



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: May 6, 2021

Date of Meeting: May 27, 2021

Submitted by: Scott Delibac

Department:

Time Required: 15 minutes

Speakers: Scott Delibac

Background Info.

Supplied:

Yes: No:

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

Appointment:

Recognition/Resignation/

Retirement:

Public Hearing:

Old Business:

New Business:

Consent Agenda:

Nonpublic:

Other:

TITLE OF ITEM

Request to Tap Maple Trees on Falcon Drive (Town-Owned Parcel)

DESCRIPTION OF ITEM

Seeking Town Council permission to tap maple trees in the Town-owned forested area adjacent to home along Eagle Drive.

REFERENCE (IF KNOWN)

RSA:

Warrant Article: _____

Charter Article:

Town Meeting: _____

Other:

N/A

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

Projector:

Grant Requirements:

Easel:

Joint Meeting:

Special Seating:

Other:

Laptop:

None:

CONTACT INFORMATION

Name:

Scott Delibac

Address

6 Falcon Drive

Phone Number

Email Address

APPROVAL

Town Manager:

Yes

No:

Chair/Vice Chair:

Yes

No:

Hold for Meeting Date: _____

Maple Tree Tapping to Produce Maple Syrup

Falcon Dr – Eagle Dr - Robin Lane

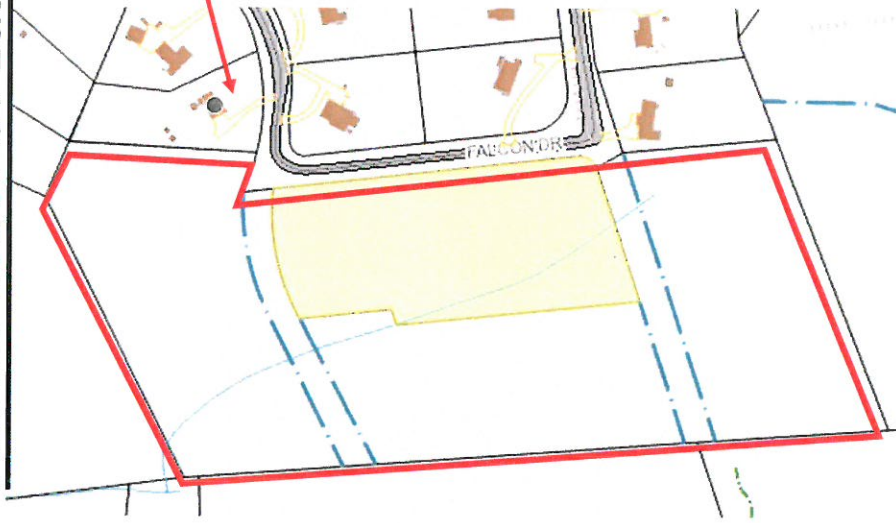


Background

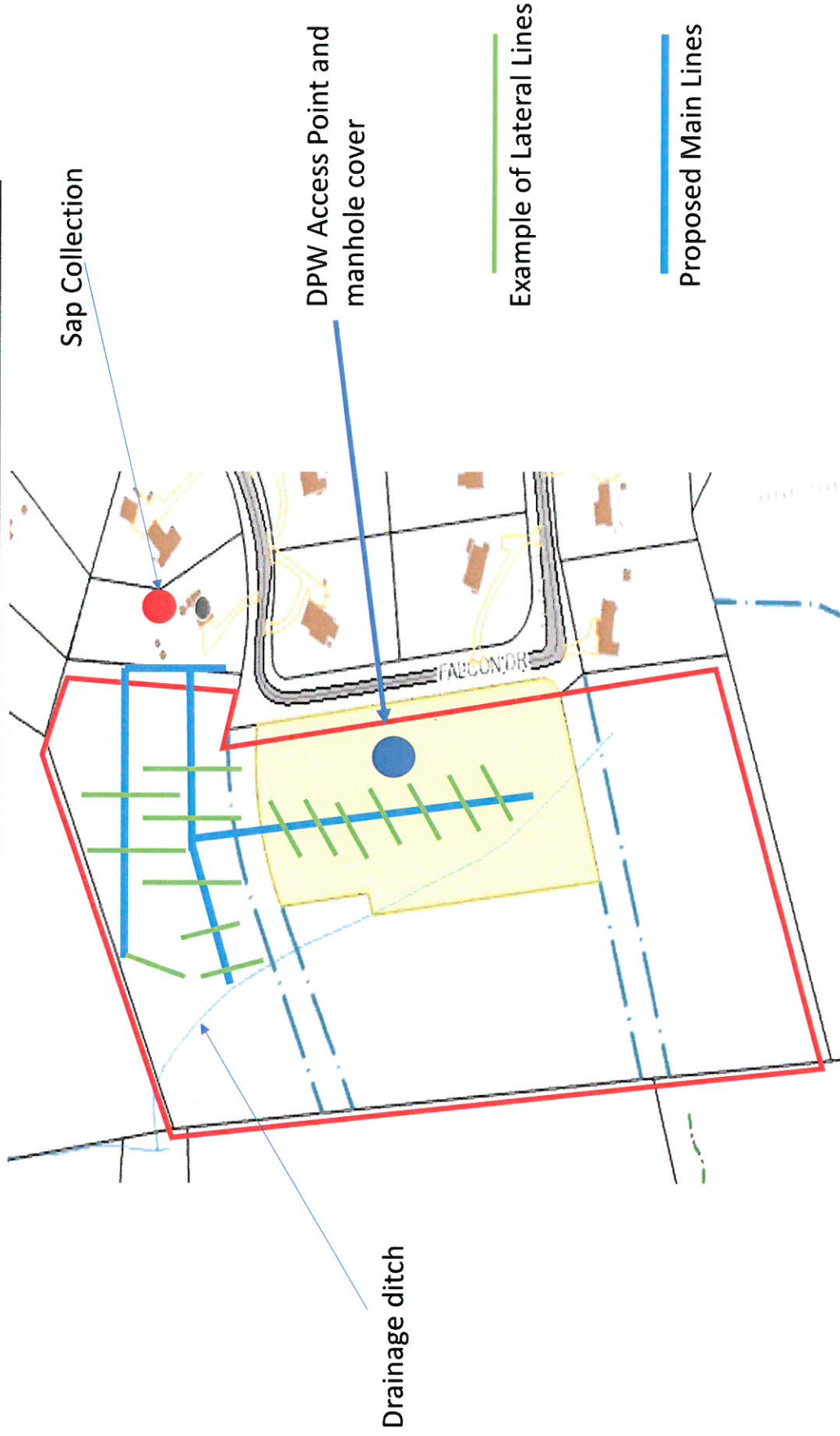
- Have lived at 6 Falcon Dr since 2005
 - Started making maple syrup in 2013
