

MERRIMACK CONSERVATION COMMISSION

JUNE 3, 2013

MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, June 3, 2013 at 6:34 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Thomas Lehman
Gage Perry
Simon Thomson
Eber Currier, Alternate

Members of the Commission Absent: Ron Davies
Robert Croatti, Alternate Member
Councilor Thomas Mahon

Also in Attendance:

Chairman Tenhave appointed Alternate Member Currier to serve as a voting member in the absence of Commissioner Davies. He informed the Commission Commissioner Davies was tending to a work commitment, and would join the meeting if possible.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Beaver Activity at 3 Locations

Commission to review beaver activity at 3 locations and determine a course of action for each. These locations include: the pond near Powderhouse Road as discussed at the last meeting, activity near Town land by Joey and Naticook Road, and activity on and near Mitchel Woods and Madison Lane. A general discussion on how to manage beaver situations within the Commission will take place.

Commissioner Perry was asked to provide the Commission information on beaver activity occurring near Mitchel Woods and Madison Lane. He spoke of beaver ponds spilling down through Grater Woods and ending up behind Bishop Field, under Baboosic Lake Road, in behind Lesa Drive and out into Watkins Forest. There you can find a spill basin and overflow. He noted the area in question is behind his residence.

He stated he has resided in the area for close to 20 years and has never seen a greater amount of beaver activity than that which has existed in the last year. There is now water in areas of his backyard where standing water has never been before. His property is relatively high in elevation compared to the roads down behind Madison Drive. He noted the homeowner on the opposite side of the stream experiences intrusion well into his property when the stream is up like it is now.

He commented, after a recent storm, the water level in the culvert that comes out of Lesa Drive was up over a foot higher than he has ever seen if before. Commissioner Perry observed that something must have occurred overnight, and it has since receded. He spoke of seeing a beaver under his shed and another coming out of the drainage culvert. The beaver are into the drainage culvert now and to the storm basin at the bottom of the road.

Commissioner Perry noted there is no longer any wildlife coming up into the greenway that connects from Watkins Forest up into Grater Woods because there is no longer any place for them to walk (muddy). He displayed photographs of the area to provide some historical information as well as showcase the current situation. He has counted 5 dams in the area. He showed an area where a beaver pipe was left and stated he had put the pipe back in place and pulled debris off the top. Two days later he returned to see the high side

packed with mud. He has seen a total of three pipes in the area, which leads him to believe the Town has taken measures to address the issue at some point.

He noted his residence is behind Madison Lane on the opposite side of the road, and residents on Madison are seeing the high water (up over 1'). He spoke of cleaning out pipes, etc., and noted the level of activity is difficult to keep up with. Vice Chairman Caron stated he came to the meeting directly from cleaning out the culvert at the Horse Hill Nature Preserve (HHNP), a task he undertakes 3-4 times a week. He agreed the level of beaver activity is high.

Commissioner Perry questioned how the Commission goes about determining the need to trap and relocate, and noted a resident has requested the ability/authority to trap on Town land. Chairman Tenhave stated the need exists to first establish who the responsible party is. Following that a decision needs to be made as to appropriate action. He commented the gentleman at 10 Madison Lane had requested a beaver trapper visit the site. He established the beaver are not on his property, but on Town property. He was hoping he could trap and remove the beaver as well as remove the dams to allow water to flow. He noted the Commission has trapped in the area in the past.

When asked if anything downstream was being affected, Commissioner Perry stated the area is mainly mush. Vice Chairman Caron questioned where the culvert outlets, and was informed it outlets into an unnamed tributary and then on to Baboosic Brook.

Eric Doberstein, 17 Village Falls Road

Spoke of his experience dealing with beavers while residing in Brookline. In that instance, the Town erected a long chain link ductwork. The claim was this fooled beavers; their nature is to pack anything that water is flowing through, but by building this chain link shoot that extended far out, the beaver did not understand how to pack around it. It was believed that would keep the culverts open.

