glenn  
Gina Rosati, Alternate Member  
Councilor Jody Vaillancourt

Members of the Commission Absent: Gage Perry

Also in Attendance: Matt Casparius, Director, Parks & Recreation Dept.  
Derek Locke, 41 Ingham Road  
Julie Locke, 41 Ingham Road  
Michael Moquin, 56 D.W. Highway  
Christopher Guida, Fieldstone Land Consultants, PLLC

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Commissioner Perry was excused.

Chairman Tenhave informed the viewing audience the filing period for candidates running for Town Offices begins on Wednesday, February 24<sup>th</sup> and ends at 5:00 p.m. on Friday, March 4<sup>th</sup>.

The next meeting of the Commission is scheduled for Monday, March 7, 2016.

PUBLIC COMMENT - None

### APPOINTMENTS

#### **1. Visit with Parks & Recreation Department Director**

Commission to meet with Matt Casparius to go over joint educational opportunities and activities.

Matt Casparius, Director, Parks & Recreation Department spoke of having met with Commissioner Boisvert, and beginning discussions around environmental education program opportunities. The department's proposed FY17 budget includes an allocation that could be used for these types of programs. He commented Wasserman Park is a great resource that a lot can be done with, but there are other great properties in Town, e.g., Grater Woods, the Horse Hill Nature Preserve (HHNP), which come under the jurisdiction of the Commission. The goal is to get people outdoors and exploring some of these areas.

Director Casparius remarked the department has worked with New Hampshire Fish & Wildlife on their Introduction to Fishing program, trapping workshop, etc. To date, all of the programs they have participated in have been well received (15-20 participants), and they are looking to expand upon that. They have considered outdoor life skills such as geocaching, knot, map and compass work, etc. What the Town has for some of its facilities are fairly unique. Some of the other ideas include areas of ecology, wildlife habitats, plant identification, etc. Director Casparius reiterated with parcels under the jurisdiction/ownership of the Commission, he wished to understand if

there is interest in partnering with the Department on these types of programs. It was noted some of the programs might be dependent upon who can be found to teach or lead the activities.

Commissioner Boisvert noted the Commission had briefly discussed the possibility of each sub-committee trying to sponsor an event at the individual properties. Director Casparius was pleased with the suggestion, and commented it could be that programs be conducted monthly on Saturdays or on a random weeknight to try to build a schedule whereby interested parties travel somewhere new each month.

Chairman Tenhave was supportive of the idea. He is uncertain the Wildcat Falls Sub-committee has enough momentum at this time. However commented if a program were to take place at that location it might be what generates some momentum for that sub-committee.

In the past, the Commission has put on different programs at the Middle School, e.g., utilized outdoor education center, vernal pool party, sponsored a Raptor session, etc. Education is one of the Commission's prime goals, and can happen in many different ways. Getting the community involved on the properties the Commission manages or owns is something the Commission should be doing.

Chairman Tenhave questioned if there is a particular program/event Director Casparius would like to accomplish in the near term that could jumpstart these types of programs. Director Casparius stated a desire to make the connections with the three sub-committees and start looking towards the late summer timeframe for putting on an event. When asked about the lead time that would be adequate for promotion, he responded a bare minimum would be a month. He reiterated he does not have program funds until July 1<sup>st</sup>.

When asked if the budget would be sufficient to cover the cost of hiring a Forester, etc., Director Casparius responded it is a limited budget to start, e.g., \$1,000 - \$2,000. If the Parks & Recreation Revolving Fund is passed at the ballot this year, that would open up additional possibilities. Chairman Tenhave stated the Commission also has some available funds.

Councilor Vaillancourt remarked when before the Town Council during budget discussions, Director Casparius discussed some of the new program ideas for the summer camp. One was along the lines of a forest/park ranger type educational program. That is what brought to the forefront for her the possibility that the Department could team up with the Commission. She questioned if that program is intended to go forward. Director Casparius responded he is working on several programs simultaneously. He is still looking to find park ranger type programs, which is where this all started and which led him to the Commission for the next piece. Commissioner Boisvert suggested the Commission could provide some contact information.

When asked if he has done any work with the New Hampshire Cooperative Extension, Director Casparius stated he has not as of yet. Chairman Tenhave commented they have done some programs in Town; joined up with John Lastowka to do something in the early spring on his property, e.g., pruning fruit trees, etc. Commissioner Boisvert suggested a walk on one of the Commission's properties lead by a member of the Commission or Sub-Committee would be enjoyed. Chairman Tenhave commented the Commission has attempted that in the past, but promotional efforts were perhaps not sufficient.

Chairman Tenhave questioned if the Mountain Bike Association might be interested in a community day. Vice Chairman Caron stated his belief there would be interest although it becomes slightly difficult when you have participants with different experience levels. He added Wasserman Park is a great location for something like that.