 - Hobby has grown each year
 - Petitioned Conservation Commission in 2016 for tree tapping at land adjacent to Wasserman Park
- “The consensus of the Commission was not to support the proposal at this location. However, should the Town Council wish to move forward with the activity at a different location, the Commission would be pleased to assist in the process of identifying an alternative location.”*
- Currently tap 4 other locations across Merrimack to gather sap, id prefer to reduce this to 2 locations
 - Looking to consolidate sap collection for more efficiency, full time job, family obligations, etc.
 - Have donated my syrup to causes throughout the town for fundraising purposes, schools, cancer drives, etc
 - Have had Boy Scout and Girl Scout troops come by for demonstrations
 - Have hosted NH Maple Weekend events at my home the past few years with many attendees to see the setup and process.
 - Trial run this past season using vacuum pump and tubing lines, as is industry standard, proved to me it would be worth my investment to expand to more trees on adjacent land.
 - Trees are tapped approximately late January and taps are removed by, approximately the end of March

Aerial View of Land

My home at 6 Falcon

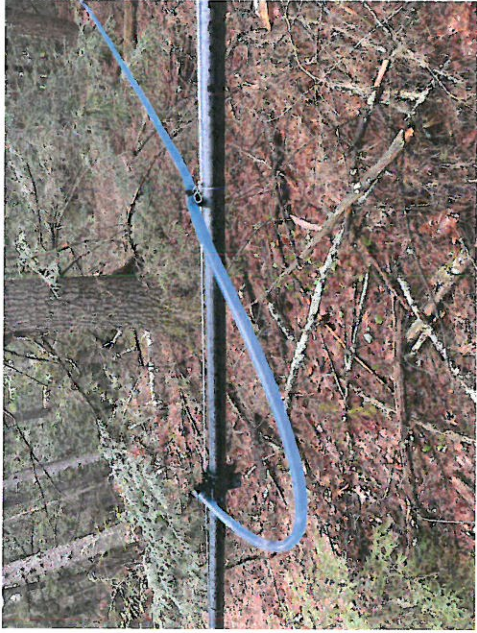


Proposed Mainlines and Laterals (approx.)