Commissioner Currier questioned whether the area of Madison Lane is on Town sewer or septic, and was informed both are on septic. Commissioner Currier stated that to be a major concern, and an issue that needs to be addressed. He suggested the Commission contract with a trapper. Commissioner Perry informed the Commission of a location where a number of years ago beaver were killed and the dam broken. The area is on private property and the residents would like beaver back. Vice Chairman Caron noted the Public Works Department has stated if relocation were to occur it would have to be done early in the season.

Chairman Tenhave informed the Commission he has spoken with Jeff Hussey who has stated he could trap and remove beaver for a little over \$100/animal and could live trap and relocate for approximately \$500/animal. He also spoke with Finance Director, Paul Micali, regarding two possible scenarios; emergency/non-emergency. In the event of a non-emergency it could be in the Commission's best interest to put out a short burn RFP for an individual to address the beaver issues.

When asked, Commissioner Perry stated he is unsure of the impact on Madison Lane residents. He commented septic is the greatest concern, and a health issue. Commissioner Currier agreed and remarked it affects all residents in the area.

Chairman Tenhave questioned the will of the Commission with regard to putting out a Request for Proposal (RFP) with a requirement that quotes be received in advance of the Commission's next meeting. Commissioner Perry questioned whether standard language exists or if the RFP would have to be drafted by the Commission. It was stated the Commission would be responsible for drafting the RFP. Commissioner Lehman questioned whether the Commission has relocated beaver in the past, and was informed it has.

The second area of beaver activity that has been brought to the Commission's attention is Joey Road. A few residents have experienced increasing levels of water in their back yards. The residence located at 10 Joey Road has water 30-35' from the deck off the back of the house. Chairman Tenhave spoke of he and Commissioner Perry visiting the site and cleaning the culverts. When asked about the size of the culverts, Commissioner Perry stated, if crouched, you can walk through them. They are round and the bottom of the pond is filled with leaf litter, etc. There are two large steel grates in front of the culverts that are covered with debris. The water level is rising because of the blocked culverts.

Chairman Tenhave displayed a map and pointed out the location of beaver dams seen during the site visit. The dams seem to plateau each other. He provided photos showing the highest plateau area behind Joey Road (private property). Commissioner Perry stated there to be likely 2' in differential between the highest plateau and the water below the dam. Chairman Tenhave stated the dam itself extends onto Town property, but there is no lodge or active beaver activity on Town property.

The property owner at 10 Joey Road was informed the Commission could provide the names of the property owners in the area, and could, should it so choose, support the property owner with his efforts to gain approval to trap in the area. It was explained to him, since the area is private property, the Town would not be responsible for costs incurred. Vice Chairman Caron questioned and was told 10 Joey Road is on Town sewer. Vice Chairman Caron stated his support of assisting the property owner in seeking authority to trap and in locating a trapper.

The third area at issue was discussed at the last meeting of the Commission; unnamed pond near Powderhouse Road. Commissioner Lehman remarked, although he was not present for the last meeting, he reviewed the video. Based on comments made by a member of the public regarding the Planning Board having identified and agreed upon a prescribed elevation of the water with the developer of the Meadowbrook development, he reviewed meeting minutes of the Planning Board and discovered the March 1999 minutes include a discussion wherein a representative for the builder, Mr. Davidson, stated a 100-year storm level to be 194.3, and noted the surface of the water in the beaver pond, at the time the discussions were going on, was 193.4. Commissioner Perry questioned where the elevation was taken from. Chairman Tenhave stated his belief it was an absolute elevation (land in areas is 200-210').

Commissioner Lehman stated his belief the general consensus was to keep the level at whatever the beaver had it at that time. It was noted Mr. Jacobs had stated the level to have been at 198'. He noted the property owner at 17 Powderhouse Road brought the issue forward and was going to work with Mr. Howe on a means of creating a higher elevation on her property.

