



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## MERRIMACK CONSERVATION COMMISSION

MAY 2, 2016

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, May 2, 2016 at 6:31 p.m. in the Merrimack Memorial Conference Room.

Vice Chairman Matt Caron presided:

Members of the Commission Present: Michael Boisvert  
Cynthia Glenn  
Gage Perry  
Gina Rosati, Alternate Member  
Councilor Jody Vaillancourt

Members of the Commission Absent: Tim Tenhave, Chairman

Also in Attendance: Brian Jones, P.E., Project Manager, Allen & Major Associates, Inc.  
Dennis Regan, BAE Systems  
Kenneth Clinton, LLS/PLS, President, Meridian Land Services, Inc.

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Chairman Tenhave was excused.

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 - None

### STATUTORY/ADVISORY BUSINESS

- 1. 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.

Brian D. Jones, P.E., Project Manager, Allen & Major Associates, Inc., stated the project to be a building addition to what is referred to as the MER23 building. He displayed a depiction of the BAE Systems campus. Two additions are being proposed for Building #23; 2,000 sf. addition in the front and a 10,500 sf. addition in the rear. The additions would be in areas that are currently paved. As a result, there will be a reduction in the number of parking spaces (10 space reduction). The project results in a net increase in impervious area of 2,800 sf.

The Applicant filed for Site Plan Review with the Planning Board. At the April 19<sup>th</sup> meeting, the Planning Board granted conditional approval. One of the conditions is input from the Commission.

Mr. Jones highlighted the location where a parking area would be added connecting out to Perimeter Road. It is that parking area that has resulted in the increase to impervious area. As mitigation for that, a small retention basin would be put in that would infiltrate and have an overflow that connects to existing drainage. The maps

provided identified the project construction to be approximately 200' from the wet area at the bottom of the Robert Milligan Parkway, and approx. 200' away from the pocket wetland in the back of the property. It was noted there is an elevation difference as well (40' between the site and the two pockets of wet).

Mr. Jones noted a Stormwater Management Plan was submitted in accordance with Merrimack's requirements for disturbances over 10,000 sf. That plan identifies the intended mitigation as well as operation and maintenance of the site.

Councilor Vaillancourt requested a more detailed explanation of how the existing drain line would be relocated. Mr. Jones stated there to be an existing 18" concrete pipe that falls within the footprint of the building addition. That would be shifted to the south about 15'. The connection point would remain the same as would the area going to it. There is really no change; it is a parking lot today and will be a building rooftop at project completion. There is a little bit of stone area, which results in slightly less impervious area going to the drain manhole. The flat roof will have internal roof leaders and a roof drain, which ties into a manhole and connects to the drain line.

Vice Chairman Caron noted the plan language indicates an overall decrease in rate and volume of runoff. The additional small retention basin will capture runoff and infiltrate it. When asked where that would eventually end up, Mr. Jones replied if it were to fill up, there is an existing catch basin that flows off to the larger off-site wetland area.

When asked, Mr. Jones stated a landscape plan was submitted. Being proposed around the basin is New England wildflower seed mix. It is primarily a loam and seed plan. There will be pavement removed along the front of the building. The added green scape will be lawn for ease of maintenance. When asked about fertilizer, Mr. Jones stated the intent to utilize slow-release organic fertilizers.

Commissioner Perry noted the Commission's preference for use of low-phosphate, slow release nitrogen fertilizer. He also noted the Commission's recommendation that soil be tested to determine if fertilizer is necessary. Mr. Jones pointed out a note that indicates fertilizer "shall not exceed a nitrogen phosphate/potassium ratio of 1/1/1"

***The Commission will forward a letter indicating the plan has been reviewed, and the Commission has no additional comment.***

- 2. Meridian Land Services, Inc., North View Homes & Development, Inc., & Bernstein, Shur, Sawyer & Nelson, P.A. (applicants) and The Allen Swenson Real Estate Trust of 1999, The Barbara Swenson Real Estate Trust of 1999, Hampshire Ventures, Inc. & GFM Development, LLC (owners) – Preliminary layout discussion of a 66-lot subdivision on four lots (originally part of the Greenfield Farms subdivision) located on Wire Road and Whispering Pines Lane in the R-1 (Residential) and Aquifer Conservation Districts and the 100-year Flood Hazard Area. Tax Map 7C, Lots 28, 30, 40 & 40-1.**

