



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

MARCH 21, 2016

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, March 21, 2016 at 6:36 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

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

Members of the Commission Absent: Michael Boisvert

Also in Attendance: Christopher Guida, Principal, Fieldstone Land Consultants, PLLC

Commissioner Boisvert was excused. Chairman Tenhave informed the viewing audience of open positions on the Commission; 1 full-time and 1 alternate. Individuals interested in serving on the Commission should contact Becky Thompson in the Town Manager's Office.

Chairman Tenhave noted the Commission would be before the Town Council on Thursday, March 24th to go over the land donation (Tax Map 6B/159) and to discuss closure of South Grater Road.

Chairman Tenhave spoke of the informational meeting with the NHDES (New Hampshire Department of Environmental Services) scheduled for 7:00 p.m. on Wednesday, March 23, 2016 at the James Masticola Upper Elementary School All Purpose Room with regard to Perfluorooctanoic Acid (PFOA) found in the water.

The Amherst Conservation Commission is conducting a workshop on Hemlock invasives. The workshop will be held at the Peabody Mill Environmental Center on Saturday, April 9th from 10:00 a.m. - 2:00 p.m.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. 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 4,800 s.f. 2-story office and warehouse addition. 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, Principal, Fieldstone Land Consultants, PLLC, remarked since last before the Commission the perspective owners of the property decided to alter their plans whereby the addition would be somewhat larger. Previously the discussion was around the proposed addition matching the existing structure. Some of the long-term plans for the building were revised, and the decision reached that the addition needs to span the full length of the building.

The previous discussion raised concerns around infiltration, e.g., impervious areas within the zone. With some advisory comments from the Planning Board, being proposed is a basin with a leeching catch basin to capture runoff from the new addition. The existing structure has roof drains that go down through the center of the roof (flat roof system) and head out to the back to a drainage system. The Planning Board requested an additional walkway out to Continental Boulevard, which is now being proposed. In addition, the Applicant proposes a pedestrian walkway along the front.

Chairman Tenhave noted the Commission received the stormwater report, which shows the levels have gone down slightly. When asked, Mr. Guida stated the building itself is essentially two stories. The long-term plan is to add an interior second story, but not increase the height of the building. Mr. Guida commented in the long-term the intent is to have a climate controlled self-storage unit in the building. In the interim there will be several businesses running out of there, e.g., truck rental, College Bound Movers and Mi-Box. As that progresses it will transition into a full climate controlled self-storage unit.

Chairman Tenhave noted the previous comments provided by the Commission have been rolled into the plan. Commissioner Perry questioned the reasoning for the walkway out to Continental Boulevard. Mr. Guida responded it is strategic, e.g., at some point there may be a path/sidewalk, etc.

Chairman Tenhave stated he would inform the Planning Board all of the concerns expressed by the Commission have been addressed.

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.

Chairman Tenhave stated a meeting has been scheduled for Friday, March 25th between him, Councilor Vaillancourt, the Town Manager, the Town's legal counsel, and the Police Chief. The intent is to obtain input from all parties to allow the Commission to move forward in confidence to the Town Council.

Vice Chairman Caron stated the contractor is adjusting the language for the signage based on the feedback received from members of the Commission. Another proof will be provided, and will be distributed to the Commission when received to ensure it addresses all of the feedback provided.

Chairman Tenhave spoke with Police Chief Doyle regarding the Commission's intent to purchase and post signage. The Chief stated he and the department should be made aware immediately after the signs have been installed. The department will enforce the signs. The Chief was informed the Commission was not putting the signs up having ordinance language in place, but instead was installing them as property owners. Chief Doyle stated as long as there is signage there it is something he can work with.

Chairman Tenhave questioned the will of the Commission with regard to the installation of cameras. At its last meeting, the Commission approved the cost of purchasing cameras. There is the need to obtain them and determine how they would be used.

Vice Chairman Caron volunteered to make the purchase. Councilor Vaillancourt noted the meeting minutes indicate the desire for the cameras to be installed at the same time that the signs are posted.

