



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information, 8 days prior** to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: July 12, 2018

Date of Meeting: July 19, 2018

Submitted by: Town Manager Eileen Cabanel

Department:

Time Required: 20 minutes

Speakers:

Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
<i>Public Hearing:</i>	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Watson Park Fencing Proposal

DESCRIPTION OF ITEM

The Town Council to discuss and consider fencing options for the Watson Park parking lot.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article:	Town Meeting:
Other:	N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	Eileen Cabanel	Address:	6 Baboosic Lake Road
Phone Number:	424-2331	Email Address:	ecabanel@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:

Hold for Meeting Date: _____



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: July 13, 2018

AT (OFFICE): Department of Public Works

FROM: Kyle Fox, P.E. *KF*
Director of Public Works

SUBJECT: Fencing for Watson Park

TO: Eileen Cabanel
Town Manager

As the use of Watson Park has increased this summer, so too has the number of vehicles that left the parking area of the park and entered into the lawn areas. One long term solution to this problem is to install permanent fencing around the perimeter of the parking lot. Public Works has performed this task at other parks around town through the years for the same reason.

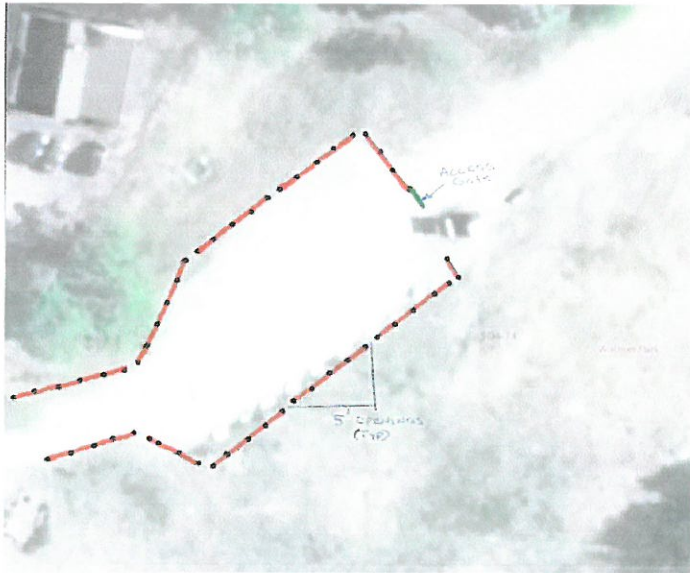
The standard fence detail that Public Works utilizes consists of two 2x6 wooden rails (pressure treated) with 6x6 pressure treated posts spaced at ten feet. Following installation and once the wood has aged, the fence is painted 'park brown'. A galvanized steel gate ten feet long is installed to allow access for Public Works maintenance vehicles and emergency vehicles – the gates are locked to prevent unauthorized passage. Pictures of our typical fence from Bishop Field (near the middle school) are shown below.



This fence style has worked well for the parks of Merrimack as it is economical, durable, and attractive. Given the proximity to the Town Center, other styles of fencing may be desired

including 4x4 rails typical of New England style. That fencing could be installed with wooden posts or granite posts.

At Watson Park we would propose installing approximately 400 feet of fencing which would surround the parking area, and the sloped approach from Daniel Webster Highway - to prevent vehicles from driving around the butterfly garden. The steel gate would be located at the east end of the parking area next to the information kiosk. Five foot openings in the fence are located strategically to allow for pedestrian access to the park. A graphic of the proposed project follows.



The table below shows estimated costs for various types of fencing.

Fence Type	Details	Estimated Cost (Materials only)
PW Standard 2-rail fence	6 x 6 posts with two 2 x 6 rails spaced at 10' typical, painted brown	\$ 5,900
4 x 4 two rail fence	6 x 6 posts with two 4 x 4 rails spaced at 8' typical	\$ 7,100
4 x 4 two rail fence – vinyl coated rail	6 x 6 posts with two 4 x 4 rails spaced at 8' typical	\$ 12,100
4 x 4 two rail fence	6 x 6 granite posts with two 4 x 4 rails spaced at 8' typical	\$ 15,900
4 x 4 two rail fence – vinyl coated rail	6 x 6 granite posts with two 4 x 4 rails spaced at 8' typical	\$ 20,900
Vinyl coated chain link fence	Five foot high vinyl coated chain link fence - brown	\$ 9,200 (Includes Installation)

It is important to remember that disturbing soils deeper than 2 feet at Watson Park requires the work to be completed within the parameters of an approved soil management plan. The Department received approval from NHDES to perform such fencing activities in June, 2018. The approved soil management plan is attached to this memo.

Public Works employees would complete the work for the project (unless chain link is specified). One alternative we would consider would be to see if we could have a guardrail company drive the posts into the ground, thereby eliminating the disturbance of the subsoils. Depending on availability of materials and other commitments of our staff, I would estimate that the project could be completed within one month upon receiving approval to move forward.