Kenneth C. Clinton, LLS/PLS, President, Meridian Land Services, Inc., stated the proposed project to be a 66-lot planned residential development. The project is between the preliminary and final stages with the Planning Board. The project has been before the Planning Board twice; once with the concept seeking feedback and recently for a more formal discussion where some possible waiver requests were laid out, and additional feedback requested with regard to the approach. Mr. Clinton remarked he felt it worthwhile, given the size, scope, and nature of the project, to bring it before the Commission prior to starting the final design.

Mr. Clinton noted the properties had come close to Planning Board approval for two concurrent sub-divisions in the 2009 timeframe. The process was nearing completion with the exception of the issue of sewer. At that time, the applicant was seeking a cross-country sewer, which would cross Baboosic Brook and Riddle Brook and get out to Pearson Road. That was not supported, in any way, by the Town. The project, at that time, was withdrawn.

At this point, there is a feasible and approved sewer extension right to the doorstep of this property on Whispering Pines. That makes the rest of the project feasible. The exhibit provided identified four separate tax map parcels. Three separate owners are in agreement to pursue this project. Combined total is 130 acres. There is a 7-acre tract in the northwest corner (Parcel A), which would be retained by the Swenson family. They have most of their farm buildings, etc. just over the Town line in Bedford; however, some of their infrastructure is on the Merrimack parcel. It is a standalone residential.

Exclusive of Parcel A, the gross is 123 acres. Of that, usable acreage is just shy of 61 acres. That usable area with sewer and water under this project creates a yield of 66 lots. Open space required is 61.6 acres. At this point, 85 acres is anticipated.

Mr. Clinton stated the area of development will be as southerly as it can be made. The previous concept (2009) somewhat pushed up towards Baboosic Brook. That has been pulled back and condensed as much as possible. It is anticipated the top of slope will not be breached (8-12' to 15-20' elevation difference). The approach has been to minimize any impacts on the development area. There is no wetland impact. The property was reviewed in the 2007-2008 timeframe and again more recently (2 different firms); neither review identified any wetlands.

There is some good habitat along Baboosic and Riddle Brook. The open space, per the Ordinance, allows for passive natural as it is today, the introduction of limited recreation private to the landowners, and/or access for the public. In this case, there will be a mix. Along Pearson Road there is a field area where the plan shows two potential playing fields. At this time, it is the desire of the applicants to convey to the Town approx. 9 acres so that the Town, if it so desired, could develop the property for playing fields. It is believed the plan will include the creation of open space, and that each open space lot might have a different type of allowable use.

The balance of the land from the top of the slope to the north is passive recreation; without necessarily creating a trail system. When the Baboosic Brook culvert on Wire Road was upgraded, the Town received an easement from the Swensons. That easement allowed for access to and maintenance of the edge of the brook adjacent to the replaced culvert. In the language of that easement, it almost suggests the Town can have a wider range of uses and/or assign it for general public access. Mr. Clinton commented the way it is written is somewhat unclear to him making it necessary for him to identify the purpose and intent. It may suggest it is for launching of a canoe, etc. Although it may have been that the Swensons were aggregable to that use, the language does not specifically say public recreation.

Slightly to the north on Wire Road there is a bit of a gravel turnout. That would almost suggest someone could drop a canoe or kayak down at Baboosic Brook, drive their car a few hundred feet up the road, and turn off and park in that gravel turnout, but the easement document does not speak to that. It is ambiguous; is that the purpose or could that have been the trailer area/office for the construction work on that culvert replacement.

Mr. Clinton remarked whether the public has access to the open space by some playing fields along Pearson Road or whether it is truly legitimate along Wire Road, it is probably agreeable that the public can have some level of passive recreational use, e.g., no further infrastructure throughout the open space that is north of the top of the slope.

Internal of that is a small area that is potentially going to be used for the residents to have a place to congregate as a community. That may include a dog run area or possibly picnic tables, etc.