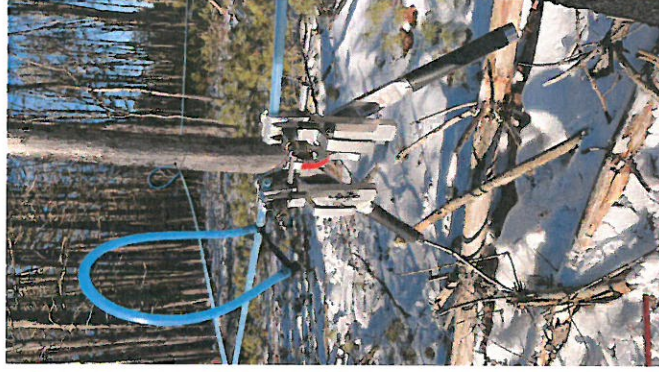


Equipment used

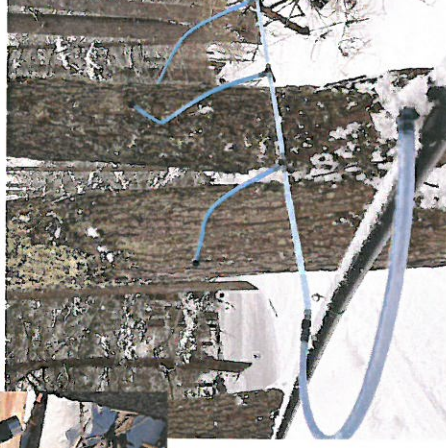
Main Line with Saddle and Lateral Line



Ball Valve to close off sections for leak detection



Tap lines looped and stored while not in the trees and tool used to create tap and lateral connections



Tapped trees attached to lateral and connected to mainline

Additional Information

- Looking to tap approximately 100 trees +/-
- Trees are Silver and Red Maples, not Sugar Maples.
- No cutting down of any trees.
- No heavy machinery of any kind.
- Will only cut trees if they fall naturally and land on lines.
- Lines will be high enough for easy animal/hunter passage.
- Lines will be marked for easy identification.
- No litter or tubing left on ground.
- Reuse of materials year after year.
- My expense is approximately \$4-\$5 per tap.
- Trees on my own property have a sap to syrup ratio of 58:1, meaning 58 gallons of sap to make 1 gallon of syrup.
- Trees will have no more than 3 taps, most will only have 1 or 2 based on size of tree, will use industry recommendations.
- I maintain my own liability insurance for the maple syrup production so no liability risk to the town.
- Willing to continue to donate syrup to town groups for fundraising purposes and to continue demonstrations to groups or interested residents on the maple sap processing.

1 **Commissioner Perry**

2
3 Stated he was participating electronically from home, attendance in person was not reasonably practical due
4 to COVID-19, he was alone in the room he was in, and could hear the proceedings.

5
6 **Commissioner Starr**

7
8 Stated he was participating electronically from home, attendance in person was not reasonably practical due
9 to COVID-19, he was alone in the room he was in, and could hear the proceedings.

0
1 **Commissioner Drouin**

2
3 Stated he was participating electronically from his vehicle, attendance in person was not reasonably
4 practical due to COVID-19, he was alone in the car, and could hear the proceedings.

5
6 **Commissioner Tenhave**

7
8 Stated he was participating electronically from home, attendance in person was not reasonably practical due
9 to COVID-19, he was alone in the room he was in, and could hear the proceedings.

0
1 *Chair Perkins designated Commissioner Drouin to sit in for Commissioner Glenn and Commissioner*
2 *Tenhave for Councilor Murphy.*

3
4 **PUBLIC COMMENT** - None

5
6 **PUBLIC HEARINGS** - None

7
8 **APPOINTMENTS** - None

9
0 **STATUTORY/ADVISORY BUSINESS** - None

1
2 **NEW BUSINESS**

3
4 1. Scott Delibac – tapping trees on Town owned land located at 1 Robin Lane and 17 Eagle Drive

5
6 Scott Delibac, 6 Falcon Drive, spoke of having been before the Commission in 2016 with a request to tap trees
7 at Wasserman Park. The request could not be approved due to covenants on the land. He was informed should
8 he identify an alternate location the request could be revisited.