Chairman Tenhave noted the Commission has access to members of the Audubon Society, Foresters, the Raptor lady, Biologists, Botanists, etc. A host of different things could be done; it is just a matter of trying to pick one and moving forward. Director Casparius suggested they start with the three sub-committees and the three properties to identify what they would like to highlight, e.g., new trail opening, particular feature, etc.

Chairman Tenhave stated he is open to whatever the Director would like to do next; it is just a matter of him making the Commission aware of how it can help and participate. He stated his belief the Commission can bring funds to the table providing sufficient time is provided to discuss that in public.

#### STATUTORY/ADVISORY BUSINESS

- 1. Michael Moquin (applicant/owners)** - Review for recommendation to the Planning Board for project to create a Multi-family dwelling located at 56 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 030.

Mr. Michael Moquin informed the Commission the proposed project would take 20' of an existing 40' x 50' garage, add a 10' kick-out, and make that into living space for him and his Wife.

Snow removal would not differ from current practice. With regard to water runoff, what comes out of the gutters goes into an underground system and leeches out through there. Chairman Tenhave asked for clarification on how runoff is currently collected. Mr. Moquin stated that to have been the case since the existing residence and garage were constructed. The only real change to the structure would be the 10' kick-out and a 7' wrap-around farmer's porch (covered). The increased roof area will also go into the gutter system to the underground system. No runoff is expected. He commented on the area being clay, which is what necessitated the underground system into the storm drains when the existing structures were constructed.

When asked, Mr. Moquin stated the garage is currently utilized primarily for storage of antique cars. There are no drains in the floor of the structure. Councilor Vaillancourt questioned if there is ample space for parking, and if there would be the need to add additional impervious surface. Mr. Moquin stated there to be ample parking, and commented the only thing he may consider is putting a stone base down next to the existing garage to avoid tearing up the ground during times of snow removal. The parcel has water and sewer.

***The consensus of the Commission was to submit a letter to the Planning Board stating the Commission discussed the issue and any concerns, which were adequately addressed.***

- 2. Derek Locke & Julie Jones (applicants/owners)** — Review for recommendation to the Planning Board for a minor subdivision of one lot into two lots. The parcel is located in the R (Residential) and Aquifer Conservation Districts and Wellhead Protection area. Tax Map 3C, Lot 025-01.

Mr. Derek Locke informed the Commission the proposed project is to sub-divide the existing parcel (2.5 acres) to allow for the sale of .92 acres to a neighbor to provide some capital to tear down the current home and construct a new one further back on the property within the setbacks. What make this possible is the zoning change and the Town sewer having been brought up the road. Stormwater catch basins were only brought half the distance, but the cul-de-sac is all pitched towards his current residence, which causes water to run down into and flood the backyard and, in certain conditions, results in the flooding of his basement.

Mr. Locke spoke of having done some grading, which resulted in the pitch going towards the bowl that surrounds the dug well. Most of the runoff now goes in that direction.

Chairman Tenhave noted the parcel is abutted by the Wasserman Conservation Area, which is a parcel the Commission manages for the Town. Behind the parcel is conservation land owned by the Cambridge Society.

When asked if there are wetlands located on the property, Mr. Locke responded the property line that abuts the Wasserman State Park includes a dam that Naticook drains into; Greens Pond. That stream/creek runs parallel to the property line. Chairman Tenhave noted that is up and down hill. Mr. Locke stated to fix grading issues and make better use of the land, at some point, he would like to take 12' off of the hill portion to pull into the large hole in the center to make the area where he would like to locate a new residence usable. Chairman Tenhave asked, and was told, that work would all take place within the property bounds.

Chairman Tenhave stated the conservation portion of the area has very strict Deed restrictions. If there were a desire to move water off his property into that of the Commission's, the Commission would have to take a really good look at that. Mr. Locke stated his assumption that is part of what the stormwater management plan would be; it was one of the restrictions to getting an actual building permit. He stated his assumption he would have to have a surveyor put something together that he could submit.

Chairman Tenhave stated the Town requires a stormwater management plan, which would go through the Planning Department. That might be something he would have to bring to the Planning Board. Typically when the Commission reviews subdivisions they are accompanied by a stormwater management plan, which is a separate document explaining how water would be managed, whether the proposed project would result in additional or less runoff, etc. Chairman Tenhave remarked he would have thought the Applicant would have needed to have created one to go before the Planning Board with the proposed project.

When asked if he has had a Wetland Scientist look for wetlands on the parcel, Mr. Locke stated he has not. He remarked when Meridian Land Services sent the Surveyor out to do his preliminary check for pins, bounds, etc. the individual sent out was one who works with the wetlands department to determine if it is or is not on wetlands. However, he has not received any feedback with regard to that. Chairman Tenhave commented he did not see a Wetland Scientist stamp on the plans to indicate it had been viewed.