When asked about the lay down area the Town is using in the gravel pit, Mr. Clinton remarked that area is owned by the Swensons, and he is unclear of the duration of the Town's use of that. There will be an Alteration of Terrain (AoT) permit required, and it will be necessary to ensure the differentiation between the proposed subdivision use and its impacts versus what is ongoing in the pit, who has responsibility for certain activities in there, and for what time period.

Mr. Clinton stated with regard to drainage, infiltration is the key word the AoT is having them pursue, which is the preferred drainage method. Soils are excellent. If not infiltrating in the drainage basins it may be what is known as a wet basin just behind the recreation area just because of the nature of the soils that were removed and how the pit is being used. It is no longer going to be in its natural state. It has been excavated, materials removed, and it is not yet known what the quality of the material is at the lowest level where they are operating. It is not known if fill would be used or left where it is and modified. Test pits will be conducted in the pit in the coming weeks to gauge if infiltration is reasonable or if some other method will have to be utilized.

Vice Chairman Caron commented on elevation alteration. Mr. Clinton responded the property is extremely flat. Back in the first go around of the project the sewer would have come out of the ground, and they had to pump a lot of the homes into a system so that it could go gravity to then get pumped someplace else. In order to achieve the gravity system without pumps, they have to create grade onsite. They might want to balance the site to avoid having to bring in material or remove excess material. They would do that by creating smooth ups and downs to direct drainage and to ensure there is adequate cover over the pipes. Under a road you need 6' of cover over the sewer pipe. In this project, there are 1 or 2 roads where additional fill is needed to make that separation.

Commissioner Perry remarked Lots 47-51 are at about the highest point of grade slope, and would be the ones added to. Mr. Clinton stated they would be adding at the front. When asked if they would drain towards the brook. Mr. Clinton stated the road drainage will not be going towards the brook. There are four areas identified on the plan, which is where road drainage will go. He is unsure how individual lots would be developed at this point. He cannot say if a single lot would be fully sloped towards the brook or the front yard might slope towards the street and the backyard towards the brook. That is individual house lot development and hypothetical until someone buys the lot. The buyer drives how they want the house situated and the grade changes individually.

Councilor Vaillancourt remarked her concern is with bringing in fill and how that might affect drainage towards the brook. Looking at cul-de-sac C, it was stated it would be higher at lots 55 and 43, towards the road. Mr. Clinton stated all road runoff is a closed drain system with curbs. It will be collected and brought into the infiltration or the wet basin that will handle road drainage specifically. For front yards developers generally like to have a positive grade going from the roads to the garage (garage slightly higher than road). That would suggest the front yards would drain mores towards the street where the backyards, and a walk-out especially, would drain back the other way. He reiterated that is hypothetical at this point. Vice Chairman Caron commented what the Commission should be considering for the back row of houses, is the back side of their roofs and their backyards potentially going to be going towards the brook.

Commissioner Glenn questioned if the statement regarding no wetlands was intended to indicate in the development area only. Mr. Clinton stated there to be tremendous wetlands associated with Baboosic Brook and Riddle Brook. However, there are no wetlands in the area being developed. There is no need or requirement to file for a NHDES wetlands permit.

Commissioner Glenn questioned if the land would be owned collectively by all parties. Mr. Clinton stated that is not known at this point. It is one of the options. It could be owned fractionally by each of the lot owners, e.g., 1/66 share per house lot. The one certainty the applicant would like to consider is an option to convey what the ballfields would be along Pearson to the Town. It is believed there will be multiple open space lots, and they may have different types of ownership and uses. Mr. Clinton stated the applicant has made a commitment to do some grading out there; donate both machine and personnel time to rough grade ballfields. That is something far in the future, but something the applicant feels is the right thing to do.

Mr. Clinton noted he is well aware of the fertilizer restriction preferences of the Commission as well as the use of straw versus hay. However, it is a tough thing from an enforcement standpoint, how far the applicant team seeking an approval can push that and try to get that out there and known. He reiterated he is agreeable to do his part to ensure everyone is aware of the requests of the Commission, he just cannot guarantee that some things can make it into the plan set as requirements, and certainly he does not know they can make it into the deed language as each lot is sold. Commissioner Perry remarked the best the Commission can do is try to get it onto the plan for construction.