Commissioner Currier stated his belief the Commission had agreed to seek a level of water that was appropriate for everyone, to allow Mr. Howe to raise the edge of the pond, to support the property owner's efforts with the Wetlands Bureau to either construct a retention wall or utilize fill to maximize the size of the back yard, and support the application that will be required to the Zoning Board of Adjustment (ZBA) to conduct work within the 25 wetland buffer. Chairman Tenhave noted those steps would provide assistance to Powderhouse Road, and questioned the will of the Commission with regard to water level and beaver. Commissioner Perry stated he did not receive the impression from anyone who spoke at the public hearing that there is a desire for the beaver to be removed. They simply desire a water level that is maintained. He suggested the design element, which he assumes was approved, is the goal that should be attempted. Commissioner Lehman stated his belief the optimum goal is maintaining the current water level. He added he does not believe that can be achieved with the first drain being in the position it is. He suggested the Commission would have to determine whether it would be acceptable to raise that drain more to the level of the secondary drain, which seems to be more in line with the level of the beaver dam. That in conjunction with the homeowner's assistance offered by Mr. Howe should provide relief.

Chairman Tenhave stated there to be an approximate 18" difference between the water level maintained by the beaver dam and that managed by the overflow. Commissioner Lehman stated his belief the first grate is too low. Commissioner Perry noted the resident at Powderhouse Road would like to see the pond lower than its present level. Others who provided public comment agreed they would like the water level higher, but did not wish to flood the property at Powderhouse Road. The general agreement was a desire for a constant level. Mr. Jacobs has stated, through use of beaver boxes, they believe the department has the situation under control at its current height. Commissioner Lehman stated he is pleased with the current level. If the issues at Powderhouse Road can be resolved through the efforts recommended by Mr. Howe and the Commission could take action to ensure the levels stabilize, perhaps through raising of the primary drain, the issue should be resolved. He noted he is not a civil engineer. Chairman Tenhave stated his belief Mr. Jacobs would like to perform work on the beaver box and make it much longer. Vice Chairman Caron remarked, at this point, it is in the hands of the PWD, and they are trying to find the appropriate level. He was unsure the Commission needed to intervene.

Chairman Tenhave stated his belief Mr. Jacobs may require assistance in re-creating the box to make it larger and avoid the need to have a crew clean it out every other day. When asked if he was looking for assistance from the Commissioner's, Chairman Tenhave stated he did not receive a direct response to that question.

Commissioner Currier suggested the intervention of the Commission would be in supporting the work proposed by Mr. Howe to address the issues at 17 Powderhouse Road, which include a variance to construct within the 25' wetland buffer. It was noted a formal plan would need to be presented to the Commission for a recommendation to be provided.

Vice Chairman Caron noted, at this time, the ball is in the court of the homeowner who is working with the New Hampshire Department of Environmental Services (NHDES), will come to some kind of an understanding with them, and may then come before the Commission seeking support on a variance request to the ZBA. Chairman Tenhave noted if an application is put before the NHDES Wetlands Bureau, the Commission will be asked to provide comment. Commissioner Perry stated a willingness to speak with Mr. Howe and gain an understanding of the intent.

Chairman Tenhave questioned whether the Commission wished to coordinate with Mr. Jacobs on the water level and see if he requires resources, financial or otherwise, to construct an appropriate control box as well as looking at the engineering of the manmade dam to find an appropriate level. Commissioner Lehman referred again to the 1999 Planning Board meeting minutes, which refer to a mechanism being constructed in front of the beaver dam to function the same as the current beaver dam; basically mimicking what the beaver dam was doing. He does not believe that to have been done given the placement of the drain being as low as it is. Commissioner Perry reiterated it is not known how tall the beaver dam was at that time. Commissioner Lehman commented, from the public comment provided, he got the impression the dam is much lower than it has been in the past. Residents spoke of fishing that was plentiful at one time and no longer exists. He cannot imagine the fish were plentiful in less water than currently exists. Chairman Tenhave remarked what was described was in order to put in the earth and dam structure; they had to lower the level of the pond. In the process of lowering the pond the fish all washed out of the pond. When the work was complete and the pond level rose, the fish did not return.

Commissioner Lehman stated he is curious to understand the current level. Chairman Tenhave displayed maps identifying elevations. Commissioner Perry noted the map indicated the elevation to be 190' on the back side. The front side was listed as 200'. Commissioner Perry remarked the 194' elevation is likely where the primary drain is at with 198' being where the water is now (4' higher). He suggested if there is an established design level that should be adhered to. Chairman Tenhave stated his belief it would be 194'. Commissioner Perry noted the earth and dam were designed to hold back a certain amount of water. His concern would be how much water would be pushed against that should the dam break and if it would overpower the sewer pipe.

