



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

NOVEMBER 3, 2014

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, November 3, 2014 at 6:37 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Cynthia Glenn
Gage Perry
Councilor Thomas Mahon
Lauren Kras, Alternate

Members of the Commission Absent: Robert Croatti, Alternate

Also in Attendance:

Chairman Tenhave reminded the viewing audience to wear hunter orange, and stay on marked trails if utilizing the woods during hunting season. He noted the Commission's website, www.Merrimackoutdoors.org, identifies conservation lands where hunting is allowed.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Beaver Policy Review

Commission to review the 2002 Beaver Management Policy for the Town and to determine if a change is required. If required, the Commission to determine what process it would like to undertake to make a change. Potential changes may be discussed as well.

Chairman Tenhave noted a beaver policy has been in place since 2002. The policy begins with background information followed by the goal of the policy, which is stated as: "Beaver and their habitat found in the Town of Merrimack shall be protected to the fullest extent possible and will be controlled through the use of sound wildlife management techniques consistent with State law." The policy includes a number of objectives and information on how each objective will be attained.

Chairman Tenhave questioned the will of the Commission with regard to potential amendments, and noted the Town Manager, Assistant Town Manager, and Public Works employees have also been reviewing the policy.

Commissioner Perry remarked the time is near when the Commission will be provided a Beaver Management Policy from GZA GeoEnvironmental Inc. (GZA). Although he would like to see some changes occur, he would not

wish for any changes to be finalized until the Commission has had the opportunity to review the information from GZA. He noted GZA has agreed to review the existing policy and make recommendations.

Commissioner Perry commented the policy may be more of a water level policy as opposed to a beaver management policy. Taking place is little wildlife management and more concentration on addressing the impoundment of the water.

He spoke of language within the existing policy that states: "Except when an emergency condition exists, the Town department responsible for identifying a beaver-related problem will provide written notice of the problem to the Conservation Commission." and suggested the requirement for approval from the Commission may not be the most appropriate means of addressing such issues.

Commissioner Kras agreed it would not be an efficient use of time to propose amendments at this time. She also agreed with renaming the policy as one intended to address water impoundment. Vice Chairman Caron remarked were it called a water level management policy, it would have allowed for action to have been taken after the 2005 storm when a dam blew out. He suggested rebuilding the dam may have saved that area of Old Blood Road. It was not beaver that caused that situation but rather the water.

Chairman Tenhave remarked the purpose for including the item on the agenda was to initiate this type of discussion. Understanding GZA may not have completed their work, this discussion provides the Commission an opportunity to identify what is liked and not liked about the existing policy. Such feedback will allow GZA to tailor their comments. Commissioner Kras stated a desire to delineate between policy and guidelines, e.g., what must occur in particular instances and what the Commission would like to see occur, if possible.

GZA will create a standardized form to be filled in when conducting assessments of particular areas. The information can be captured on maps and input into the work order system to identify areas that have been addressed. Hopefully inputting the information will lead to a matrix identifying particular types of issues in a given area as well as available and preferred options.

Chairman Tenhave echoed comments made regarding the difficulties that can arise with a requirement for written notification to be provided the Commission and the Commission to make a "determination of responsibility" in advance of any action being taken to address a particular issue.

Commissioner Kras suggested the language included in Section A, 8 of the policy could be amended to identify corrective actions such as removing/trapping as issues that should come before the Commission (unless in an emergency) whereas actions such as installation of devices could be identified by the Town department as a proper course of action. Chairman Tenhave noted he has requested input from Mr. Jacobs, Operations Manager, Public Works Department.

Commissioner Glenn provided members with a copy of an article from the New York Times entitled Reversing Course on Beavers.

2. Funding for Police Patrols at Grater Woods

The Commission will have a working session to prepare for a meeting with members of the Merrimack Police Department at the Commission's regular meeting scheduled for November 17th. Items to be discussed may include the types of patrols, timing of patrols, budget for patrols, what the Commission should do to prepare for the patrols, maps, points of contact, etc.