Commissioner Perry spoke of the level of beaver activity in the area of Willow Bridge Road, which dams up under the Wire Road culvert. He suggested if putting this type of development in the area, residents will find a means of crossing the brook. It may be desirable to have some kind of a bridge to provide for crossing and keep people out of the water. Mr. Clinton responded he could assure in no way would creating any kind of a crossing be included as part of the plan. Commissioner Boisvert commented there would be a permit requirement. Mr. Clinton reiterated there is currently no need for a wetlands permit. If they were to contemplate a crossing, they would have to build access through wetlands to get to a bridge, and it would cost a fortune to cross a brook there is no need to cross. He suggested, even if the land is held in common ownership, it still could have a separate conservation easement over it if deemed appropriate.

Commissioner Glenn questioned if the deed language could stipulate the land is to be left in its natural state. Mr. Clinton stated language can be included in the deed, and legally binding, but it is the enforcement of that where some of the difficulty comes about. Vice Chairman Caron remarked sometimes it is just a matter of education, and signage along the buffer could be requested.

Commissioner Rosati questioned the difference in makeup with regard to pine versus hardwood in the area. Mr. Clinton stated his understanding the area is predominantly pine. When asked if his intent would be to take down as little as possible, Mr. Clinton stated he does not get to make those decisions. The way the streets are laid out; one through road that goes from Wire to Whispering Pines and 6 cul-de-sacs, each cul-de-sac is a grouping of lots, and in between these groupings there is space left to prevent a clear-cut. There is a 100' requirement to

adjacent properties in the cluster residential regulations. In this project there isn't any portion of any proposed lot within the 100'.

When asked when the project would be back before the Planning Board, Mr. Clinton stated his assumption it would be approx. two months before the project appears on a Planning Board agenda. Mr. Clinton stated his availability to respond to any questions the Commission has as quickly as they present them to him. Vice Chairman Caron questioned when the total amount of open space and who that space would be conveyed to would be known. Mr. Clinton responded after the test pits are done for the specific drainage areas they are targeting, they will know what each area of volume and rate is and how it could be handled; truly infiltration or slightly different. That will set the stage for several things to fall into place. That could be known within 2-3 weeks. As far as the disposition of open space itself, often that is not known until the tail end of the approval process. It is not known if the Town would want the 9 acres of open space. It could be absorbed into whatever the lot is going to be and/or conservation easement.

Vice Chairman Caron stated the Commission would be interested in learning the results of the test pits to understand what is infiltrating. Mr. Clinton stated he is pretty sure everything will be infiltrated except possibly in the area of the existing sand gravel pit that is being used as the lay down storage. It has already been excavated, the bottom has been altered, and other material has been brought in, and it is not known to what degree and depths and its final condition. There is the need to determine if there is a license agreement with the Swensons and the Town in place; is there something that says this pit can be used for X, Y, and Z in this fashion for this duration.

Vice Chairman Caron remarked there are lots that are impacted by that. Councilor Vaillancourt questioned if there is a minimum number of lots necessary for the project to be viable. Mr. Clinton responded that is outside of his purview. Vice Chairman Caron reiterated the Commission will be interested in learning the results of the water testing. Mr. Clinton stated he could inform the Commission, via email, when the results are known. Mr. Clinton departed.

Commissioner Perry commented there is a lot of green on either side of the property. McQuade Brook is in the area as are the Bradford Woods condominium development and Watkins Forest. Councilor Vaillancourt suggested Commissioner Perry should request a bridge be constructed. Vice Chairman Caron remarked the diagram provided allows you to view from the pit, there is a road that goes up to the powerlines and continues south. Commissioner Perry responded that is Swenson's private property right now. The Town used that as a lay down area when they built the Wire Road Bridge. That was an agreement the Town had with the Swensons. There are people that travel on that road. He pointed out the area where beaver have caused flooding (6-8'). It is because of that Willow Bridge Road. If you walk into the woods, in the woods, in the middle of the forest, there is a stop sign. The old bridge abutment is right there. Beaver can build up against it. It backs up all the way up Baboosic Brook and McQuade Brook.