It was noted Keach-Nordstrom Associates were the engineers on the project and they would likely have some information that could be provided. Commissioner Currier suggested the engineer be contacted to identify the level, and that that level be sought. Chairman Tenhave noted the level established by the manmade dam is lower than the level currently established by the beaver dam (few feet). Commissioner Currier stated his belief the current level is appropriate, and if Mr. Howe completes his proposed work at 17 Powderhouse Road, the situation should be resolved to the satisfaction of all involved. Chairman Tenhave stated the only thing currently controlling the high level mark is the beaver boxes, which are being maintained by the PWD. He questioned how the Commission wished to process. Commissioner Currier stated the PWD would be responsible to manage the boxes. Commissioner Perry questioned whether the Commission is financially responsible for the equipment needed, labor costs, etc. Chairman Tenhave stated that is a possibility.

Chairman Tenhave stated a desire for a single Commissioner to take lead on issues surrounding beaver activity. Commissioner Perry volunteered. Chairman Tenhave requested he speak with Mr. Jacobs regarding Powderhouse Road to see if assistance is required, e.g., if controlling the current level is within his capability. Commissioner Perry questioned whether the desire was to survey the neighbors to determine what they would like to see for a level understanding there would be a minimum (194') and maximum limit. The consensus of the Commission was that the neighbors were looking for the Commission to make such a decision. Commissioner Lehman commented, at the time the development was constructed there were studies conducted and civil engineers who developed the dam. The Commission is being tasked with determining a suitable level thereby overriding all of the engineering studies, etc. Vice Chairman Caron agreed and suggested the beaver box be increased in size to support the current water level, within a certain variance.

Chairman Tenhave stated he would follow through with providing the information promised to the property owner on Joey Road.

Chairman Tenhave reiterated the area where the Commission has agreed beaver are to be addressed is on Madison Lane where the intent would be to trap and relocate. He stated he would speak with Director Micali regarding an RFP with a 7 day return. Commissioner Perry suggested the RFP include consulting on the other properties. Commissioner Perry suggested the Forester be asked for an opinion as well given the level of wetland experience he has.

2. Commission Finances – Vision, Plan...

Commission to continue this discussion. Vision statements to be confirmed and a discussion on specific plans and timelines to begin.

Chairman Tenhave spoke of previous discussion wherein the following goals for Commission finances were identified:

Strategically pursue land acquisition for the protection of open space and natural resources.

Maintain current and future conservation properties to:

- *expand recreational opportunities*
- *protect and enhance wildlife habitats*
- *protect and enhance water resources*
- *ensure proper forest stewardship*

Maximize the prudent use of technologies to educate and expand information opportunities about our conservation properties.

Update plans, maps, and files to have a consistent and comprehensive documentation set for all properties.

Expand community education programs to include getting the student population outdoors.

Commissioner Currier commented as a means of providing additional information supporting why the Commission should continue to support agriculture and farms in the community he compiled a document including photographs and educational information on area farms. The information focuses on activities that occur outside of providing food, e.g., habitat for wildlife, educational information such as when turkeys lay their eggs, chickens hatch, how the Monarch butterfly progresses, etc.

Vice Chairman Caron questioned whether an additional bullet should be added under the second goal stating the Commission's support of local farms. Commissioner Currier commented the Agriculture Commission was formed back in 2008 as a result of the Conservation Commission's support. Vice Chairman Caron remarked links to the local farms are included in the website and the Commission is supportive and intends to continue to be supportive. When asked if the Commission provided financial support to the Agriculture Commission, Commissioner Currier responded the support has not been financial. Chairman Tenhave remarked by including a statement of support under this category the expectation of financial support could be set. Commissioner Currier spoke of the potential for financial support in the future in instances such as if the Community Garden at Wasserman Park had to be moved, etc.

The consensus of the Commission was to add a 6th goal to the list of Commission goals identified on the Town website. The 6th goal should read: "Continue to protect and support agriculture in our community."

It was the consensus of the Commission that the items included in the list of financial goals have equal priority.

Chairman Tenhave questioned specific projects the Commission wished to perform in the next 5-10 years associated with the list of financial goals.