9
0 Tapping and maple syrup has been a hobby of his that has grown every year. He was overseas for a few years
1 and returned in 2018. He started the hobby back up and is currently tapping 4 locations in Town. This year he
2 started running a tubing system with a small vacuum pump on his property with good results. He began
3 exploring the adjacent property and discovered a good number of maple trees. Were he able to utilize that
4 location he could stop tapping at some of the other locations and gain savings in the time required to pump sap
5 at night just to bring it home and process it.

6
7 Chair Perkins noted the property in question is Town owned land. It is not property managed by the
8 Commission.

1 Mr. Delibac stated he was informed by the Town Manager's Office that the property falls under the umbrella of
2 the Commission.

3
4 Commissioner Tenhave stated uncertainty the property in question is Commission property based on neither
5 parcel being designated as proposed for Chapter 111. In fact, his understanding is this parcel was on a list of
6 potential places where ballfields could go as part of the athletic fields study that was done 10[±] years ago. He
7 does not doubt it is conservation related as he recalls a different issue that was addressed on the property years
8 ago. To his knowledge, the Commission has no real tie to the property.

9
0 Mr. Delibac spoke of a drainage ditch and Public Works Department (PWD) sewer pipes on the property, which
1 he believes to be more for storm overflow. There are no hiking trails, etc. A neighbor of his, who has resided
2 in the area for approx. 30 years, has indicated, at one time, there were snowmobile trails on the property. They
3 were cut off due to development.

4
5 Although the Commission can provide a recommendation, the proposal would be required to go before the
6 Town Council for approval.

7
8 Asked how he would get power to the parcel, Mr. Delibac replied the desire is to extend the lines he currently
9 has on his property.

0
1 Vice Chair Boisvert commented the circumstances of the prior and current requests are vastly different, e.g. no
2 trails on the proposed property.

3
4 Commissioner Perry commented if Town property is to be used in a commercial sale, it is something for the
5 Town Council to weigh in on. Mr. Delibac stated his understanding that would be the case. Commissioner
6 Tenhave noted the last time the proposal was before the Commission Mr. Delibac had a proposed agreement
7 with the Town attorney, etc.

8
9 Chair Perkins questioned if Commissioners had reservations or were of the opinion a recommendation could be
0 provided to support the proposal. Commissioner Tenhave stated it is certainly a situation that would set a
1 precedent, which will have to be considered by the Town Council. The same discussion was had when
2 individuals wished to take firewood off Commission properties.

3
4 There is the need to ensure no harm comes to the trees; there would have to be some limitation on number of
5 taps, etc. He suggested Mr. Delibac address that in his presentation to the Town Council. Mr. Delibac stated he
6 uses industry standards, which are based on the size of the tree. Commissioner Tenhave spoke of the need to
7 ensure safety is addressed for the public as well as Mr. Delibac (he would be performing activities on Town
8 owned property).

9
0 Commissioner Perry suggested the presentation address longevity, e.g., re-tapping the same tree and how that is
1 done.

2
3 ***Chair Perkins stated, if receiving a request for a recommendation from the Town Council, the feedback of
4 the Commission will be provided.***

5
6 **2. UNH Student Field Study**

7
8 Chair Perkins stated Andrew Butler, PhD student at UNH Department of Natural Resources & the Environment
9 Master of Science, is looking to conduct a study on bears on conservation commission managed lands. He has



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: February 18, 2010

Date of Meeting: **MARCH 25, 2010**

Submitted by: Gregg Kennedy

Department:

Time Required: 1/2 hour

Speakers: Gregg Kennedy, Keith Hickey

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

Tapping Maple Trees Along Horse Hill Nature Preserve Property Line

DESCRIPTION OF ITEM

The Town Council will consider abutter Gregg Kennedy's request to tap maple trees along a property line he shares with the Horse Hill Nature Preserve.