Chairman Tenhave commented, after the last meeting, he had a discussion with Police Chief Mark Doyle, Lieutenant Matthew Tarleton, Captain Peter Albert, and Captain Michael Dudash regarding patrols. He has invited them to participate in the Commission's meeting scheduled for November 17, 2014 to discuss the issue in greater detail.

At the time of the discussion, the intent was to make them aware of the Commission's thoughts on the matter, that meetings of the Commission are taped and can be viewed, and provide them an opportunity to begin thinking about what they believe they would need in order to conduct the patrols. During that discussion it was noted, if moving forward with patrols, the department would like the opportunity to provide education to individuals they encounter on the trails. The belief is most that take part in activities that are inappropriate on the property probably are not aware of restrictions, etc.

Chairman Tenhave suggested the Commission prepare a pamphlet that officers could hand out. He commented, at the Horse Hill Nature Preserve (HHNP), the pamphlet utilized was the trail map pamphlet. He suggested something similar in characteristics be put together to address issues seen at Grater Woods. He spoke of the large difference in the two properties being that the HHNP does not allow motorized use in any area of the property where Grater Woods has the distinctions of differing classes of use. The department will gather information on costs of patrols, which can be considered when determining the amount of funding to be allocated towards such an endeavor.

The department has stated patrols would be dedicated and would not be mixed with other duties. If there were an extreme emergency and an officer on patrol was one of the closest to the scene, he/she would break away and manage the emergency situation. Chairman Tenhave spoke of patrols done by the department and funded through grants. In those instances, there is the requirement for certain paperwork to be completed regarding the type of situations encountered during patrols, etc. The department has offered to assist in determining how to capture that same type of information for the Commission.

The question was raised of whether the Commission would desire patrols at a certain time of year, day of week, etc. and whether the desire would be for a large number of patrols in a short period of time or regularly scheduled patrols over a longer period of time.

Chairman Tenhave suggested the Commission work towards preparing pamphlets, etc., and be prepared to implement patrols in the spring. Commissioner Boisvert stated his belief the heaviest need is on weekends. Commissioner Perry stated agreement with tailoring patrols to the time of heavy use. He remarked during this time of year when it is dark fairly early, ATV use is probably limited. Commissioner Boisvert stated his experience has been the greatest level of activity occurs on weekends during the summer months.

When asked about the level and type of traffic witnessed during the winter months, Commissioner Boisvert responded there are four-wheelers present during the winter months; however, not to the extent they are present in the summer months. Commissioner Perry suggested patrols should be spaced out relatively evenly until able to determine high usage times of year, week, etc.

Commissioner Kras suggested other towns may have usage data. She remarked what she has read from other projects is that ATV use would be lower early in the day on Saturdays when there is typically heavy pedestrian usage versus later in the day/evening on Friday and Saturday nights.

Councilor Mahon commented the Police Department has been the recipients of grant funding almost every year. They should have data around patrols conducted at other areas. They also have dispatch records on complaints received regarding this type of use.

Chairman Tenhave remarked he has indicated to the Police Department there would be an interest in bicycle patrols as well as motorized patrols. Commissioner Boisvert stated a preference for bicycle or foot patrols. Commissioner Perry remarked he would not want to tie their hands with regard to how they are able to respond. Councilor Mahon questioned the cost differential.

Commissioner Kras suggested the message would be somewhat lost if individuals utilizing motorized equipment on non-motorized trails were approached by law enforcement also utilizing motorized equipment on non-motorized trails. Commissioner Perry stated his agreement; however, remarked if encountering an individual moving quickly on motorized equipment, law enforcement would need the same type of equipment to be able to force an encounter.

Chairman Tenhave noted comments that were made regarding trail signs and markings. He informed the department the Commission has made efforts to install signage. The hope is that the Commission will have as much of the signage placed as possible prior to the start of patrols.