Strategically pursue land acquisition for the protection of open space and natural resources.

Chairman Tenhave noted several land opportunities are coming before the Commission. He questioned whether the Commission wished to formulate a plan on how to go about land acquisition, e.g., formation of a subcommittee to review available parcels, conservation plan, current holdings, etc. Commissioner Perry suggested the formation of a sub-committee would be a good way to gain forward movement. Chairman Tenhave spoke of the available resources; study completed by Jeff Littleton of Moosewood Ecological, LLC, the State Wildlife Action Plan, and Master Plan. Commissioners Lehman and Caron volunteered to serve on a sub-committee. Vice Chairman Caron suggested the sub-committee could put together a proposal on each parcel for presentation at a Commission meeting. Chairman Tenhave stated his hope the subcommittee would identify general areas of Town the Commission believes there to be more interested in than others, e.g., contiguous land, land with particular attributes such as water bodies, etc.

Maintain current and future conservation properties to:

- *expand recreational opportunities*
- *protect and enhance wildlife habitats*
- *protect and enhance water resources*
- *ensure proper forest stewardship*

Commissioner Perry stated the need to generate Stewardship plans for the properties owned by the Commission, which would address most of the bulleted items. Chairman Tenhave noted there are existing plans that are nearly ten years old and require updating. He suggested the Forester be engaged in forestry plans for all properties.

Commissioner Perry offered to create a template from the Grater Woods Stewardship Plan, which could be used as a starting point for stewardship plans moving forward. Commissioner Lehman stated his expectation the Forester would be charged with creating stewardship plans utilizing input provided by the Commission. Vice Chairman Caron remarked the forestry piece is only ¼ of the areas to be addressed, e.g., recreational opportunities, wildlife habitat, and water resources. Commissioner Lehman stated a forester would incorporate all of those items into a stewardship plan.

Commissioner Perry suggested a list be created of all existing stewardship plans, their required review/update dates, and a list of properties for which plans need to be created, acknowledging the American Tree Farm (ATF) properties should take priority. With a schedule in place, work could begin. Commissioner Lehman remarked Foresters could either create a stewardship plan or provide an assessment on the health of the forest, which is a less expensive approach and may be considered for properties that are not ATF properties or where expansion of recreational opportunities is not desired, etc.

Commissioner Lehman volunteered to compare the list of properties for which stewardship plans have been created against the Assessor's list of all property owned by the Town to ensure nothing has been missed.

There being no objection, the remaining items were tabled for discussion at the Commission's next meeting.

NEW BUSINESS - None

OTHER BUSINESS

- Files, maps, etc.

Chairman Tenhave spoke of the efforts he and Commissioner Lehman put towards reviewing/organizing files stored in-house. Their focus was on segregating information deemed unnecessary to retain. The task that remains is for the remaining files to be organized by year and perhaps separate files created for major properties.

Volunteers were requested to review the segregated material for agreement it is no longer necessary to maintain and to conduct the task of organizing the remaining files. Commissioner Perry questioned and Chairman Tenhave agreed to look into whether weekend access could be provided. Chairman Tenhave noted he has discussed this with Ms. Holstein, Secretary, Community Development, who has agreed to maintain the files once a structure is established.

When asked, Chairman Tenhave stated there are scanning capabilities, and suggested scanning documents into PDF format for retention may be a possibility. Vice Chairman Caron volunteered to review the files intended for retention and those earmarked for disposal. Chairman Tenhave stated the desire to offer documents not intended to be retained to the Historical Society and Heritage Commission.

- Website Maintenance

Chairman Tenhave informed the Commission of his inability to update the website over the past few weeks, and questioned whether a member of the Commission would like to serve in the role of webmaster or if the Commission wished to consider hiring an individual to generate content and maintain the website. Vice Chairman Caron stated he is satisfied with the efforts the Chairman has put towards maintaining the website. Chairman Tenhave spoke of the desire to generate content around each of the major properties, which has not occurred to date.

The consensus of the Commission was that the level of effort provided by the Chairman in maintaining the website is satisfactory at the moment.