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:	Keith Hickey	Address:	6 Baboosic Lake Road
Phone Number:	424-2331	Email Address:	khickey@merrimacknh.gov

APPROVAL

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

Hold for Meeting Date: _____



DATE: March 18, 2010

MEMORANDUM

TO: Merrimack Town Council
FROM: Keith Hickey, Town Manager
SUBJECT: Request by Gregg Kennedy to Tap Maple Trees on Horse Hill Nature Preserve

At the December 17, 2009 Town Council meeting Gregg Kennedy made a request of the Council that he be able to tap maple trees in the Horse Hill Nature Preserve along the property line he shares with the Preserve (minutes attached).

Mr. Kennedy has already indicated that he is willing to sign a liability waiver and provide a Certificate of Insurance naming the Town as additionally insured. I spoke to Primex, the Town's property/liability insurance carrier who proposed the following indemnification language for an agreement with Mr. Kennedy.

To the fullest extent permitted by law, Mr. Kennedy shall protect, indemnify, save, defend and hold harmless the Town of Merrimack (Town), including its officers, officials, volunteers, employees and agents, from and against any and all liabilities, obligations, claims, damages, penalties, causes of action, costs and expenses, including reasonable attorney and paralegal fees, which the Town and/or its officers, officials, volunteers, employees and agents may become obligated by reason of any accident, bodily injury, personal injury, death of person, or loss of or damage to property, arising indirectly or directly in connection with or under, or as a result of this agreement, but only to the extent caused in whole or in part by any negligent or wrongful act or omission of Mr. Kennedy and his, volunteers, employees, subcontractors and/or agents.

Mr. Kennedy will be at the Town Council meeting to answer any additional questions the Town Council may have. If the Town Council agrees to provide access to Mr. Kennedy, I can develop an agreement with the Town Attorney for access and use.



DATE: February 19, 2010

MEMORANDUM

TO: Merrimack Town Council
FROM: Keith Hickey, Town Manager
SUBJECT: Request by Resident Gregg Kennedy to Tap Maple Trees on Horse Hill Nature Preserve

At a recent Town Council meeting, Gregg Kennedy requested to tap several maple trees along the property line he shares with the Horse Hill Nature Preserve. The Town Council requested some additional information be provided prior to making a decision.

At the February 25th Council meeting, a short video will be shown to better identify the area that is proposed to be used by Mr. Kennedy and the trees vicinity to the existing walking path. The video should provide the Council with a clearer understanding of the request.

I have been in contact with the Town's property/liability insurance carrier who indicated that if the Town agrees to allow the tapping of maple trees on Town property, a certificate of insurance should be provided by Mr. Kennedy naming the Town. In addition, a written agreement between Mr. Kennedy and the Town should be drafted that includes an indemnification agreement. If the Council approves Mr. Kennedy's request, I can draft that agreement with the assistance of the Town attorney.

I have attached pictures showing Mr. Kennedy's current sugaring operation and a GIS map of the area.



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: 12/3/09 Date of Meeting: 12/17/09
 Submitted by: GREGG KENNEDY
 Department: Time Required: 15 minutes
 Speakers: GREGG KENNEDY Background Info. Yes: No:
 Supplied: TO BE EMAILED

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

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

TITLE OF ITEM

TAPPING MAPLE TREES ALONG PROPERTY LINE OF HORSE HILL N.P.

DESCRIPTION OF ITEM

APPROVAL OF TAPPING MAPLE TREES ALONG PROPERTY LINE OF HHNP.

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 checked="" type="checkbox"/>

CONTACT INFORMATION

Name: GREGG KENNEDY Address: 11 1/2 JOFFRE ST., NASHUA, NH
 Phone Number: 603-234-4132 Email Address: GKCONST@COMCAST.NET

APPROVAL

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

Hold for Meeting Date: _____

Becky Thompson

From: Keith Hickey
Sent: Thursday, December 10, 2009 8:07 AM
To: Becky Thompson
Subject: FW: summary of tapping maple trees along property line on HHNP

Keith R. Hickey, Town Manager
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054
(603) 424-2331
khickey@merrimacknh.gov
PLEASE NOTE NEW E-MAIL ADDRESS

From: gkc03@sprintpcs.com [mailto:gkc03@sprintpcs.com] **On Behalf Of** Gregg Kennedy
Sent: Wednesday, December 09, 2009 10:35 PM
To: Keith Hickey
Subject: summary of tapping maple trees along property line on HHNP

My name is Gregg Kennedy. I'm an abutter of Horse Hill Nature Preserve at the Amherst rd. trail head parking lot. The trail that runs parallel to the longest side of my property is also the lowest elevation of my property. I currently have a hobby of producing maple sugar/syrup from the sap of maple trees that I have tapped on my own property. I currently have a main line piping system to aid in the sap collection due to the laborious process of collecting sap. The main line runs along about half of the abutting property line of the HHNP as well as up to the top of my lot which runs along Fuller Mill rd.