The parcel currently has Town water and sewer. Mr. Locke spoke of the desire to retain the well. Chairman Tenhave recommended should the decision be reached not to keep the well, that the New Hampshire Department of Environmental Services Best Management Practices (BMPs) be reviewed/understood. If there are questions on how to locate that information Mr. Locke could address them to the Commission, and assistance would be provided. The idea is to keep the well from becoming contaminated. Depending on how it is covered/capped or if the decision is not to is important particularly given the well's proximity to the aquifer system that feeds the Town water system.

Chairman Tenhave asked for clarification currently the elevations on the property go down into the bowl as has been described. Mr. Locke stated that to be accurate. When asked about the smaller parcel, Mr. Locke stated the elevations there are much higher. When they did the sewer project this past summer Kyle Fox, Deputy Director, Public Works Department, gave the contractor permission to stage equipment in the area. Mr. Locke allowed them to dump a lot of their excess sand, etc. on the ground. The area is mostly river rock and sand. They dumped most of it on that parcel and leveled and compacted it. It is now smooth and much higher than the rest of his property. It is somewhat graded back towards the Wethersfield Association, but there is so much distance there that water is likely all absorbed back into the ground.

Vice Chairman Caron spoke of having visited the property over the weekend. He questioned if the snowmobile tracks enter into Mr. Locke's property. Mr. Locke stated a few of his neighbors have snowmobiles, and they go through his property. Chairman Tenhave remarked if the neighbors are snowmobiling on the Wasserman property, they should be made aware that activity is not allowed per deed restrictions.

Chairman Tenhave stated the desire to see additional information on stormwater management; whether that is at this point or before a building permit is issued. He clarified he was not asking Mr. Locke to re-submit to the Commission. He is of the belief, as part of the normal process, there needs to be something that addresses stormwater. Whatever Mr. Locke is required to do to satisfy the Town's requirement, the Commission would like to look at.

***The consensus of the Commission was to request an opportunity to review the plans for addressing stormwater when available.***

**3. College Bound Movers (applicant) and Sam A. Tamposi, Harold Watson & Benjamin M. & Clegg Bosowski (owners)** – Review for recommendation to the Planning Board for a site plan to construct a 3,000 s.f. office addition and walkway. The parcel is located at 14 Continental Boulevard in the I-1 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 089.

Christopher Guida, Certified Wetland Scientist/Soil Scientist, Fieldstone Land Consultants, displayed an existing conditions plan of the building. The proposed project would include a 3,000 s.f. addition that would be used for office space as well as the relocation of the walkway. He commented it is a relatively small addition for the size of the building and the area. There is a catch basin in the front of the property. Soils are Windsor and Hinckley, which are excessively drained. There should be no issues with regard to infiltration. Currently there is a lawn area and a few trees on the parcel, which is relatively flat.

Chairman Tenhave questioned if the area at the top left of the plan identified as overflow parking or outdoor storage (2,100 s.f.) is currently a parking area. Mr. Guida stated there are no parking lines in the area it is more of a snow storage area. He stated his belief there is pavement as well as gravel around the perimeter. He commented they have mobile storage units, and on occasion they may need to stage something and move it around.

Chairman Tenhave questioned how water runoff from the new addition would be captured. Mr. Guida stated his understanding the area in front of the doorway would be grass and that there would be some type of roof drainage that would go into an infiltration basin. There is the catch basin at the front of the building; there is a slight pitch

for surface runoff if there was any. He reiterated most of the area would be grassed and would go into an infiltration trench along a drip edge or channeled into a mini drywell leeching catch basin.

Chairman Tenhave noted, Page 4, under Erosion Control, the end of the first paragraph under Note #12 states: "Fertilizer shall be low phosphate (less than 2% phosphorous)." The Commission prefers low phosphate, slow release Nitrogen.

Vice Chairman Caron remarked Note #1 references applicable requirements and specifications of the Town of Milford, and should be corrected to identify the Town of Merrimack.

***The Commission will forward a recommendation that the plan depict "low phosphate, slow release Nitrogen".***

## OLD BUSINESS

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

Commission to review inputs from the Police Department and decide on a course of action.

At the Commission's last meeting, Chairman Tenhave took the task of forwarding the draft Ordinance to the Town Council and the School Board requesting the matter be placed on a future agenda for discussion, and that any feedback individual members have regarding the draft be provided. The draft was forwarded to both groups, and to date, no feedback has been received.

Chairman Tenhave stated he had started the process of being placed on a School Board agenda, but put that process on hold last week. He has not yet begun the process of requesting an agenda item at a Town Council meeting primarily because he wished to get a little further along in the process, and have feedback from the Planning Board prior to appearing before the Council.

Feedback has been provided from Police Chief, Mark Doyle. Chief Doyle addressed reservations raised by the Town's Attorney, and also expressed a concern regarding uncertainty with whether or not the language, as written, would be enforceable. Chairman Tenhave noted he responded to Chief Doyle's concerns stating the Commission would seek to have additional questions answered; however, would like to continue to move forward with the process. Since that time Councilor Vaillancourt has addressed it with the Town Manager.

