



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: October 4, 2018
Submitted by: Town Manager Eileen Cabanel
Department:
Speakers:

Date of Meeting: October 11, 2018
Time Required: 20 minutes
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"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input checked="" type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Request to Acquire Conservation Easement on State Owned Parcel

DESCRIPTION OF ITEM

The Town Council to consider officially requesting to acquire a conservation easement over a portion of a State owned parcel known as Tax Map 5C/659 for the purpose to have the Town Center trail from Watson Park to Wildcat Falls.

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		Email Address	ecabanel@merrimacknh.gov

APPROVAL

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



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



JEFF BRILLHART, P.E.
ACTING COMMISSIONER

(5646-1081)

April 1, 2015

Eileen Cabanel, Town Manager
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

RECEIVED

APR 06 2015

TOWN OF MERRIMACK
TOWN MANAGER'S OFFICE

Re: **Request to Acquire Easement on State Owned Parcel
Merrimack FI 239(12), P-2116, LS-1859(1)**

Dear Ms. Cabanel:

I am writing in response to your letter to Phillip Miles requesting to acquire an easement over a portion of a State owned parcel designated as Merrimack Tax Map 5C-659 (Parcel 1081) to finalize the Town Center Loop Trail.

The Department has reviewed your request and the Department needs to preserve all rights and interests for this property for the proposed Nashua –Bedford 13761 F. E. Everett Turnpike (F.E.E.T.) widening project at this time. The Department anticipates having a consultant beginning work on this project this summer.

This parcel is within one of the segments of the proposed F.E.E.T. widening and offers the potential to address environmental impacts in the same watershed, potentially avoiding the need for mitigation payments. Additionally, it could be useful in meeting the broader needs of preservation or mitigation of environmental impacts for the three segments identified for widening.

However, the Department would certainly be amenable to considering the Town's request for a conservation easement for the entire parcel as a mitigation element of the proposed project since wetland impacts will be inevitable as a byproduct of the widening. The earliest the Department could be in the position to make this determination would be the summer of 2016.

If you have any questions, please feel free to contact me.

Sincerely,

Charles R. Schmidt, PE
Administrator

CRS/PJM/dd

cc: Christopher Waszczuk, Administrator, Bureau of Turnpikes
Phillip J. Miles, Chief of Property Management, Bureau of Right-of-Way

Bureau of Right-of-Way
John O. Morton Building - Room 100
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

Tel: (603) 271-3222

Fax: (603) 271-6915

Becky Thompson

From: Eileen Cabanel
Sent: Monday, September 24, 2018 12:41 PM
To: Becky Thompson
Subject: FW: DOT letter
Attachments: DOT LETTER 150410.pdf

Hi Beck,

Will you please put this on the to-do list for a future council meeting?

Thank you!

Eileen

Eileen Cabanel

Town Manager
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054
ecabanel@merrimacknh.gov

From: Tim Tenhave
Sent: Tuesday, September 18, 2018 9:35 PM
To: Pete Albert; Eileen Cabanel
Cc: Gage Perry
Subject: FW: DOT letter

Hi Pete and Eileen,

As the State reaches out for public comment on the widening of the FE Everett Turnpike, I am hoping our Town officials will carefully re-address this desire for the MCC or the Town to either gain ownership or an easement over the State land that abuts Wildcat Falls. This is the land acquisition needed to have the Town Center trail from Watson Park to Wildcat Falls become a reality using locally controlled land.

As the attached letter indicates, the project will have wetland impacts and the action of giving the MCC/Town some level of control over that property (ownership or easement) in a conservation manner will help the State to offset those wetland impacts.

See attached letter. Let me know if you have any questions on this.

Thanks,

Tim

From: Tim Tenhave <ttenhave@merrimacknh.gov>
Date: Friday, April 10, 2015 at 10:16 AM
To: ConservationCommission <ConservationCommission@merrimacknh.gov>, mcleanka <mcleanka@bmus.net>, "rebeccabrenton@gmail.com" <rebeccabrenton@gmail.com>, Andrew Duane <e91.waggin@gmail.com>, "jmosselyn@aol.com" <jmosselyn@aol.com>
Cc: Susanne Holstein <sholstein@merrimacknh.gov>
Subject: FW: DOT letter

Hi Commission and Sub-Committee,

Here is the official letter from DOT about their abutting parcel with Wildcat Falls. It is unfortunate that we don't have an easement today but it looks good that in the future we may/will get an easement for the entire parcel and then we can do proper management on it.