What I am asking the town council for is approval to allow me to tap the maple trees along my property line which are on the other side of the stone wall that is the property line which marks my lot from the nature preserve. The area where the trees are is not in the way of the walking trail and will be "off the beaten path" so to speak. The trees "of interest" are either 1. not visible from the trail due to the bend in the trail that crosses the culvert. Or 2. The height at which these taps would need to be placed would be 10+ feet in the air to get sufficient slope for the sap to make it to the main line which is up hill from where these trees are located. 3 there is a deep culvert on the right of the trail that would probably deter someone from wanting to get a up close look. (which I have no issues with, see comments below). There would be no taps on the opposite side of the trail, or culvert for that matter.

The only time these taps would be actively used is from approx. mid of Feb to the end of March. It's a short season. I currently produce a small quantity of syrup to give as gifts and use for my family as well as give some to others for a "donation" to try to recover some of my very sizable investment. I like to think of it as a "sick hobby or obsession". I find it as a nice way of bonding with my daughter who has been also very into it since a very young age.

So, if the concern of liability comes up, I feel it would be not an issue. The taps will need to be placed to high to even be reached with out a tall ladder or other means. The lines would be to high over head to be an issue. One thing that was brought to my attention was that there may be hesitation of approval due to the "we let you do it and everyone will want to". That is a possibility, but, my lot is right there and unless another person lives next to the preserve that would not be possible. Besides, the chore and dedication of making maple syrup is not a task for someone with out dedication. First, there is no money to be made doing it due to the massive expense involved unless you go really big in operation. Secondly, when someone does the math that it takes 43-45 gals. of sap to make one gal. of syrup, most people would just go to the store and buy it. That does not even mention the work involved in the wood cutting, splitting, stacking, and storing, boiling, filtering, bottling, and the worst part of all, the cleaning of tubing, tanks, pans, and other equipment. I guess in short, if it were that easy we all would do

12/10/2009

it.

While working on my pipeline setup in the last few years there have been questions by many trail users who have seen me and asked what all the suspended piping was about. Once I told them the use, they thought it was the coolest thing. I have not had one negative remark. It is a good feeling to talk with many of the trail users and teach them how it works and feel its could at a later point in time be a nice attraction for users to come into my potential sugar house that I at some point will put down where my collection tank sits. I think it's a great way to meet fellow towns people and get to teach them something that's a very old science and a newly made family tradition. I hope my request has been clearly described and look forward to talking about my passion with all of you.

Thanks for your consideration, Gregg Kennedy 8 Fuller Mill Rd. property owner.



Gregg Kennedy Construction, Inc.
Making your concepts into reality
Additions, garages, porches, kitchens, baths, and remodeling

Gregg Kennedy
President

Tel: 603-880-2009, Fax: 603-880-2063, Cell: 603-234-4132
11 1/2 Joffre St., Nashua, NH 03060-3616
Gkconst@comcast.net
Greggkennedyconstruction.com



Town Council Meeting Minutes



Thursday, December 17, 2009, at 7:00 PM, in the Town Hall Courtroom

Chairman Mahon called the meeting to order at 7:00 pm. Present at the meeting were Chairman Mahon, Vice Chair Koenig, Councilor Harrington, Councilor Tenhave, Councilor McCarthy and Town Manager Keith Hickey. Councilor Rothhaus and Councilor Yakuboff were excused.

Pledge of Allegiance

Announcements

Chairman Mahon on behalf of the Council extended his wish for a happy holiday season to all.

Upcoming meeting schedule: January 4th at 6:00 pm budget meeting, January 7th at 6:00 pm budget meeting, January 11th at 6:00 pm budget meeting, January 14th at 7:00 pm regular meeting. Monday January 18th at 3:00 pm budget meeting and January 28th at 7:00 pm regular meeting.