Carmela D. Coughlin

EEB:	38-61
URCHARGE:	2
ASH:	Ø

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Merrimack Selectman

NOTICE OF ACTIVITY AND USE RESTRICTION

Site: Former Harcros Chemicals, Inc. Site
441 Daniel Webster Highway
Merrimack, New Hampshire 03054
Map 5D-4, Lot 74

NHDES Site No.: 198901022

This Notice of Activity and Use Restriction ("Notice") is made on this 16th day of April, 2010 by the Town of Merrimack, 6 Baboosic Lake Road, Merrimack, New Hampshire 03054 together with its successors and assigns (collectively "Owner").

WITNESSETH

WHEREAS, the Town of Merrimack, New Hampshire is the Owner in fee simple of that certain parcel of land located in Merrimack, New Hampshire with the buildings and improvements thereon ("Property") and recorded at the Hillsborough County, New Hampshire Registry of Deeds at Book 7556, Page 0886; and,

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof, is subject to this Notice of Activity and Use Restriction. The Property is shown on a plan recorded at the Hillsborough County, New Hampshire Registry of Deeds at Plan 34241 dated September 29, 2005; and plan recorded herewith as Plan 36744 ; and,

WHEREAS, the Property comprises an industrial site where releases of volatile organic compounds, (VOCs), polycyclic aromatic hydrocarbons (PAHs) and metals have occurred; and,

WHEREAS, VOCs and PAHs have been detected in the surficial soils of the Property at levels above the New Hampshire Department of Environmental Services ("NHDES") Code of Administrative Rules Env-Or 600, Soil Remediation Standards, as filed with NHDES; and,

WHEREAS, in accordance with the NHDES Code of Administrative Rules Env-Or 600, *Contaminated Site Management*, NHDES has required assurances that activities and uses of the Property will be restricted so as to minimize risks to human health and the environment; and,

WHEREAS, the portion of the Property having VOCs and PAHs above the aforementioned Env-Or 600 Soil Remediation Standards in the surficial soil has had the impacted surficial soil removed and replaced by clean soil backfill; and,

WHEREAS, the NHDES has reviewed and approved this Notice, and has approved the continued use of the Property subject to the restrictions set forth in this Notice.

NOW, THEREFORE, notice is hereby given that the Activity and Use Restrictions (“AUR”) set forth below apply to the Property:

1. Permitted Activities and Uses Set Forth in the AUR. The AUR provides that, pursuant to Env-Or 600 no significant risk exists to human health, safety, or welfare or to the environment, under current conditions and for any foreseeable period of time, so long as the following activities and uses occur on the Property:
 - (a) Passive recreation (walking/jogging) by adults and children.
 - (b) Landscaping activities including lawn mowing, brush and tree cutting and removal, installation of small plants, shrubs and trees.
 - (c) Short term underground utility and/or construction activities including, but not limited to, excavations deeper than two feet below the ground surface which are likely to disturb contaminated soil, provided that such activities are conducted in accordance with Obligations/Conditions (a), (b), (c), (d) and (e) of Section 3 of this AUR, and all applicable worker and safety practices pursuant to OSHA Standards and 29 CFR 1910.120 RSA 277: Safety and Health of Public Employees..
 - (d) Emergency repair of underground utilities in accordance with Obligations/Conditions (a), (b), (c), (d) and (e) of Section 4 of this AUR, and all applicable worker and safety practices pursuant to OSHA

Standards and 29 CFR 1910.120 and RSA 277: Safety and Health of Public Employees.

- (e) Such other activities and uses, which, in the opinion of an Environmental Consulting Firm and with concurrence by NHDES, shall present no greater risk or harm to human health, safety, or welfare or to the environment than the permitted activities and uses set forth herein.
2. **Restricted Activities and Uses Set Forth in the AUR.** Activities and uses which are inconsistent with the AUR, and which, if implemented at the Property, may result in a significant risk of harm to human health, safety, or welfare or to the environment or presents a substantial hazard, are as follows:
- (a) Any activity, including, but not limited to, excavation associated with underground utility or construction work (such as installation of basements or foundations) deeper than two feet below the ground surface which is likely to disturb the contaminated soil without prior development and implementation of an NHDES approved Soil Management Plan and a site specific Health and Safety Plan in accordance with Obligations/Conditions (a) and (b) of Section 3 of this AUR.
 - (b) Use of the Property as a residence, school, daycare facility or nursery.
 - (c) Cultivation of fruit, vegetable gardens or other food sources for human consumption.
 - (d) Any activity including, but not limited to, excavation or grading deeper than two feet below the ground surface and relocation of contaminated soil unless such activity is first evaluated and approved by an Environmental Consulting Firm and NHDES.
3. **Obligations/Conditions.** Obligations and/or Conditions to be undertaken and/or maintained at the Property to maintain a condition of no significant risk as set forth in the AUR shall include the following:

- (a) A Soil Management Plan prepared by a qualified Environmental Consulting Firm and approved by NHDES prior to commencement of any subsurface activity that may involve impact to VOCs and/or PAHs contaminated soil deeper than two feet below the ground surface or that would result in direct contact to humans or present a greater risk to the environment.
- (b) A site specific Health and Safety Plan prepared by a Certified Industrial Hygienist or other qualified health and safety professional in accordance with 29 CFR 1910.120. The plan must clearly identify the location of the VOCs and/or PAHs contaminated soils and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers and others at the Property are not exposed to VOCs and/or PAHs impacted soils through dermal contact, ingestion, and/or inhalation of particulate dusts.
- (c) Construction of enclosed buildings (such as restrooms, meeting rooms) must be preceded by limited subsurface investigations that may consist of, but not be limited to, collection and analyses of soil, soil gas and groundwater samples, the results of which may be used to incorporate mitigation of soil vapor intrusion into the building, if necessary.
- (d) VOCs and/or PAHs impacted soil may not be relocated or moved unless first evaluated by an Environmental Consulting Firm which shall render an opinion that such relocation or movement of the soil is in accordance with the Soil Management Plan (if applicable) and is not inconsistent with maintaining a condition that is protective of human health and the environment.
- (e) The upper two foot (0.0-to 2.0-foot) thick soil layer will be reserved and replaced after completion of any subsurface activity as described in items (a), (c) and (d) above. In the event that soils in a portion of the site are removed by flooding, washout or runoff, clean backfill will be used to replace the eroded soils and maintain the 2.0-foot cover thickness.

4. **Emergency Procedures.** In the event of any emergency or condition that may result in significant risk or harm to human health from exposure to contaminants, Property Owner shall:
 - (a) Promptly notify NHDES of such emergency or condition.
 - (b) Limit disturbance of the VOC and/or PAH impacted media to the minimum reasonably necessary to adequately respond to such emergency or condition.
 - (c) Implement appropriate precautions to reduce exposures to VOC and/or PAH contaminated media by workers at the Property and neighbors to the Property.
 - (d) Engage the services of an Environmental Consulting Firm to supervise the preparation and implementation of a written plan, for review and approval by NHDES, for restoring the Property to a condition consistent with the AUR.
 - (e) Take precautions to limit disturbance of contaminated media to the minimum necessary to respond to the emergency or condition.
5. **Proposed Changes in Activities and Uses.** The AUR may be amended or modified by Owner of the Property upon application to and approval by NHDES. Any proposed changes in activities and uses at the Property that may result in a greater risk to exposure of VOCs and/or PAHs than currently exists at the Property shall be evaluated by an Environmental Consulting Firm, which shall render an opinion as to whether the proposed changes will present an unacceptable level of risk to human health and the environment. Said opinion shall accompany the application. Any and all requirements set forth in the opinion or by NHDES as part of the approval process to insure a condition of no significant risk in the implementation of the proposed activity or use shall be satisfied before such activity or use is commenced.
6. **Duration of Activity and Use Restrictions.** The AUR shall run with the land, become binding upon successive owners of the Property or portions of the Property

and shall remain in effect until the VOCs and PAHs soil contamination at the Property meets applicable standards.

7. **Termination of Activity and Use Restrictions.** The AUR may be terminated in accordance with the following procedures:
 - (a) Owner of Property shall submit to NHDES a written request to terminate this AUR with an explanation as to why such restrictions are no longer necessary to maintain the protection of human health and the environment.
 - (b) Owner shall provide such supporting documentation as outlined in Env-Or 600, or as NHDES may deem necessary to justify the termination of the AUR.
8. **Recordation.** This Notice of AUR, any modifications or amendments to this Notice of AUR, and termination of this Notice of AUR are effective upon recordation of the Notice in the chain of Title for the Property at the Hillsborough County, New Hampshire Registry of Deeds. All recordation costs shall be the responsibility of the Property Owner. Owner shall provide certified copies of all AUR recorded instruments to NHDES within 60 days of recordation.
9. **Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer.** This Notice shall be incorporated either in full or by reference into the chain of title of all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed
10. **Violation of Activity and Use Restriction.** The property owner shall notify NHDES in writing within 30 days of discovery of a violation of any condition of the NHDES approved and recorded AUR. Within 60 days of discovery of a violation, a property owner shall submit recommendations to correct the violation to NHDES for approval, including a corrective action plan and schedule for implementing the plan.
11. **Self-Certification.** The property owner shall self-certify compliance with the AUR every 5 years beginning in the year 2014 on a form provided by the NHDES. Within 30 days of receipt of a self-certification form from NHDES, the property owner at the

time of notice shall: 1) sign the form to certify that all conditions of the NHDES-approved AUR are being met, and 2) return the signed form to NHDES.

Owner hereby authorizes and consents to the filing and recordation of this Notice, which shall become effective upon approval of NHDES and recordation of this instrument at the Hillsborough County New Hampshire Registry of Deeds in the chain of Title for the Property.

WITNESSETH the execution hereof under seal this 16th day of April, 2010.



Diane Trippett
DIANE TRIPPETT, Notary Public
My Commission Expires September 23, 2014

K. Hickey
By: Keith Hickey
Town Manager
Town of Merrimack,
New Hampshire

NOTARY BLOCK