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:

- Items sent to our Attorney

Chairman Tenhave stated he provided Attorney Elefant with copies of all information submitted to the Federal Energy Regulatory Commission (FERC). Commissioner Glenn has been copied on all communications.

The survey denial letter to Kinder Morgan was sent and received. The FERC received the electronic posting.

At its last meeting, the Commission discussed composing a letter with regard to need for the proposed NED Pipeline. Commissioner Rosati stated she has been gathering information, but has not yet drafted the letter. A draft will be available for the next meeting.

- Moosewood Ecological environmental impact study for our Continental Blvd property.

Commissioner Tenhave informed the Commission he has communicated with Jeff Littleton in regard to the Commission's property on Continental Boulevard. Mr. Littleton had planned; weather permitting, to visit the area on Thursday, March 24th. Mr. Littleton is familiar with the property, and was informed the parcels abutting the property are owned by the New Hampshire Department of Transportation (NH DOT). If permission is needed to access those parcels, NH DOT will have to be contacted. It was noted the NH DOT has not posted its properties. The Police and Fire Departments have been made aware Mr. Littleton will be on the Commission's property.

Commissioner Rosati asked for clarification on how the Commission wished for her to track the Site Evaluation Committee (SEC) information. Chairman Tenhave remarked items believed to be of interest should be forwarded to the members of the Commission (a link to documents is sufficient).

3. Beaver and water control activities for 2016

Commission to discuss what actions it should take on its own and with the Town in 2016 as related to beaver activities and any water control work we may wish to do. A review of our previous study from GZA will be included.

Commissioner Perry stated he and Vice Chairman Caron visited the Horse Hill Nature Preserve (HHNP) and took photos of the area where issues have been noted. They also visited and photographed areas that have historically caused difficulties. The information was put into an email to the consultant, Mike Callahan, Beaver Solutions. When he is next in the area, Mr. Callahan will visit the areas to determine the proper course of action.

At this time, the water has warmed up enough that the animals are out, and signs of activity are starting to be seen. No reports of problem, beyond those which the Commission is already aware, have been received.

Chairman Tenhave spoke of having forwarded information to the Commission, which included a breakdown of costs associated with beaver management and identification of who the responsible parties are. He questioned if any of the projects should be done at this time. Commissioner Perry stated the desire to review the list along with the few sites that have been added, to determine which are of the highest priority for the coming season.

Commissioner Perry stated the existing devices were checked by Mr. Callahan and him, and have all survived the winter months without issue. The area in Mitchell Woods is flowing very well. In the Madison Drive/Mitchell Woods area, the beaver are finding other places to dam up. That is a very wide area, e.g., no one place to locate a dam.

For the benefit of Commissioner Rosati and the viewing audience, Commissioner Perry explained the Commission reached the decision that rather than trying to control beaver activity, it would look to control water level. To that end, four devices (beaver deceivers) were installed in Town. The devices actually pipe through the dam and allow water to transfer through the dam without making the water sound that triggers the beaver to build. The Greens Pond is the one easiest to view as most of it can be seen from the road. He spoke of the effectiveness of the devices.

Commissioner Perry spoke of the data that has been collected to date, and the desire to obtain pricing from GZA GeoEnvironmental, Inc. (GZA) to continue recording data into the mapping/model to ensure the information is retained. Vice Chairman Caron questioned if tracking the additional devices, is there a means of separating the information to identify devices belonging to the Commission versus those

belonging to the Public Works Department (PWD). The consensus was for that attribute to be added to the data being maintained.

Commissioner Perry stated GZA took a map of the Town and modeled the habitat that would support beaver. Using habitat criteria, the map was highlighted to identify the level of priority. After the model was completed, GZA compared it with the known problem areas. The list matched up on every area. The Commission now has a document that can be shared with the other departments in Town to identify areas where issues would arise as a result of development, etc.

Chairman Tenhave stated his impression, beginning in FY17 the Town would begin expending funds that have been allocated towards improvements to the GIS system. He questioned if Councilor Vaillancourt was familiar with the amount of funding currently available, and what work would be completed. Councilor Vaillancourt responded she is not aware of the specifics, but could inquire.