The Town Manager made the following announcements:

- The Welfare Department received from Operation Santa Christmas, gifts for 110 children and some struggling parents on Monday. These gifts were distributed this week to the 39 grateful families. These gifts represent a 28% increase from the year before and reflect the struggling effects of the economy for so many families. The Welfare Department would like to thank the Lioness Club for their work on Operation Santa; to all the citizens who contributed by selecting a tag from a tree and to the Library, Post Office, Curves, Frank's Place, Gold's Gym, Hot Rize Bagel Café, Merrimack Vision Care and Total Chiropractic for hosting trees at their facilities.

Recognitions, Resignations and Retirements

None

Appointments

1. Tapping Maple Trees Along Horse Hill Nature Preserve Property Line Submitted by Gregg Kennedy

Mr. Gregg Kennedy asked the Town Council to consider the approval of tapping maple trees along the property line of Horse Hill Nature Preserve (HHNP). He stated that the products are used for his personal use. The amount harvested is greatly dependent upon the weather. Mr. Kennedy stated that this is a hobby for him. He currently has 75 taps and he would like to tap an estimated 30 additional trees abutting his property on the HHNP. Councilor Tenhave stated that Mr. Kennedy has already tapped trees on HHNP. Mr. Kennedy stated that the taps have been cleared. Councilor Tenhave stated that there are a few issues to be addressed. The HHNP master plan states that the property can not be used for any commercial purpose. Councilor Tenhave stated that there is an issue of liability. Mr. Kennedy stated that he has his own insurance and he would be willing to sign a liability waiver. He is confident that the lines he would run would be high in the tree to eliminate the risk of anyone getting tangled up in the line. Councilor Tenhave feels that the Council needs to decide what kind of precedence they want to set. Vice Chair Koenig agrees that a liability waiver would need to be in place. He asked for clarification on how far Mr. Kennedy would like to come in to the property. Vice Chair Koenig inquired if the Council should set a limit. He understands that the commercial aspect of Mr. Kennedy's operation is very small but it should be addressed. Councilor Harrington suggested thinking of a "payback" to the Town for the opportunity to tap trees on HHNP. She suggested educating the public or students on the operation. Vice Chair Koenig suggested a small kiosk with educational materials. Councilor McCarthy had concerns that the abutters would be given special treatment. Chairman Mahon expressed his concern about precedence. He is not sure that a liability waiver would be sufficient. He appreciates Mr. Kennedy's intentions but cannot support the request. Vice Chair Koenig would like to receive the opinion of the Town's attorney addressing the legal issues of this request. Councilor Harrington echoed Vice Chair Koenig's comments.

MOTION was made by Councilor Tenhave and seconded by Vice Chair Koenig to look into the legal matters for the purpose of an appropriate agreement to be brought back to the Council for further

discussion. **MOTION CARRIES 4-1-0** Chairman Mahon voted in the negative

Comments from the Press and Public

None

Public Hearing

1. Proposal to Locate a Cell Tower at Veterans' Park Submitted by Town Manager Keith Hickey

Town Manager Keith Hickey explained that the purpose of this public hearing is to consider a request by Clearwire to place a 130' cell tower at Veterans' Park, pursuant to Charter Article IV-Section 8. He stated that the Town sent letters to approximately 25 abutters to solicit feedback. Mr. Adler Eliacin from Goodman Networks explained that their client Clearwire has approached them with a request to build up their network and Wimax technology in this area. He utilized a slide show presentation to review the proposed structure, location and lease terms. Mr. Eliacin stated that all costs would be the responsibility of Clearwire.

Chairman Mahon opened the public hearing at 8:06 pm. He opened the floor for public comment.

Mr. Noah Mandell of 168 Naticook Road asked for clarification on the power of the transmitters that will be installed. Mr. Philip Leite explained that the power of the pole would be 20% or less of the FCC mandated maximum. The power at the ground would be less than the power coming from a cell phone. Mr. Mandell repeated his question emphasizing what will be the power of the transmitters. Mr. Leite stated that they are proposing 2 channels at 10 watts each totaling 20 watts to the back of the antenna, with an effective radiated power of a little less than 200 watts at the antenna. There will be 3 panel antennas (1 per sector) totaling 600 watts. Mr. Mandell asked what the frequency would be. Mr. Leite stated 2.67 MHz. Mr. Mandell asked what the anticipated range of service would be. Mr. Leite stated approximately 1 mile radius. Mr. Mandell advised the Council that he has more than 20 years of experience in this field. Mr. Mandell stated that he visited the park everyday for years walking his dog and attending sporting events. He spoke against the proposed location of the cell tower citing safety concerns. Mr. Mandell stated that a better location for a tower would be the higher hills north of town. He spoke about the environmental impacts that could happen due to tree removal. He suggested other locations such as Columbia Circle, Spartan Drive, and the dump.