Councilor Vaillancourt stated she and Chairman Tenhave had discussions about moving forward knowing this is something the Commission is aware is an issue that is occurring on some of the property. However, at the same time, it is understood any Ordinance has to be enforceable. She had agreed to reach out to the Town Manager to gain her opinion on the matter. Chairman Tenhave had suggested the Commission reach out to the Town of Londonderry to see if they have had any issues with anyone being cited for target shooting within the 1,000-acre Musquash conservation area. Chief Doyle reached out to the Londonderry Police Chief, and was informed the Londonderry ordinance has not yet been enacted.

Chairman Tenhave noted Chapters 111, 128, and 142; Conservation, HHNP, and Parks Ordinances have language regarding firearms and controlling the use of firearms. What the Commission is asking to do is not new for Merrimack. Legal counsel has stated one RSA may preclude the Town from doing this, but also said on Town property, as property owners, there might be an opportunity to put this in place. The Town Manager has requested legal counsel look into this further.

Councilor Vaillancourt stated she wants to do whatever she can to help facilitate communication between the Commission and the Town Council and Administration. However, not being the subject matter expert she defers to Chairman Tenhave. She is of the belief the Town's counsel will reach out to Chairman Tenhave directly.

Councilor Vaillancourt stated her hope the Commission does not become discouraged by the opinion that was rendered and that efforts continue towards preventing target shooting on the property.

Vice Chairman Caron spoke of having been on a trail over the weekend and bullets flying over his head. He contacted the Police who responded and addressed the situation initially saying they really could not do anything. He questioned the materials that are left behind, and is of the belief the individuals were issued trespass and littering fines. Although there are issues that the Police can assist with even without a target shooting ordinance, he is of the belief the Commission should continue to pursue such an ordinance. He commented he and

Commissioner Boisvert were out on the property the following day, and witnessed target shooting in the area where the activity has been consistent. Those particular individuals were shooting very safely. However, everyone participating in this activity is leaving trash behind.

Vice Chairman Caron stated the property is that of the Commission, and there are trails directly behind where shooting is occurring. An Ordinance must be enforceable. There are RSAs that have language regarding shooting across trails, and that is prohibited. If they are shooting in the pit, they are very likely shooting across trails.

Councilor Vaillancourt commented when talking about our property, it is the collective our, and when this Commission talks about our property it is talking about the townspeople we represent who like to enjoy that property. Someone walking on a trail that has been created and is located on Conservation/Town owned land should not have to be in fear of bullets hitting them. There are laws regarding the safe discharging of firearms and not shooting across trails. If a roundabout has to be done with something like that perhaps that is the way to go. Littering is not something she had thought of, but it is an avenue.

Commissioner Boisvert questioned how restricting someone from target shooting on Commission/Town property infringes on someone's right to carry a firearm. He questioned why that would not be enforceable. Vice Chairman Caron spoke of having witnessed spent casings in numerous locations. In some areas, there was evidence of people deep in the woods shooting at trees in the middle of a trail network. He understands the desire to get the language of the Ordinance exactly right, but the situation is unsafe, and he would not want to see someone become injured before action is taken. Vice Chairman Caron noted it is an area that is being accessed by two-wheel drive vehicles. He stated the desire for signage to be placed regardless of any other efforts, and that it is placed quickly even if simply stating "no littering". He stated the gentleman they encountered over the weekend had stated the only place it is posted "private property" is the one parcel on the left hand side.

When asked, Chairman Tenhave stated the only signs he is aware of that the Commission has on-hand are the carry in/carry out signs. Commissioner Boisvert questioned if the Commission is legally allowed to post "no target shooting". Chairman Tenhave responded, at this point, he cannot say the Commission is allowed to do that.

Commissioner Rosati questioned where it is legal to shoot. Chairman Tenhave responded the Horseshoe Fish & Game Club and the Nashua Fish & Game Club. Commissioner Rosati commented she imagines it is a matter of liability that would keep the Town from wanting to create a target shooting area. Chairman Tenhave stated he would suspect that is true, but is not sure anyone has ever approached the Town to do that.

Vice Chairman Caron stated his belief the Commission should be able to post no target shooting given there are people shooting across trails. There is a trail right behind the area where the trash that is being shot at is located. Chairman Tenhave responded if the State RSA can be identified, a sign could be created that states "No shooting per RSA....." Vice Chairman Caron questioned if the Commission should have the signs produced and posted as soon as possible. Chairman Tenhave responded he hesitates because he has not yet had the conversation with legal counsel. He added he does not fault anyone for the proper use of firearms, but this is not proper use.

Vice Chairman Caron remarked when they approached the individuals target shooting over the weekend they found them shooting at targets they had placed in trees. They informed them if they were to miss the tree they would be hitting the trail, which they had been on prior to approaching them. The individuals had responded they were unaware of the trail. Previously the Commission did not own the property. The Police had urged the property owner to post it, and they posted it with private property signs. If the Commission, as property owners, posts it with educational information, e.g., you are not allowed to do this, here is the RSA, it may carry more weight especially where the Police are now aware of and have been to the location.