Tim

From: Kristin Wardner
Sent: Friday, April 10, 2015 10:01 AM
To: Tim Tenhave; Nelson Disco
Subject: DOT letter

Good morning. I am attaching a letter Eileen received from Charles Schmidt from the NH DOT regarding the Town's easement request to acquire an easement on State owned parcel. It was addressed to Eileen and I wasn't sure who else would need to see it.

Thanks,

[Kristin Wardner](#)
Secretary, General Government
Town of Merrimack, NH
Phone: 603-424-2331; Fax: 603-424-0461
Email: kwardner@merrimacknh.gov



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
RECEIVED



FEB 11 2014

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

TOWN OF MERRIMACK
TOWN MANAGER'S OFFICE

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

(5646-1081)

February 7, 2014

Timothy Tenhave, Chair
Merrimack Conservation Commission
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03053

Re: **Request in Acquiring Parcel of State Owned Land, Merrimack Tax Map 5C, Parcel 659
Merrimack FI 239(12), P-2116, LS-1859(1), Parcel 1081**

Dear Mr. Tenhave:

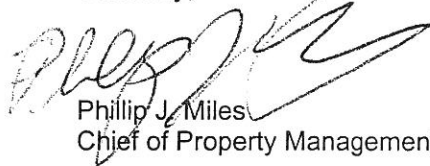
I am writing concerning the Town's interest in acquiring a parcel of State owned land consisting of approximately 56 +/- acres located on the westerly side of the FE Everett Turnpike, south of Baboosic Lake Road in the Town of Merrimack.

The Department has reviewed its need for this parcel and has determined that this parcel is not surplus to our needs and will be retained by the Department at this time. The Department has identified a need for the future widening of the FE Everett Turnpike in the direct vicinity of this parcel. This parcel is located within one of the segments of the envisioned FE Everett Turnpike widening and could be used as preservation or mitigation of environmental impacts for the segments of future widening.

Once the project's specific needs are understood, the potential sale of this parcel to the Town can be further discussed.

I realize this is not the answer you hoped for, but hopefully you can understand the Department's position on this matter.

Sincerely,



Phillip J. Miles
Chief of Property Management

PJM/dd

cc: Charles R. Schmidt, PE, Administrator, Bureau of Right-of-Way
Christopher Waszczuk, Administrator, Bureau of Turnpikes
✓ Eileen Cabanel, Town Manager, Town of Merrimack

Bureau of Right-of-Way
JO Morton Building - Room 100
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483
Tel: (603) 271-3222 Fax: (603) 271-6915



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

August 26, 2013

Chuck Schmidt, PE,
Administrator
Bureau of Right of Way
Room 100
JOM Building
PO Box 483 | 7 Hazen Drive
Concord, NH 03302-0483

Dear Mr. Schmidt

The Town of Merrimack would like to express our interest in acquiring a parcel of land in our Town that is owned by the State of New Hampshire Department of Transportation (NH DOT). The parcel is shown on Merrimack Tax Map 5C as parcel 659 and contains approximately 56 acres. The parcel is bordered to the west by Town of Merrimack land that is managed by the Conservation Commission, to the east by the Everett Turnpike and then by Merrimack School District land, and to the south by the Souhegan River. It is located just to the west of the Merrill's Marauders Bridge which spans the Souhegan River for the Everett Turnpike.

Merrimack's desire to acquire the parcel stems from three different goals. First is the Conservation Commission's goal of securing property along the Souhegan River to ensure a healthy river for years to come for the enjoyment of our residents and the different species that live in and along the river. Second is the Commission's desire to manage the wetland areas in our Town that are essential to both our ground water system, which Merrimack exclusively draws from for drinking water, for its residents and to preserve the unique wildlife habitats found in these wetlands. The third goal is to create and maintain a system of trails throughout the Town Center Area that provides connectivity to recreation areas, conservation and wildlife habitats, as well as points of interest in the Town Center Area.

Merrimack's interest in this parcel began in 1970, when the Department of Transportation sold Merrimack the abutting parcel for \$1.00. Members of the community and the Conservation Commission drew up recreation and conservation plans that inevitably included the remaining NH DOT parcel. In the late 1980s and early 1990s, members of Merrimack's Heritage Trail Committee envisioned a Town Center Loop as part of the Heritage Trail, to connect Wildcat Falls with other locations of interest in the Town Center Area. The portion of the Trail that was on Town land was developed and remains a very popular trail, but the Everett Turnpike was an obstacle to completing the loop.