Councilor Vaillancourt commented she is aware of developers offering the Town playing fields in the past. They see it as something that is going to be desirable and will steer people to support their development. She stated her opinion she couldn't see ballfields happening there. She questioned if they were to provide an easement or devote some land to the Commission instead of the Town, would it be desirable to the Commission.

Commissioner Perry stated his belief it would. Adding to the already large amount of green space in the area would be desirable. It is a nice piece of property, and it is very wet. There is a lot of wildlife in the area. Commissioner Perry spoke of the amount of vehicles that would enter the area if ballfields were created, and questioned parking; a bridge would have to be constructed over the wetland because it would be between the fields and parking.

Councilor Vaillancourt questioned if it would be premature for the Commission to forward comments to the Planning Board. Vice Chairman Caron stated comments could be sent, but he believes the Commission needs to know more. Water is one of the prime concerns of the Commission and what will occur with infiltration is something the Commission needs to understand in order to make decisions. Councilor Vaillancourt stated the Commission could put in writing that it is interested in receiving the information relative to infiltration. The Commission could indicate its concerns about the potential recreational activities going through the wetlands and the brook, and make preliminary suggestions that if the development comes to fruition that, at a minimum, signage is put up to educate the residents in the development.

Vice Chairman Caron stated his opinion it makes a great deal of sense for signage to be posted. Commissioner Perry spoke to the aesthetics. Vice Chairman Caron suggested the request be for the developer to purchase the signage and post along the setback. He suggested they should educate the homeowner's association. He commented the Commission has not made such a request before, and he believes this development would be a great trial. The Commission could identify what the signage should state. Commissioner Perry stated a desire for language to be included in the bylaws of the homeowner's association.

Vice Chairman Caron suggested an agenda item for a future meeting be a discussion of the type of language that would be appropriate for such signage. Commissioner Rosati questioned if it would be appropriate to recommend a chain-link fence be placed along the perimeter of the property to serve as a deterrent for dumping.

***In its initial comments to the Planning Board, the Commission will state concerns with potential wetland impacts by recreational vehicles and the potential for dumping near the wetlands as well as an interest in learning more regarding water infiltration.***

## OLD BUSINESS

### **1. NED Pipeline**

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

- Recent announcement of suspension from Kinder Morgan and TGP.

Councilor Vaillancourt stated Kinder Morgan has indefinitely suspended the project. They have written to the Massachusetts Department of Public Utilities (DPU) requesting a 30-day stay, which was granted (until May 26<sup>th</sup>). They have not formally withdrawn their application. The Town Manager had a conversation with Eric Tomasi, Project Manager, Federal Energy Regulatory Commission (FERC). During their conversation, Mr. Tomasi was vague. Councilor Vaillancourt commented suspended is not technically a category that the FERC recognizes; either you have an application in or you withdraw your application. Mr. Tomasi informed the Town Manager he has seen pipeline projects on hold with an application in for as long as 8 years before becoming active again. He has seen quite a few become active again after five years.

Councilor Vaillancourt remarked, until they withdraw their application, which she is not confident will happen; she does not think the project is completely off the shelves. She spoke of a radio [segment](#) on The Exchange, which is a program on the New Hampshire Public Radio (NHPR) station. Guests included Dave Brooks, Concord Monitor, Donald Kreis, New Hampshire's Consumer Advocate, Tony Buxton, counsel for the Coalition to Lower Energy Costs, and Jim Roche, President, New Hampshire Business and Industry Association. Councilor Vaillancourt remarked in addition to speculation of what will happen there was some good factual information presented.

The Town of Milford has recently written to the FERC asking for their money back. Commissioner Perry remarked they referenced the communities that are along the proposed pipeline; communities that have expended a great deal of time and money.