Councilor Vaillancourt requested the Commission allow the Chairman the opportunity to speak with legal counsel, and take the matter up again at its next meeting. She reiterated she would ultimately like to see the Ordinance put in place. Chairman Tenhave commented, even in a perfect world, adoption of an Ordinance is two months out. To do something more immediate, the Commission needs to utilize existing laws. He requested Vice Chairman Caron put together a list of signage options for discussion at the next meeting. It was noted the "carry in/carry out" signs could be posted immediately.

## **2. NED Pipeline**

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

- Update on Law firm to represent the Commission.

Commissioner Glenn stated she spoke with Carolyn Elefant, Esq. earlier in the day. Attorney Elefant is available the first two weeks of March. The Commission has a meeting scheduled for March 7<sup>th</sup> and the Town Council for the 10<sup>th</sup>. The attorney could participate in a conference call anytime in the evening of the first week of March or on the 8<sup>th</sup>, 9<sup>th</sup> or 11<sup>th</sup> of March. Chairman Tenhave noted the Deliberative Session for the School District is scheduled for March 8<sup>th</sup>.

Chairman Tenhave stated he spoke with the Town Manager and the Town's legal counsel. Legal counsel has advised the appropriate process would be for the Commission to conduct a public meeting during which potential counsel would be interviewed and a determination made the Commission wishes to hire the attorney. Once that decision has been made and an agreement created, the meeting could be adjourned. From there the Commission could enter into a non-meeting with legal counsel to gain advice as to how to proceed. He stated the desire for the Commission to hold an additional meeting where this matter would be the only item on the agenda.

***The consensus of the Commission was to look to schedule the meeting for Monday, February 29, 2016 at 6:30 p.m.***

Commissioner Glenn will confirm the date and time with Attorney Elefant. Once confirmation is received an agenda will be drafted and the meeting publicly noticed.

#### NEW BUSINESS

##### **1. Update to the [www.merrimackoutdoors.org](http://www.merrimackoutdoors.org) Website**

Commission to discuss making changes to our "outdoors" website. After a recent discussion with the creators of the website, there may be some changes we would want to consider. Discussion is intended to be conceptual at this time.

Chairman Tenhave noted he recently spoke with Wendy Wetherbee regarding the Merrimackoutdoors.org website. Mr. & Mrs. Wetherbee assisted the Commission in the creation of the website. Chairman Tenhave remarked when he and Mrs. Wetherbee worked on the original site, it was always envisioned they would touch base a few years out to see how things were going. In their early discussions, one of the things that had been talked about was creating a mobile friendly version of the website, which is something that was not done, and perhaps should be considered at this time.

He brought to her attention when you look at the website, particularly on a small device, the top of the website doesn't change, and users have to scroll along the screen to get to the part of the front page that does change. He suggested the website be restructured so that when first reaching it, users see the newest information displayed. The Commission expressed agreement. Mrs. Wetherbee had suggested a mobile version of the website could be a very different layout; depending on what device is used to access it, you will either receive the normal or the mobile version. Councilor Vaillancourt suggested having access to the maps is particularly useful on the mobile devices.

Mrs. Wetherbee recommended the following:

- **Site Analytics Overview** - this would be an analytics report that would look at some of the relevant statistics. This way we can see what pages the users are visiting, what they are looking at, and what devices they are using to access the website. A lot can be learned by looking at the stats. If you have the information in front of you on paper (or pdf) it will be easy to see what the most valuable pieces of the website are.
- **Rework/redesign the homepage** to juggle the content around - giving more emphasis towards the top of the page to the content that changes more frequently. This will allow the site to "stay fresh" for visitors who return regularly.
- **Address mobile access** - there are essentially three options here:
  - 1) Rework the site design for responsive code - this is a mobile friendly option - allowing the entire site to adjust layout depending on the device used to access it,
  - 2) Create a mobile only version of the site that would load on mobile devices and service up a limited amount of content to the user (allowing them to access the main site if desired). Limited content could be for instance - trail information, maps, and calendar; and
  - 3) We could do both. Recode for responsive action and create a mobile version for hikers/bikers on the go.

- **Evaluate the site software and upgrade it if needed/appropriate.**
- **Improve focus on Volunteerism** - one idea would be to create a graphic or attractive call to action pulling users into the info about volunteerism a bit more clearly.
- **Tidy up the content areas** of the site where fonts and styles have broken (Local Farms page is an example).
- **Refresh the font styles in general** - to modernize the look and feel and improve hierarchy and legibility (larger headers etc.).

With regard to the option of upgrading the site software, Chairman Tenhave stated he finds the website is fairly responsive. Commissioner Boisvert agreed.