Chairman Tenhave stated he would ask Commissioner Boisvert, who was the Commission's Liaison to the GIS Committee, to report out to the Commission at its next meeting.

4. Maps for our Properties

Chair to ask Commission for continuous approval for printing of maps to occur when needed from Commission funds.

Chairman Tenhave remarked a year or so ago the Commission approved utilizing an outside vendor for printing of maps for Commission properties. The HHNP has gone through their 3,000 or so maps. Wildcat Falls will need some maps printed as well. Commissioner Perry stated he recently placed the last 50± maps in the kiosk at Grater Woods. Chairman Tenhave questioned the will of the Commission with regard to authorizing him to purchase additional maps whenever the supply is reaching depletion. If the Commission were agreeable, he would inform the Commission whenever an order is placed. The costs would be covered through Fund 53.

Commissioner Perry questioned if the Commission wished to conduct a trial whereby 25-30 maps at a few of the properties could be laminated. It would be made clear to users of the properties that the laminated maps are intended to be returned to the kiosk after use. A temporary fixture could be put in place to hold the laminated maps. If the trial is successful, a more permanent fixture could be added to the kiosks.

The Commission was in agreement with a trial period to see if laminated maps would result in a reduction in paper waste.

When asked about the need to update maps and how a request for additional maps should be relayed, Chairman Tenhave stated his belief the HHNP and Wildcat Falls properties are pretty stable, and the maps current. For the remaining properties, the sub-committee Chairs or designees should inform him of the need for updating and/or additional maps. Vice Chairman Caron commented the Wasserman property is in need of a kiosk and map. Commissioner Perry stated a willingness to work on a map for the Wasserman property; however, noted it would be well into late summer before he could dedicate much time to that.

MOTION BY COMMISSIONER CARON TO AUTHORIZE THE CHAIRMAN TO REPURCHASE MAPS WHEN NEEDED, AND TO ALERT THE COMMISSION AFTER SO DOING. FUNDS ARE AVAILABLE IN FUND 53.

MOTION SECONDED BY COMMISSIONER GLENN

ON THE QUESTION

The Commission engaged in discussion of the possibility of a scout creating and/or updating maps as an Eagle Scout project. Chairman Tenhave noted he recently queried a troop, and was informed they would not have any perspective Eagle Scouts for another year. Chairman Tenhave suggested the Commission contact the Nashua Regional Planning Commission (NRPC). The NRPC has stated the desire for trail maps and have collected some data. Perhaps they could be looked at to create a map that is consistent for all of the Commission properties. The maps would then be in the possession of the NRPC, the Commission, and could be placed into the Town's Geographical Information System (GIS).

Chairman Tenhave was tasked with requesting a quote from the NRPC to produce maps.

Vice Chairman Caron noted it would take the sub-committees working with the NRPC to turn off some of the trails that have been used, but don't really exist and add newer ones that might not be as defined.

MOTION CARRIED

6-0-0

NEW BUSINESS

1. Fields Farm Parcel

Commission to discuss future plans for the Fields Farm parcel. This is for discussion only and intended to understand what the Commission may be thinking for this parcel as well as introduce the idea of a canoe/kayak port.

Chairman Tenhave noted if traveling west on Amherst Road past the HHNP parking lot, Fields Farm is just before Peaslee Road. It is roughly 300 acres, and is fairly undeveloped. There used to be a barn across from the Spaulding Home. The barn foundation remains as well as other foundational pieces. There is a large problem with invasives around the barn foundation, e.g., Poison Ivy. There are some informal trails on the property. The Commission has been holding off on the parcel because the development around the Tomasian property is going in, and the Commission will gain acreage or an easement to acreage as a result.