Commissioner Perry stated a desire to speak with legal counsel relative to how to go about shelving the information gathered to date so that it could be readily available should it be needed in the future. Councilor Vaillancourt suggested the Commission continue moving forward with the studies of the property the new route would have gone through as well as sending the letter regarding need. Commissioner Rosati responded the reason they have asked for the 30 days is to allow time for them to go back to talk to customers. The numbers are going to change. What they really need to do is sign on a gas fired power plant. If they don't get a gas fired power plant then they can't pass the \$3.1 billion expense off to the ratepayers for electric. They currently have a lot of local gas companies signed up, but unless they have something that will source electricity not just gas, then they can't charge ratepayers for it. Access Northeast is powered by Spectra. Spectra is in partnership with Eversource. They have a gas fired power plant. Commissioner Rosati stated her opinion, at this time they see that Access Northeast would be the one that would gain the FERC approval. Commissioner Rosati stated she had thought she would wait until the 26<sup>th</sup> to see what they come up with and then go through and tweak the letter as necessary, and send it off.

Commissioner Glenn will contact the Commission's legal counsel. Commissioner Rosati remarked the reason they wanted everything done by 2018 was because Bear Head and Faraday were supposed to have their export licensing done by 2018 and were going to open in 2019. They wanted to be all set and ready to ship that gas up there.

Councilor Vaillancourt commented she would like to think the resistance in the northeast has something to do with it; however, she suspects it is all about money. At the same time, she believes some good has come from it. There are a lot of educated people that reside in the northeast and a big spotlight has been shone on the FERC and the whole process. She is hopeful there is the potential for some major overhaul of the process as a result of this.

**2. Horse Hill Nature Preserve Amherst Road Parking Lot expansion.**

Commission to review recent bids received for the expansion and potentially award the project to a contractor.

Vice Chairman Caron spoke of the email received from Kyle Fox, Director, Public Works Department, which provided the results of the bid process.

Councilor Vaillancourt questioned why the Commission would not want to go with the low bidder. Commissioner Glenn questioned the bid being so much lower than the engineer's estimate. Vice Chairman Caron noted the email explained the reason one of the contractors came in at the price they had; currently in the area which would eliminate the need to move their equipment. The low bidder is a company the Town has recent positive experience with.

Director Fox's email also suggested, given the favorable pricing, the Commission consider paving the lot at the time of construction. The additional cost to pave the lot at a 3" depth would be in the range of \$35,000 to \$40,000 with the Town's paving company. Should the lot be paved, Highway crews could do the striping.

Commissioner Perry noted, should the Commission decide to include paving of the lot that work would not be done by the contractor chosen for the expansion project. Therefore, that decision does not need to be made at this time.

**MOTION BY COUNCILOR VAILLANCOURT TO ACCEPT THE BID FROM D & S EXCAVATING IN THE AMOUNT OF FIFTY SIX THOUSAND FOUR HUNDRED THIRTY ONE DOLLARS AND FORTY CENTS (\$56,431.40) FOR THE HORSE HILL NATURE PRESERVE PARKING LOT EXPANSION. FUNDS ARE AVAILABLE IN FUND 53  
MOTION SECONDED BY COMMISSIONER GLENN**

ON THE QUESTION

Vice Chairman Caron noted Director Fox is managing the two other projects D&S Excavating is doing for the Town, and has a presence onsite. He has stated his willingness to take point in managing D&S on this project as well. His assistance in that regard is a great benefit. Director Fox stated D&S is willing to prep the site for whatever material the Commission determines to put on the site, e.g., fresh pavement or reground material.

**MOTION CARRIED  
6-0-0**

Councilor Vaillancourt stated she is not supportive of paving the parking lot. She understands the benefits of paving, but also understands this is a conservation area, and you don't see a lot of paved parking lots in conservation areas. She spoke of the cost of the expansion project and the projected additional cost of paving, and remarked she cannot justify the expense.

Commissioner Perry questioned if Councilor Vaillancourt was of the opinion neither fresh pavement nor reground material should be used. Councilor Vaillancourt questioned if the cost of reground material would be similar to that of fresh pavement. Vice Chairman Caron stated it would not be the same cost, and reground material tends to allow water to percolate through. When asked if reground could be lined, Vice Chairman Caron remarked although it can be lined, recent experience has shown it does not have the same life expectancy, e.g., striping done at the lower lot of Wasserman Park on top of reground material did not survive the winter weather and numerous plowing events.