Chairman Tenhave commented they had discussed the desire to encourage more people to not only use the properties, but also to help with the property. It is believed the website is a good avenue for that. They also discussed reaching out to the Millennials. They have different things they want to see. The Commission should consider gearing the website to the different age groups, and encourage volunteerism in those groups so they can grow with the property and a legacy can be left.

Councilor Vaillancourt questioned how that would look. Chairman Tenhave responded he is unsure if the way in which the website is promoted, utilized, etc. is all that attractive to folks that are two generations beyond him. He questioned if the Commission should solicit information on what the different users would like to see in a website.

Vice Chairman Caron spoke of the turnout Director Casparius achieves for the events the Parks & Recreation Department puts on as a result of advertising on Facebook. Twitter would be the Millennial target and Facebook the 30-40 something age group. That is the group he is getting to participate in his events. He puts the effort forward to continually post events well in advance and leading up to the date of the event. Councilor Vaillancourt commented the difficulty there is that someone has to be updating and monitoring the site continually. She agreed that is where people expect to go for important news and information.

Vice Chairman Caron commented Peter Mikolajczuk, member, HHNP Sub-Committee, has stated the HHNP has a Facebook page, which is fairly active. People are posting a lot of questions and receiving a lot of answers, but not from us. Most of the answers given on there are wrong, but there is no means of prohibiting anyone from creating Facebook pages. Monitoring such things is not a job for a volunteer.

Chairman Tenhave questioned if the better avenue is the website. Vice Chairman Caron agreed adding a mobile option would be a nice addition. The Commission was in agreement with posting a link to a survey monkey to solicit feedback. Councilor Vaillancourt suggested it to be a great public relations tool to have a Facebook page, but acknowledged the manpower is not readily available. Commissioner Rosati questioned if the Forum should be utilized, which already has an audience. Monthly posts could be placed there. She offered to assist with monthly or occasional postings on the Forum, Facebook, and Twitter. Chairman Tenhave noted that would also require maintenance; would have to watch for several days following to respond to any questions. Commissioner Rosati was agreeable to that. Commissioner Glenn spoke of meet up groups that information could be funneled through.

Chairman Tenhave spoke of the desire to gain a better understanding of what properties of the site are viewed most often. He will draft a survey that can be linked off the website. Another area that needs to be improved upon is the contact link. It was suggested the appearance could use refreshing. With regard to volunteerism, Chairman Tenhave stated the desire for those opportunities to be presented in the forefront. Commissioner Glenn suggested examples of the types of volunteer efforts be included.

***Chairman Tenhave was asked to request Mrs. Wetherbee provide a proposal outlining costs associated with the various recommendations.***

#### OTHER BUSINESS

- Do we want to take up survey denial letter (again)

Chairman Tenhave questioned the will of the Commission regarding whether this item should be placed on a future agenda.

Commissioner Glenn stated she is supportive of providing such a letter, and suggested it could be written such that it simply states per the Deed restrictions, the Commission cannot allow surveying on this property. Councilor

Vaillancourt commented it is not necessary to say anything other than you are denied access for surveying, and identify the parcel. She stated she and Commissioner Rosati have the addresses where such notification should be sent. She suggested the letter could also state the intent to follow up on the discussion that occurred during the Commission's meeting on December 7, 2015, and make it clear access to survey is denied.

Chairman Tenhave noted Councilor Vaillancourt was not present when the Commission discussed this issue last. He stated if any member of the Commission wished for the matter to be placed on a future agenda for additional discussion that would be done. Commissioners Glenn and Rosati stated a desire for the item to be placed on a future agenda. Commissioner Rosati volunteered to draft language and provide a copy to members in advance of the next meeting.

- Update on Land Donations

Chairman Tenhave stated the Land Donation Agreement for the parcel that encompasses a section of Baboosic Brook, Tax Map 6B-159, has been signed. He has requested the Public Hearing notice be published. The Commission will conduct the Public Hearing on March 7<sup>th</sup>. At the conclusion of the Public Hearing, the Commission will take a formal vote. From there the matter will be before the Town Council for acceptance of the parcel.

Chairman Tenhave spoke of the Chestnut Hill development off of Old Blood Road and the developer's interest in the Commission holding and easement or ownership over a 20-acre parcel that abuts the school property and where the Commission has an Easement (north side), and an 80-acre parcel comprised of half wetlands and half uplands (south side), and abuts property the Commission recently purchased. The next step regarding those parcels is for the NHDES to accept the Commission's proposal to own those parcels in fee/outright, and put a conservation easement on top of them that mimics what was just done with the Conservancy properties; outlining what can and cannot be take place onsite. He believes all of those covenants reflect what NHDES has typically wanted to see.

Chairman Tenhave spoke with the developer's representative over the weekend and asked that they query NHDES to see if any additional information is needed. The developers want to move this project along, which cannot occur without obtaining a wetlands permit. A wetlands permit cannot be provided until this issue is resolved. Chairman Tenhave stated the desire to have this resolved so that future efforts on the parcels can be done in conjunction with the recently purchased property.