Vice Chairman Caron noted signage placement in Grater Woods has been completed. Commissioner Perry questioned whether the school portion would be included in the patrols. Chairman Tenhave stated his belief that would be included. Commissioner Perry stated the need to coordinate with the school to ensure the trails can be marked. Vice Chairman Caron noted the Grater Woods Sub-Committee has attempted to address the issue with the School Board; however, to date, representatives have not been able to be in attendance at a Sub-committee meeting. The Sub-Committee has offered to sign the area. The public has requested the area be signed.

However, the school is unsure if they wish to have that property marked consistent with the way the rest of the trails have been marked. The hope is that the issue will be addressed at the November meeting.

Chairman Tenhave questioned the will of the Commission with regard to the creation of a pamphlet, and suggested items to be included could be discussed when the Commission meets with representatives from the Police Department. Vice Chairman Caron noted a member of the Sub-Committee has created signage for the kiosk; color-coded map with a segment of the Stewardship Plan identifying the types of usage allowed on the different trail classifications. He suggested that could be turned into a format suitable for a tri-fold pamphlet. Chairman Tenhave suggested the Commission determine, at its November meeting, items to be included within a pamphlet.

When asked, Commissioners stated agreement with patrols beginning next year.

Vice Chairman Caron commented on having spent a good portion of the previous Thursday at Grater Woods, and having heard quite a bit of shooting taking place. By the time he made his way to the area, the individuals had departed; however, not without leaving behind pumpkins and political signage which had been utilized for target practice.

Chairman Tenhave questioned the will of the Commission regarding providing a brief training session to officers who will be involved in the patrols.

Chairman Tenhave stated a desire for a volunteer from the Commission to act as a point person for the patrols. He has suggested to Chief Doyle that there be one point person from the Police Department as well. Commissioner Boisvert volunteered to serve in that capacity. Vice Chairman Caron agreed to act as a back-up.

NEW BUSINESS

1. Pipeline Expansion and potential termination in Merrimack

Commission to become acquainted with the Tennessee Gas Pipeline project that has an extension which may terminate in Merrimack. A discussion of whether the Commission wants to attend an open house on the project is anticipated. The open house is scheduled at the Hollis-Brookline High School from 6:00 - 8:00 p.m. on November 18th.

Commissioner Kras remarked, depending on the nature of the discussion, she may have to recluse herself.

Chairman Tenhave remarked when preparing the agenda he included the information he had at the time, e.g., there is a natural gas line being proposed to enter the State, spur off a main line that will be traversing most of Massachusetts and ending in Dracut. The desire is for an extension line that heads into New Hampshire. The thought was that it would go through the Town of Hollis and terminate in the southwestern corner of Merrimack.

He was not aware if the Town was tracking it. He is aware there have been numerous conversations and meetings in the Town of Hollis as well as publications in newsprint. The last he heard it may be a Hollis/Amherst line and that Merrimack was not involved. The latest e-mail exchanges with the Merrimack Village District, which has been following the issue, is that the termination in Merrimack is probably not going to happen, that the latest plans show it staying within the Town of Hollis and being picked up outside of Merrimack.

Chairman Tenhave remarked as it was already on the agenda, he wished to note there is something happening. Routes are being debated as to where they should be located. Initial routing brought it through parts of Beaver Brook.

He questioned whether the Commission wished to learn more about the project, take a position, or if it is simply a project to be watched.

Chairman Tenhave noted an open house scheduled in Hollis on November 18, 2014. It is his understanding that will be an opportunity for the public to meet at the Hollis/Brookline High School to hear from representatives of the company proposing to put in the pipeline. He was unaware if there would be formal discussions. Commissioner Kras stated her impression the gathering is strictly for informational purposes, e.g., no public hearing and/or comment. Chairman Tenhave remarked those wishing to provide comments are encouraged to follow the process that is set up, e.g., can register to provide and/or receive comments.