- Chapter 111 – Conservation Ordinance in the Town of Merrimack

Chairman Tenhave noted the ordinance has come up in recent discussions around notification of target shooting occurring at and outside of Grater Woods as well as a call last week reporting gunfire at the HHNP. The Police as well as the Community Development Department are continually trying to determine what activities can and cannot occur on the various Commission properties as each has its own set of rules, only some of which are codified in ordinance.

He questioned the will of the Commission with regard to including a review/update of the ordinance on future agendas. The Commission was in agreement with the issue being placed on agendas following the completion of the work on Commission finances. Chairman Tenhave requested Commissioners begin to consider what an appropriate structure would be. He noted some restrictions are required by Deed, others by the Commission, etc. He was unsure whether all properties should be encompassed in one ordinance or if separate or groups of ordinances would be appropriate.

Vice Chairman Caron noted he would be attending the ROST in Milford and could bring the issue up in that forum to ascertain how other communities have addressed it.

- Eagle Scout Project(s)

Chairman Tenhave informed the Commission he was approached by Life Scout Braydon Janigan who is looking to perform an Eagle project within the HHNP. Vice Chairman Caron stated he would work with the scout. He spoke of a presentation he provided on the section of Quarry Trail going out to Naticook Road which is really wet and winds behind a residence. He suggested a raised boardwalk in the area.

Vice Chairman Caron stated the expectation the Commission would soon have before it two additional Eagle Scout projects, and his belief, once the Town Council approves the Stewardship Plan for Grater Woods, the Commission will see an increase in Eagle Scout projects.

- Land Acquisition

Chairman Tenhave noted work continues with the State property located next to Wildcat Falls. A Public Hearing will be conducted at the next meeting regarding the donation of land off of Continental Boulevard.

- Sponsorship of Falconer

Commissioner Perry touched upon the Commission's allocation of \$300 to sponsor an event conducted by a Falconer at the Middle School during the time when some students are attending the Washington trip. He informed the Commission the Falconer, Falconer, Rita Tulloh, was very well received by the approximately 230 students. He spoke of the level of interest expressed in another event being conducted.

- Upcoming Public Hearing for the Grater Woods Stewardship Plan.

Chairman Tenhave stated the Public Hearing would be conducted on Thursday, June 13, 2013. The Plan is available on the Town website as well as Merrimackoutdoors.org.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. May 6, 2013

**MOTION BY COMMISSIONER PERRY TO ACCEPT AS WRITTEN
MOTION SECONDED BY COMMISSIONER THOMSON
MOTION CARRIED**

5/0/1

Vice Chairman Caron Abstained

Merrimack Conservation Commission. May 20, 2013

There being no objection, acceptance of the meeting minutes of May 20, 2013, was tabled until the Commission's next meeting.

PUBLIC COMMENT – None

COMMISSIONER COMMENTS

Vice Chairman Caron informed the Commission of volunteers who spent the prior weekend planting seedlings (Conifers left over from the seedling giveaway) at the HHNP. The plantings were located mostly in the middle of discontinued trails and surrounded with deadfall. They will be monitored and when reaching a point where they can stand alone, the deadfall will be removed.

Chairman Tenhave spoke of the green posts erected for the Quarry Trail; one on the side of Naticook Road leading into the HHNP and one on the opposite side where it leads into the Wasserman Conservation Area. He informed the Commission the post going into the Wasserman Conservation Area was splintered when hit by a snowplow. He has in his possession the plaques that identify permitted uses as well as the top of the sign. He requested the Horse Hill Nature Preserve Sub-committee be asked if there are any posts requiring replacement as he would like to make a proposal to have new posts made. Vice Chairman Caron noted the Chairman, Newton Coryell, has been doing the repairs himself. He stated his belief he is currently working on repairing the post that lead into the Wasserman Conservation Area.

Chairman Tenhave stated he picked up signage belonging on Grater Woods; Gateway Trail sign and School Loop Trail. He requested the Commission consider an appropriate time to place the signage while he works on gaining access. Vice Chairman Caron suggested that to be a good job for the sub-committee.

ADJOURNMENT

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

6/0/0

The June 3, 2013 meeting of the Merrimack Conservation Commission was adjourned at 8:56 p.m.

Submitted by Dawn MacMillan