The Army Corps of Engineers and the Environmental Protection Agency, who also have to be part of the wetland process, have all signed off on the proposal. It is hoped word will be received from the NHDES in the next week. Chairman Tenhave noted Lori Sommer, Mitigation Coordinator, NHDES Wetlands Bureau, is involved in the process, is very familiar with the Commission, the parcels, and the projects the Commission has done previously. What is being proposed is in unison with what was done with the last two mitigation projects the Commission did with her. The proposal is not for anything different. However, the NHDES wetland rules changed. Their preference is now for ownership and separate easement covering it. He stated his impression it works in the Commission's favor that it is organized, has the necessary funding, this is part of a system already in place, there are active volunteers, etc.

- Update on South Grater Road closure and gates

Chairman Tenhave stated the matter is in the hands of the Town's legal counsel to review and provide advice on the Commission's desire to declassify a section of South Grater Road. If achieved, that portion would no longer be a road. The road is completely bordered by Commission property. By doing this no other property on that road would be blocked from access to their parcels.

Once it is no longer a road the question of gating it is in the hands of the Commission. When a road is declassified the land is divided equally and each portion goes to the property owners on either side. The Commission happens to be the property owner on both sides. The Commission would then be able to gate it anywhere it wishes, create a new trail, and/or reroute it to get it out of the wetlands, which would be one of the mitigation projects that was presented to Kinder Morgan.

- Beaver Policy and Water Control Activities

Chairman Tenhave stated his intent to meet with some of the neighbors of Hansom Drive. For the benefit of the newer members and the viewing audience, Chairman Tenhave stated Hansom Drive is a development off of Seaverns Bridge Road. It is a nice development that has a series of wetlands, one being a large pond in the center of it. The road and homes go all the way around it. The pond/wetland level fluctuates. There is beaver activity there. As the beavers raise the water level they are blocking a culvert the Town maintains, which creates a large body of water next to basically a dam. The road falls off by many feet on both sides. The roadway is a dam with a culvert going through it and a second culvert that is at a higher level so if the first one fails there is a second one. The idea is if you get too much water behind it you could blow out the dam/road. The Commission is trying to control beaver activity to avoid a bad situation. The neighbors enjoy the beavers and the wildlife as well as the pond. What he has learned more recently is that without hydrants in the area, the pond could become an emergency water source. They would like to find a happy medium where they could have the pond and the beaver and the Town could rest assured that its needs are met.

Because they own the pond the question of who would be responsible for paying the cost of the beaver device needs to be addressed. Chairman Tenhave stated he did the research, and discovered there is no easement. The subdivision plan indicates the Town has rights to trespass to control water. There are legal questions as to what that means. The desire is to put a device in place, and to understand who is required to provide permission for that to occur; it could be that 43 landowners will need to give the okay. There is no homeowners' association.

Mike Callahan, Beaver Solutions, provided a memo regarding the work he did in 2015 and an invoice for 2016 (maintenance). The information will be placed on the March 7<sup>th</sup> meeting agenda

- Tree Cutting

Peter Mikolajczuk, HHNP Sub-Committee, alerted the Commission to tree cutting that was occurring near the Quarry Trail. Along the border where the Quarry Trail is there are two separate parcels. The Town created a 100' no-cut buffer along that common border, which on the first parcel is just one side of the property. The back parcel involves two sides of the property. The part on the east side is where the trail is located (goes in a few hundred feet onto their property). On the other side the no-cut buffer was put in because the abutters in the neighborhood on the other side wanted to have some separation, and were concerned if all of the trees went down there would be two backyards that ran together.

Chairman Tenhave stated he has heard third-hand that the newest landowner who purchased that parcel in October of last year decided to construct a fence going around the perimeter of her property, and hired a contractor to do all of the right things, and put it in place. The contractor started cutting an 8-12' wide path all the way around the perimeter of the property right through the no-cut zones. Most of the path has been cut. Chairman Tenhave stated he approached the homeowner on Saturday. She spoke to him very briefly before closing the door. She told him she paid a contractor to do this work, and was concerned with how the Town could tell her what she could do on her land.

Since that time the Town has been alerted. The Town needs to act on it because the Town holds the easement and the no-cut buffer. He stated his belief earlier in the day a Police Officer delivered a note to the homeowner to instructing her to cease and desist. The Town's attorney is involved. There is the need to determine how to remedy the situation. Chairman Tenhave commented he does not believe the Town wishes to be bad neighbors, but trees are gone. Part of Quarry Trail was damaged. Chairman Tenhave stated his concern with the way the area was routed and the steep slopes involved that there will be issues with erosion and drainage, which would not have happened if the path hadn't been cut.

When you follow the deeds it is understandable how she got to where she is with this, but the property lines were all marked. It appears to have been surveyed. Someone put some energy into figuring out where to put the fence, and should have done enough research to know they were in a no-cut buffer. The original deed isn't blatant; says refer to sub-division plan. The original deed said there is a no-cut buffer. Somewhere along the change of ownership, after 4 or 5 owners, that language got dropped.