Councilor Vaillancourt stated her understanding paving the lot would be to allow for additional parking spaces. Commissioner Perry remarked one of the benefits is the delineation of where parking can occur. Councilor Vaillancourt questioned if there has been a negative impact of users of the lot creating their own parking areas.

Commissioner Glenn noted an abutter has expressed concern with pavement and his well. With reground being pervious, he would not be concerned with that. Commissioner Perry remarked reground pavement is still a petroleum based product. If there is concern with a well that is something the Commission needs to consider with either option. If the concern is with runoff from the parking lot towards his well that is one thing, but if the issue is petroleum based product that is another.

Commissioner Rosati questioned how often gravel would have to be replaced. Vice Chairman Caron stated currently grading is being done yearly by a volunteer. Commissioner Perry commented once the lot is expanded the amount of work necessary would increase exponentially.

Vice Chairman Caron suggested the Commission could look at the area once it is graded to see if other materials could be used, such as downed trees to define the parking spaces, etc. Councilor Vaillancourt stated her preference to postpone considering reground or fresh pavement. Commissioner Perry remarked the harder the surface the more it will hold up during mud season, plowing, etc. He is in favor of the reground approach versus fresh pavement.

Commissioner Glenn stated her belief efforts would be made to locate the water main that is under the parking lot to see if it could be tapped into for plantings in the area, etc. It was suggested Deputy Fox be put in contact with Mr. Lastowka as he is aware of the location of the main.

Commissioner Glenn questioned if D&S Excavating would look at any of the trees and what may be occurring in them prior to removal, e.g., birds nesting, etc. Commissioner Perry remarked he does not believe they would unless asked to or provided with a specific timeframe for the project. Vice Chairman Caron noted the area in question is a very dead pine forest. He reiterated Director Fox has offered to manage the project for the Commission, and has stated the project would start almost immediately. Commissioner Glenn remarked once the Commission is made aware of a start date she would contact members of the sub-committee so that they could make plans to erect signage informing users of the activity. Commissioner Perry suggested a notice be posted on the kiosk informing users of the availability of the parking lot on the opposite side.

#### NEW BUSINESS - None

#### OTHER BUSINESS

Vice Chairman Caron stated the Grater Woods Sub-Committee is in the process of meeting to discuss Class D trails. Class D trails are for motorized single track trails. There are no Class D trails currently, but a number have been proposed. Vice Chairman Caron commented on the timing noting with the proposal of gates; being able to show the Sub-Committee where gates would likely be placed would provide them some idea of access in common with the gates. Commissioner Perry informed the viewing audience the Commission received approval from the Town Council to discontinue a portion of South Grater Road and classify a section as an emergency lane, which will allow for gating of both ends. Work will be done to rebuild that section of trail to higher ground and thereby bypass the beaver pond.

Vice Chairman Caron noted, with the help of Town staff from the DPW and volunteers from the sub-committee and Commission, the area of South Grater Road where target shooting was occurring has been cleaned of debris. "No target shooting" signs have been put up. He spoke of the positive feedback received from users of the trail system and abutters. Councilor Vaillancourt commented on the Town Council having voted unanimously to support the posting of Town owned land prohibiting target shooting.

Vice Chairman Caron spoke of having posted the roads in and out of the area. The Police Department is respecting the landowner's decision to post the entire area; all Town owned/Commission owned parcels. Councilor Vaillancourt stated, for the public, the Commission is not banning hunting from properties that currently allow that activity. What is prohibited is target shooting.

#### PRESENTATION OF THE MINUTES - None

#### PUBLIC COMMENT - None

#### COMMISSIONER COMMENTS



Commissioner Perry reiterated the Annual Seedling Giveaway is scheduled for Saturday, May 7<sup>th</sup> at Currier Orchards.

Commissioner Rosati spoke of a bobcat citing in the area of Tinker Road/Continental Road.

ADJOURNMENT

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

*The May 2, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 8:37 p.m.*

Submitted by Dawn MacMillan