When asked if he had anything to share from the Town's perspective, Councilor Mahon remarked the Council saw a map that terminated somewhere on 101A. He spoke of markings that identify where the gas pipeline goes. From what he has seen it either follows 101A or the rail right-of-way. The Council has not become involved as there would be minimal impact in terms of where it crossed and came into the Town because of the way in which the boundary is where Hollis, Amherst, and Merrimack all merge. He commented when he was in Pelham in 1980/1981 a line was run through the Town to Dracut, which was immediately south of the Town. Obviously in the early 1980s there wasn't the level of growth or density of population in Merrimack. Some went through very wide open fields that are now built over. They come in, drill a hole, drop the pipe in, weld it, test it, cover it up, and move on to the next section. They were done in 6-8 weeks. All you saw was where they had gone back over and backfilled. In the spring it grew back in. Back then there was none of the outcry that exists today.

Quite frankly the landowners were sort of pleased that they were getting paid for the right-of-way rights, at that time. They were willing to talk with people and make sure they understood what they were doing. That was some 35-40 years ago.

Commissioner Perry questioned whether Commissioner Kras could provide additional information. Commissioner Kras stated outside of Merrimack there is some concern that it appears that the organization is targeting conservation land because it is easier, in their eyes, to take via eminent domain and they don't have to pay as much for it. It goes through hundreds of acres of conservation easements and restricted properties in other towns, which is why there has been a lot of concern that they should explore alternative routes. The Attorney General has stated you should try to look at other routes because conservation land is there for a public benefit. It is a public utility project so they can use eminent domain. That is where most of the concern has been from what she has seen.

Commissioner Perry remarked that is pretty much what he has read. Commissioner Kras reiterated from what she has seen it is not that people are necessarily opposed to the project, it is just that they are not comfortable with the route that has been proposed.

Chairman Tenhave remarked the route that was taking it into Merrimack took it right near town wells, which posed a number of issues. Councilor Mahon remarked the Council looked to Councilor Woods, as a member of the Merrimack Village District, to provide information. The New Hampshire Department of Environmental Services has stated they should avoid the wellhead protection areas and those sorts of things. The wellhead protection area would literally cut them off.

OTHER BUSINESS

- Update on Beaver Management Activities.

Commissioner Perry remarked it was tentatively agreed at the last meeting to allow Paul Micali, Assistant Town Manager/Finance Director, to go ahead with addressing some of the high priority areas; Powderhouse Road and Meadowood Pond Dam, if the quotes were reasonable. He noted his receipt of a set of quotes. Both GZA and Director Micali seemed comfortable with them. He stated the desire to authorize, at a minimum, addressing of the issues at Meadowood Pond.

Commissioner Perry remarked the contractors were asked that each project be broken down as its own quote. In the Meadowood Pond area the desire is to install up to three devices; something in the dam itself to allow water flow and then protection around both the main outlet and the overflow. For Mayflower Road, there are two quotes; one for the overflow and the drain and another for the dam itself.

Commissioner Kras commented the quotes were more reasonable than she had expected. Vice Chairman Caron stated agreement. Commissioner Perry stated Director Micali was of the same opinion. Commissioner Perry noted GZA has made the contractor aware of the desire for Town employee(s) to assist. The response was that such a request is not uncommon.

Commissioner Perry questioned how the project would be funded. He remarked conservation properties such as Greens Pond are under the ownership of the Commission. Chairman Tenhave stated Meadowood Pond was deeded for conservation.

MOTION BY COMMISSIONER PERRY TO ACCEPT THE QUOTES AS PRESENTED AND FORWARD THEM TO THE FINANCE DIRECTOR. FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
7-0-0

Commissioner Boisvert noted he spoke with Ms. Thompson recently, and informed her that the process is moving along.

Chairman Tenhave questioned the will of the Commission with regard to notifying abutters of changes being made. Councilor Mahon stated his opinion the neighbors should be notified of what is being done, why it is being done, and the impact it will have. Commissioner Perry spoke of the intent to stabilize the level, which was a major concern expressed by the public. Vice Chairman Caron remarked the two greatest concerns expressed during the Public Hearing were mosquitos and the odor caused by the shoreline. He suggested, by addressing the issue at this time of year, neither of those concerns should be present. Chairman Tenhave remarked another point that was made is the desire for the beavers not to be removed.

Commissioner Perry noted that would be a last resort. He added that habitat has been identified as an exceptional habitat for beavers. Should this particular kit move on, the chance for another to move in is very high.