Councilor Vaillancourt commented it was nice to have received a response from Town employees over the weekend. They were very responsive, and did a great job once alerted. Chairman Tenhave commented on members of the sub-committee being involved and keeping an eye on things.

- ATV Use on the HHNP

Vice Chairman Caron stated a report was received of ATVs on the HHNP. He, Peter Mikolajczuk, other members of the sub-committee, and users of the property visited the site and followed the tracks of a rather large two-seat ATV, which clearly went to the backyard of a residence. The Police were able to visit the residence and speak with the property owner. Apparently it was not the property owner.

Councilor Vaillancourt informed the viewing audience ATV use is not permitted on the HHNP. Chairman Tenhave noted there is in the plan an avenue that can be taken to have that as a permitted use, but no one has followed those steps. Until that happens, there is no motorized use.

Vice Chairman Caron commented the tracks go directly past several of the signs stating no motorized use.

- Grater Woods

Vice Chairman Caron stated the sub-committee met on February 16<sup>th</sup> and discussed managing the trails we have inherited on the new parcels. The sub-committee would like to manage them consistently with how trails are managed on parcels that have been owned for a number of years. However, it will take time to edit the documents and restructure the Stewardship Plan to include those parcels. He questioned if the sub-committee could go about signing and managing the new properties similar to other parcels and trails without having to first update the Stewardship Plan and re-submitting it to the Commission and the Town Council for approval.

Councilor Vaillancourt stated her belief managing the trails should not present a problem, but that classification of the trails would have to be more of a formal process. With regard to signage, if there is prohibited use because of a trail classification, she does not believe we are there yet. She questioned what was meant by manage. Vice Chairman Caron stated the desire to discourage the use of bad trails or trails that most people would call wetlands. Councilor Vaillancourt stated her belief that could be done without formal action through a Stewardship Plan. Chairman Tenhave stated agreement.

The parcels are completely under the ownership of the Commission, whereas Grater Woods was a mix of easements, Town ownership, and Commission ownership. He suggested the new properties be mapped in some form, and that a proposal be brought before the Commission identifying the existing system, those which the sub-committee believes should be continued and why, and those that should be discontinued and why. He added, if the sub-committee wished to go as far as classifying the ones they wish to continue that too could be brought before the Commission. It may be that the Commission wishes to participate in a Field Day, etc. He suggested it could be that in the May timeframe there could be a new system that could be readily marked.

Councilor Vaillancourt remarked as an addendum to the Stewardship Plan, this would not be required to go before the Town Council for approval.

Vice Chairman Caron noted there is a member of the Right Riders on the sub-committee. He was made aware of the activity, and stated that is not something they would be interested in seeing continue; those aren't and shouldn't be trails.

Chairman Tenhave stated his opinion it is pretty straightforward. The reason he has stated it should come back before the Commission is to ensure the public is made aware. Vice Chairman Caron noted the agenda of the sub-committee addressed it as well.

*The consensus stated by the Commission was that if there is evidence of people going into wetlands the area should be closed off.*

Vice Chairman Caron stated a desire for the area to be signed until the Commission has a handle on what is occurring.

- HHNP Sub-Committee

Commissioner Glenn informed the Commission of the resignation of Angela Martin, Alternate member, HHNP. Chairman Tenhave will place an item on the Commission's next agenda to discuss a more formal means of expressing gratitude to citizens who volunteer to serve the community in this fashion.

## PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . February 1, 2016

*The following amendments were offered:*

- Identify Commissioner Glenn as having been excused.
- Page 2, Line 37; sentence should begin "The area"
- Page 6, Line 46; replace "complains" with "complaints"
- Page 8, Line 39; insert "a" before "very"
- Page 8, Line 50; insert "was" before "reading"
- Page 12, Line 44; replace "kick" with "kicked"

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

**4-0-2**

*Commissioners Glenn and Tenhave Abstained*

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn spoke of having attended the New Hampshire Fish & Game Commission meeting during which they voted to move forward with a Bobcat hunting, hounding, baiting season. The next step in the process is for a Public Hearing to be conducted by the Joint Legislative Committee on Administrative Rules. Commissioner Glenn stated she has heard a lot of landowners state they will post their land against all hunting because they are unhappy with this decision. One of the Commissioners changed his vote to oppose the establishment of the season because of public opinion. Commissioner Glenn spoke of the large attendance by those wishing to testify in person and the 5,000 written testimonies, the majority of which were in opposition to the season.

Commissioner Rosati questioned if trapping is allowed in areas where hunting is allowed. Chairman Tenhave stated trapping anywhere is done by landowner permission. He added no one has approached the Commission seeking permission to trap on Commission property.

ADJOURNMENT

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

**6-0-0**

*The February 22, 2016 meeting of the Merrimack Conservation Commission was adjourned at 9:01 p.m.*

Submitted by Dawn MacMillan