Chairman Tenhave spoke of language within the Deed, which includes a paragraph that states: "This property conveyed herein is to be used, managed, controlled by the Town of Merrimack for conservation and public park purposes." Chairman Tenhave noted Matt Casparius, Director, Parks & Recreation Department, was provided a copy of the Deed. The Deed also includes language relative to maintaining the property in its natural state as much as possible, subject to appropriate forestry and land use management practices as well as language regarding un-motorized outdoor recreation by the general public and restrictions on ATVs, snowmobiles, etc. It is for the protection of unique and fragile natural areas, unique historical and cultural references. Fields Farm is a historical name. Towards the end of the Deed it speaks to low-impact recreational educational uses; hiking, wildlife observation, jogging trails, cross-country skiing, and similar recreational activities but not athletic fields, and prohibits the use of motorized vehicles, all-terrain vehicles, snowmobiles, motorcycles or the like unless needed for maintenance. In the last paragraph it states: "Including parking areas as far as reasonably possible away from abutters." Chairman Tenhave stated his belief the intent by Mr. Ireland was to not have the parking lot be across the street from the Spaulding property.

Chairman Tenhave spoke of the canoe/kayak portage point at the Seaverns Bridge. There is a great deal of drainage and erosion problems in the area. Chairman Tenhave stated he has met twice with Kyle Fox, Deputy Director, Public Works Department (PWD), George May, Chairman, Souhegan River Local Advisory Committee (SoRLAC), and another member of the SoRLAC. During the last meeting Director Casparius was invited to attend to talk about the issues. The Town has put a good deal of effort into addressing drainage issues. There was a culvert that went under Seaverns Bridge Road, which failed and began collapsing. The inlet and outlet have been redone. Chairman Tenhave suggested it is probably a poor location for a portage point. Although he believes Mr. May would desire maintaining that portage point, it is his opinion, given the Deed and the fact the Commission has a parcel of land that is 300 yards downstream, it may make sense to move the portage point to the Commission property. It would constitute a recreational use, would provide access to the river, etc.

Chairman Tenhave suggested the Commission start putting together plans for the property and including others in the discussions. He commented it may be appropriate to put in a parking area; instead of up by Amherst Road perhaps down inside like those in a few other areas in Amherst along the Souhegan River. Chairman Tenhave also suggested the Commission may want to consider doing some forestry/cleanup work in the area before opening it up, and then perhaps utilize forestry operation stuff, e.g., Woods Road, for a parking area. The landing could be used as the place for the parking area; perhaps put in picnic tables, etc. From there the Commission could slowly move east towards the Tomasian property, and put in a trail system at some point.

Commissioner Perry remarked if not familiar with the inlet by Seaverns Bridge Road and the bridge, if you go on the other side of the bridge and look back at it you can see it is pretty well undercut. He

commented he is amazed people continue to be allowed to drive in there. He stated his support for closing that area and locating the portage point elsewhere.

Chairman Tenhave stated Deputy Director Fox has indicated there is money within the Capital Improvements Plan (CIP) to repair or do something with that area in FY18. There is the opportunity to utilize Commission funds as well as CIP funds, and perhaps pursue Aquatic Resource Management (ARM) funds. Information has to be put together by April 29th and all plans by the fall in order to submit for ARM funding. He suggested if the Commission were to begin this year, going into next year it could be ready to do a project to coincide with the timing of monies being available. There may be the desire to get a Forester into the area to identify any unique trees, habitats, etc. Commissioner Perry suggested the Forester also identify locations of invasives.

Chairman Tenhave stated he would place the item on the next agenda for action by the Commission.

Councilor Vaillancourt stated a desire to reach out to individuals who utilize the portage point/river to solicit input. Commissioner Rosati volunteered to post information onto the Merrimack forums. Vice Chairman Caron stated the President of the Merrimack Valley Paddlers resides in Merrimack. He volunteered to reach out to her. Chairman Tenhave stated his preference for the Commission to be further along in the process before reaching out to groups, etc. Before soliciting feedback, the Commission should understand the direction it would like to take.

Vice Chairman Caron noted REI is coming to Bedford, and they are very proactive with grass roots efforts. They have already reached out.