Chairman Tenhave stated he would compose a letter to be sent to, at minimum, those whose property abuts the water. The letter will include a point of contact. A copy will be provided to Commissioners. Councilor Mahon suggested, in addition to notifying abutters, public service announcements be broadcast on the local cable channel. Chairman Tenhave responded as the timeframe is short, he would not have the available time to tape an announcement. Vice Chairman Caron suggested the letter itself could serve as the announcement on the local cable channel.

- Review of the NHACC Annual Meeting and Conference.

Chairman Tenhave remarked four (4) members of the Commission attended the New Hampshire Association of Conservation Commissions (NHACC) Annual meeting and Conference. The day's events began with the business meeting where finances were discussed. The NHACC is in better financial condition this year than it was last year. Discussions were held regarding changes that have come about with the new Director and Program Director on board. Following the business meeting were various sessions conducted throughout the day.

Commissioner Glenn commented she attended the session designed for new commissioners. She spoke of also attending sessions on wetlands and vernal pools. She felt the presenters did a good job, and provided a great deal of information. She remarked, during one of the sessions she was made aware that all of the notes taken would be sent out at the conclusion of the conference. She offered to share that information with the Commission.

Vice Chairman Caron spoke of having attended some very good presentations. Although not information he could directly tie to Merrimack at this time, it was great knowledge to gain.

Commissioner Boisvert spoke of a Commission that utilized a beaver deceiver and provided input the device worked well. Commissioner Perry questioned how long the deceiver has been in place. Commissioner Boisvert stated his belief it has been at least 3 years. Remarks made were that they have not experienced any issues since the installation. He commented on enjoying the opportunity to collaborate with other commissions experiencing some of the same issues.

Chairman Tenhave noted he tried to attend some of the legal/quasi political type sessions. The first was a special session on the status of conservation in New Hampshire, which was a forum with Senator Martha Fuller Clark, Roger Crustman from the Trust for Public Land and Jim O'Brien from the Nature Conservancy. Mr. O'Brien has also been a Selectman and has served on conservation commissions. They spoke about various aspects related to the Land and Community Heritage Investment Program (LCHIP). There was a study done over the summer by a commission that Senator Fuller Clark was part of, the results of which will be coming out later in November and will speak to various actions they believe the State needs to move forward with. He has been told the study will address some of the economic realities of open space, how open space contributes to the economy of the State

and how the return on investment for open space is actually very good in New Hampshire, but there are places where we should do more.

Attendees were told all of the information, including the study and pointers, will be made available through NHACC's website. It was also noted that information will likely be pushed with the newsletter.

Chairman Tenhave commented he also attended a session about invasive insects that are either here in New Hampshire or coming, which include the Emerald Ash Borer, which has been found in multiple places in New Hampshire. Hillsborough County is now a quarantine county; there are restrictions on moving wood. It was found in Weare. It was first found in New Hampshire in Concord. It has also been found in the Laconia area and Salem. A representative from NH Fish & Game spoke about how it moves as a wave and about 1-2 miles a year. She spoke about strategies of managing, understanding, and learning about it.

Another session Chairman Tenhave and Commissioner Glenn attended was put on by the New Hampshire Department of Environmental Services (NHDES), and provided a good deal of information about wetlands and how commissions can contribute in making people aware of them as well as what the role is with NHDES when it comes to that.

Chairman Tenhave noted the Annual Survey from the NHACC will be placed on the agenda for the next meeting.

- Request from Mark Taylor, 225 Naticook Road, for removal of trees located on Fields Farm

Chairman Tenhave informed the Commission the Town is going to have a sub-contractor take care of the issue. The sub-contractor has stated the logs will be left for the Taylor family, and that the rest of the tree trimmings will go with them.

- Merrimack Village District (MVD) – Well on Mitchell Woods

Chairman Tenhave informed the Commission easement language has been agreed upon. He offered to forward a copy of the easement language to members of the Commission. He stated his belief MVD will come back before the Commission for a recommendation to the Town Council. The easement has to be authorized by the Council.