In 2008, the NH DOT Bureau of Bridge Design presented to the Town a proposal for replacing the Merrill's Marauders Bridge. During the Bridge Design meeting, members of the public and the Town Council (including myself as I was member of the Town Council at that time) talked with Steve Liakos and his associates from the Bureau of Bridge Design about Merrimack's strong desire for passage under Merrill's Marauders Bridge. Those discussions lead to a signed encroachment agreement between the Town and NH DOT. The Town purchased a pedestrian bridge, and during renovation of Merrill's Marauders Bridge the State's contractor installed the pedestrian bridge. Along with the pedestrian bridge, the NH DOT provided safe passage under the Merrill's Marauders Bridge on both the north and south side with appropriate fencing to ensure pedestrians would remain out of harm's way.

The Town then worked with the Nashua Regional Planning Commission to create a Town Center Plan that included a Town Center Trail that utilized the new access under Merrill's Marauders Bridge. It tied Town owned parcels to the east of the Everett Turnpike to Town owned parcels to the west. The Town purchased one privately held parcel that was on the trail route, and is completing an easement with the Merrimack School District for the section of the trail that passes over their property. The final parcel required to make this Town Center Trail a reality is owned by the NH DOT – the parcel about which I am writing you today.

As I stated earlier, the Conservation Commission has goals for this parcel that include protecting the Souhegan River and the various wetlands on this property. Over the many years since 1970, members of the public have been walking, riding, and enjoying the NH DOT parcel. Unfortunately, some of that recreation has encroached on the wetlands of the parcel. Trails are crossing the wetlands without proper bridging and are being used by both motorized and non-motorized users. The wetlands and the surrounding areas are seeing erosion issues along with inappropriate wetland crossings. The Commission believes this type of activity needs to be controlled and managed and would like to be more active in doing that.

When you combine the desire to realize a Town Center Trail that utilizes the access provided by the NH DOT with the goals for active conservation management, you can see why the Town of Merrimack is so interested in acquiring this parcel through its Conservation Commission.

I have included a map with this letter to show the intent of the Town Center project as it is related directly to this parcel and the Town parcel directly to the west. You will see on the map that a trail system already exists on the NH DOT parcel as it was created over these last 40 years by the public. I have also included a map that was created by the Town Center Committee and approved by the Town Council that depicts the full Town Center concept including the Town Center Trail as it would proceed under Merrill's Marauders Bridge.

The Town, upon acquiring this parcel, would formalize the trails, and develop a long term conservation, maintenance, and use plan for the parcel. It would then proceed to realize the Town Center Trail that has roots going back to the 1980s.

Please contact me or Eileen Cabanel, Merrimack's Town Manager, at your convenience so that we may discuss the possibility of this acquisition. Eileen can be reached by phone at (603) 424-2331 or by email at ecabanel@merrimacknh.gov. I can be reached through mail at the Community Development Department noted by the letterhead on the first page, by phone at (603) 494-0132, or by email at ttenhave@merrimacknh.gov.

I look forward to hearing from you.

Sincerely,



Timothy Tenhave
Chair, Merrimack Conservation Commission



Eileen Cabanel
Merrimack Town Manager

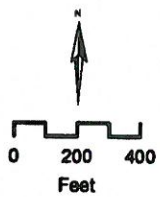
CC: Town Council
Conservation Commission

Merrimack Town Center Pedestrian & Trail Master Plan

November 2009

- Existing Trail/Path
- Conceptual Trail
- Desired Trail Connections
- 1-3 Trail Priority
- Rail Lines
- Pedestrian Accomodation Areas
- Potential Ped Bridge
- Buildings
 - Commercial
 - Community Resource
 - Residential
 - School & Municipal

- Sidewalk Existing
- Sidewalk Need
- # 1-7 Sidewalk Priority*
- Sidewalk recommended in Master Plan - Gaps