OTHER BUSINESS

- Update on Land Donations

Chairman Tenhave spoke of meeting with the Town Council on March 24th regarding the land donation for the parcel known as Tax Map 6B/159. The Chestnut Hill development property is still being worked with the NHDES. The Attorney for the Chestnut Hill development took all of the language used in the Commission's last purchase and rolled it all into the Deed. It looks seamless, and will result in these parcels having all of the same rules as the ones right next to it. When asked, he stated the Applicant has heard from NHDES. A request was made for updated information. Chairman Tenhave stated he reached out to Lori Sommer, Mitigation Coordinator, NHDES Wetlands Bureau, via email at the end of the prior week indicating a desire to sit down and discuss the big picture noting there are other things the Commission would like to do in the area that will involve NHDES at some point. He provided some information on the vision for the area. Mr. Clinton, Meridian Land Services, provided NHDES a map depicting the original Grater Woods, the school easement, the parcels recently acquired, and what the latest donations would look like.

Chairman Tenhave agreed to forward a copy of the map to the other members of the Commission. He noted the map is missing a few of the Town owned parcels that are in the vicinity. The Amherst Land Trusts also has land in Merrimack that is in that area. It was noted Commissioner Boisvert is copied on all communications regarding land donations.

- Update on HHNP Parking Lot RFP

Chairman Tenhave stated he received a draft of the RFP from Deputy Director Fox. He reviewed it, and provided comments. The HHNP is owned by the Town and managed by the Commission. However, the Commission never actually sought permission from the Council for the parking lot to be increased in size. The intent was noted during the Commission's annual review with the Town Council in January. When he questioned if the Commission needs to seek the permission of the Council, the response was that the Council is aware. It will likely be part of the Town Manager's Report at the upcoming meeting. Chairman Tenhave will also bring the topic up.

Chairman Tenhave has requested the bids be back by the end of April with the hope of having the work completed by the end of June.

Vice Chairman Caron suggested signage be posted at Wasserman, etc. informing the public of the anticipated work and timeframe.

- Tree Pruning Demonstration:
http://extension.unh.edu/events/index.cfm?e=app.event&event_id=40396

A tree pruning demonstration will be conducted at the John Lastowka Farm, 183 Amherst Road on Saturday, March 26, 2016 between the hours of 9:00 a.m. to Noon.

- Website update if any

Chairman Tenhave stated the information requested of Mrs. Wetherbee should be received in time for the next meeting.

- Tree Cutting; Wasserman Park

Councilor Vaillancourt stated the tree cutting situation at Wasserman Park continues to be followed up on. She and Chairman Tenhave continue to be involved in the communications, and there is action being taken. The expectation was that the paperwork that was being drawn up would be provided to the Town Manager on this date. Chairman Tenhave stated his belief the paperwork, which is basically a Cease and Desist letter, would be delivered by the Sheriff's Department. It then comes down to a matter of determining how to remedy the situation long-term.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. February 29, 2016

The following amendments were offered:

Page 3, Lines 12 and 13; replace "issues" with "is issued"

Page 3, Line 37; add a "," after "remediation" and the word "that" before the word "many"

**MOTION BY COMMISSIONER GLENN TO ACCEPT AS AMENDED
MOTION SECONDED BY COUNCILOR VAILLANCOURT
MOTION CARRIED
6-0-0**

Merrimack Conservation Commission. March 7, 2016

The following amendments were offered:

Page 1, Line 57; replace "determine" with "determined"

Page 2, Lines 15 and 16; delete "Conservancy" and add "Fund" after "Trust"

Page 3, 3rd Paragraph; amend the last two sentences to read: "When asked, Deputy Director Fox stated the only material that would be removed from the lake is that which will be replaced with new material. They are not overly dredging the lake in an effort to remove materials that have entered previously. The intent is to replicate what is there with as minimum an impact as possible."

Page 3, Line 56; add "to" after "Town"

**MOTION BY COUNCILOR VAILLANCOURT TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0**

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Vice Chairman Caron thanked the Grater Woods Sub-Committee and the additional volunteers that participated in the construction of a bridge the prior day. Historically, children have walked to and from school on the trail that comes off of the School Loop Trail and goes towards a few neighborhoods. In the center of the trail is a stream, which is approximately 12' across. Past the stream the trail is very wet for 20 yards or so. The wet trail was replaced with a new trail and the stream was crossed with two bridges. The school purchased the bridge to be put in.

ADJOURNMENT

**MOTION BY COMMISSIONER CARON TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0**

The March 21, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 8:05 p.m.

Submitted by Dawn MacMillan