Chairman Tenhave commented the easement language follows what the Commission was shown on the plan; a ring around the well (protected area). The easement doesn't preclude forestry work or the creation of a well building, support building, and any other support mechanisms that are required to support the well.

- Upcoming Town Council Meeting

Councilor Mahon spoke of items appearing on the agenda for the November 6th Town Council meeting, which he believes Commissioners will have particular interest in:

Fluvial Erosion Update; presented by the Nashua Regional Planning Commission (NRPC).

5 John Lane Tree Removal Request; Property owner wishing to remove trees to place solar panels on the residence. Councilor Mahon informed the Commission he had suggested engaging the services of the Town Forester to look at the abutting property. There could be a small scale timber harvesting project that would get the Town \$1,000 - \$3,000. Chairman Tenhave commented that parcel is in the Athletic Fields Needs Committee Study Report, and has been identified as an appropriate place for a softball field at some point in time. The great pines located on the parcel indicate the kind of soil; sandy. He suggested, when removing trees, the contractor be mindful not to create fall down issues with other trees in the area. He commented the Town may want to consider there could be a repository of material for a future use.

- Piscataquog Land Conservancy Regional Trust

Vice Chairman Caron stated he and Commissioners Boisvert and Kras met with Chris Wells, Executive Director, Piscataquog Land Conservancy Regional Trust. The informal discussion was with regard to services the conservancy provides. Mr. Wells was very well informed on matters of land acquisition. He is formerly an

employee of the Society for the Protection of New Hampshire Forests as are other members of the Conservancy. They understand conservation. Mr. Wells had a few items he wished to address before getting back to the Commission on the potential for Merrimack to be part of their service area. Vice Chairman Caron suggested Mr. Wells would be a good person to speak to either in an advisory role or providing assistance with those lands deemed as conservation priorities for the Town of Merrimack.

Commissioner Kras remarked Mr. Wells stated it may be helpful if the Commission were willing to write a letter stating it would enjoy having the conservancy in the Town; would like to see a local staffed land trust in Town serving the Town. Not that the Commission would agree to work with them or provide any guarantees, just that such a conservancy would be welcome. He would like such a letter to bring to his Board. Commissioner Kras stated, if the Commission so desired, she would draft up such a letter and bring it to the next meeting of the Commission.

Commissioner Perry questioned why the Commission would not want such an entity in town. Commissioner Kras responded she could not think of any reason. Chairman Tenhave stated his agreement. Vice Chairman Caron noted the Commission reached out to quite a few land trusts when seeking assistance in identifying CFAs. Many either have their doors closed or are not in the business of helping outside of their service area.

Commissioner Kras stated her belief there will be more interest in this area in the next two years given the recent completion of the Merrimack Valley Regional Plan for Conservation.

The consensus of the Commission was to have a draft letter prepared and available for the Commission's next meeting.

Councilor Mahon departed.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. October 20, 2014

The following amendments were offered:

Page 1, Line 7; amend the start time to read 6:33 p.m.
Page 2, Line 2; replace "RSCP" with "RCP"
Page 2, Line 39; replace "Ireland" with "Fields Farm"
Page 3, Line 14; replace "dam" with "lodge"
Page 3, Line 15; add the words "a dam at" before the words "the opposite"
Page 3, Line 16; add the word "a" after the words "There is" and delete the word "the" after the word "for"
Page 3, Line 27; remove the word "not" and end the sentence at after the word "area"
Page 4, Line 8; replace "active" with "potential"
Page 4, Line 10; replace "Cabanel" with "Micali"
Page 5, Line 59; replace "ponds" with "pond"
Page 6, Line 30; end the sentence at "area"

**MOTION BY COMMISSIONER PERRY TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED**

4-0-2

Commissioners Glenn and Kras Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Chairman Tenhave informed the viewing audience of available positions on the Commission. Anyone interested should make that desire known in writing.

ADJOURNMENT

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

The November 3, 2014 meeting of the Merrimack Conservation Commission was adjourned at 8:12 p.m.

Submitted by Dawn MacMillan