*Note: Number 1-7 Indicate Project priority



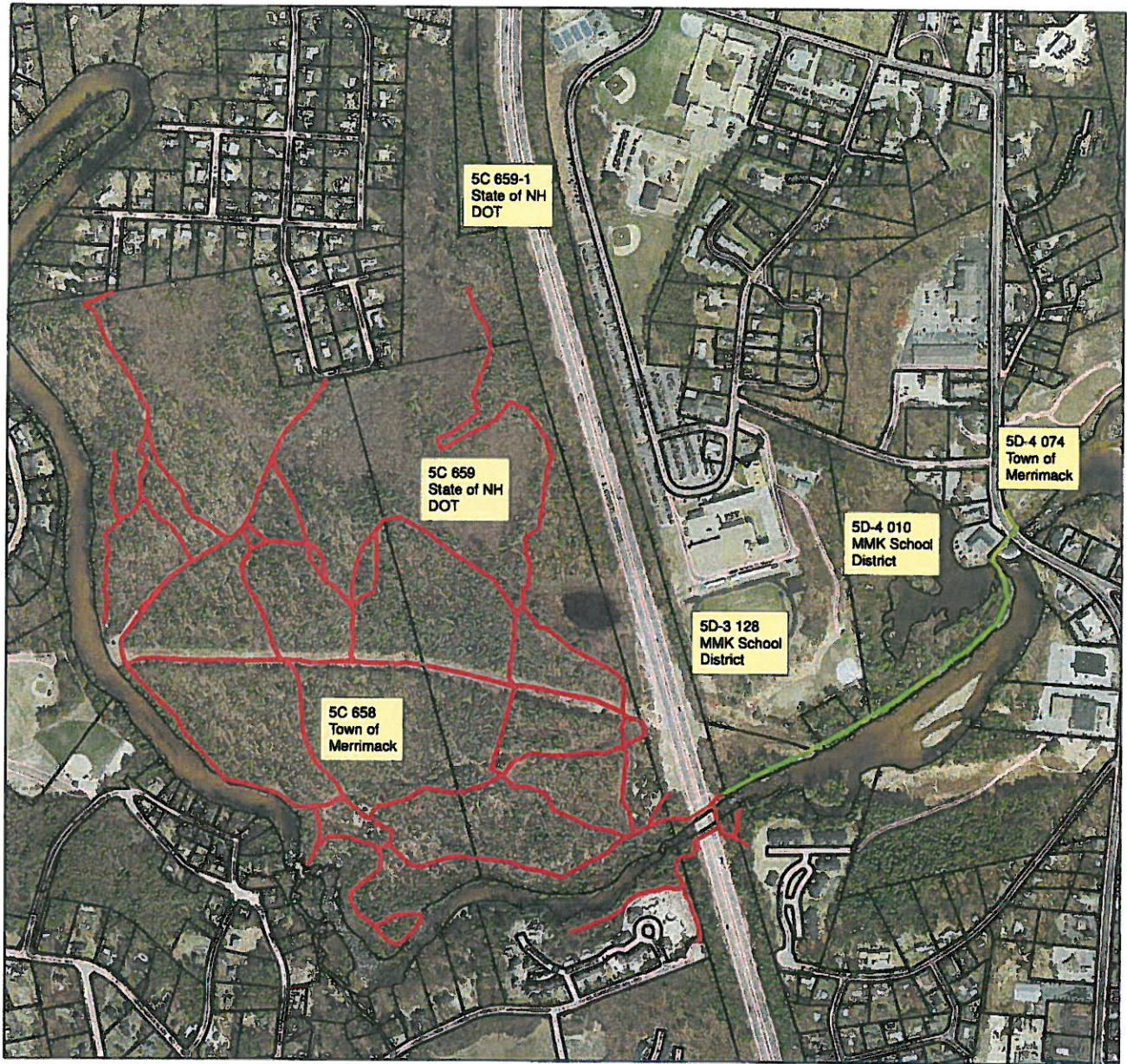
Future pedestrian access under Merrill's Marauders bridge to connect to Wildcat Falls Conservation Area and bridge to neighborhoods south of river.

Maps prepared by the Nashua Regional Planning Commission are for planning purposes only. NRPC uses data gathered from multiple sources at various scales of accuracy. No warranties, expressed or implied, are provided for the data hereon. Its use, or its interpretation.

Merrimack Trail Map

Souhegan Riverwalk

June, 2013



Legend

- Proposed Trails
- Existing Trails
- Parcel_Lines
- RoadLines

0 225 450 900 1,350 1,800 Feet

1 inch = 500 feet