Mr. Murray Collette of 15 Sunset Drive represented the Board of Directors of the Lake Naticook Conservation Association. He stated that a quick survey of the homes of the members revealed that 80% would have a direct line of sight of the tower. He reiterated that the park is an asset of the Town. He feels that the park's purpose is recreation not for telecommunication infrastructure. Mr. Collette stated that the park has limited wooded space. He believes that there is other nearby locations that would be more appropriate with no impact to the residents such as the new fire station lot, Fidelity property, the property where the proposed mall is to be built, and MVD properties. He appreciates the interest of Clearwire to enhance the telecommunications in southern New Hampshire. He offered assistance from the Lake Naticook Conservation Association to find a more suitable location. Mr. Collette spoke about the shore line protection acts that are very restrictive.

Mr. George May of 157 Naticook Road spoke against the location of the proposed tower. He owns property directly across the lake from the proposed location. Mr. May speculated that the tower could negatively impact the assessed value of the lake front properties in the area. He stated that the lake front property owners pay higher taxes and he believes that the tower would detract from the property appeal. He spoke about safety concerns.

Mr. John Sauter of 9 Elizabeth Drive stated that he is interested in an alternative to Comcast. He asked if the internet service provider (Clearwire) has access independent of Comcast. Mr. Leite confirmed that Clearwire would be the internet provider and they have access independent of Comcast.

Mr. Eddie Mondoch of Nashua stated that he works in Merrimack. He asked if consideration has been given







Find...

Search For...

Select a QuickMap...

Select a Quick Tool...

Email Comments

Go To...

Points of Interest...

Legend Layers View Data

Parcel Information

(Download List)
(Click to Refresh List)

PARCEL ID : 3B 164
MERRIMACK TOWN OF
OLD KINGS RD
PROPERTY DETAILS

PARCEL ID : 4B 153
KENNEDY GREGG R
8 FULLER MILL RD
PROPERTY DETAILS



1" = 266 Ft Set Scale

Active Tool:
Pan

Approved: May 13, 2010

Posted: May 14, 2010

- The New Hampshire Supreme Court issued its opinion this morning on Nashua's appeal of the PUC approval of its purchase of Pennichuck's assets. Nashua appealed the PUC decision on the basis that the PUC valuation of \$203 million (the amount they have to pay for the system) was too high. Nashua valued the system at \$82 million. Nashua also appealed the PUC finding that there be an additional amount of money paid by Nashua in order to compensate the remaining utility customers that were not purchased by Nashua for rate support in the amount of \$43 million. The Supreme Court upheld the PUC order in all respects. The City has 90 days to ratify its taking of Pennichuck and to issue the bonds to do so. The bonds will have to include an amount equal to the capital additions Pennichuck has made since the PUC decision. Therefore, the total acquisition funds will exceed \$243 million by a significant amount.

- He has been asked by BAE to make a presentation to its employees regarding current events in Merrimack tomorrow afternoon. The presentation will include a review of the Town Warrant, approved and proposed developments and an update on the airport access road construction.

Chairman Mahon asked for a status update for the proposal to adopt RSA 79E and an update on the Route 3 traffic studies. Town Manager Keith Hickey believes that Mr. Warren will be before the Council in April to present the traffic studies.

Old Business

1. Tapping Maple Trees Along Horse Hill Nature Preserve Property Line *Submitted by Gregg Kennedy*

The Town Council considered abutter Greg Kennedy's request to tap maple trees along the property line he shares with the Horse Hill Nature Preserve. Town Manager Keith Hickey stated that the Council asked that he check with the Town's insurance company who provided an indemnification language for an agreement with Mr. Kennedy. He stated that if the Council agrees to provide Mr. Kennedy access, he would develop an agreement for the Town's attorney to review.

Councilor Tenhave asked if Mr. Kennedy would be willing to conduct educational sessions, giving the public an opportunity to learn about maple sugaring. Mr. Kennedy confirmed that he would be willing to participate in something like that. Councilor Tenhave stated that the area is managed by the Conservation Commission and he suggested asking the MCC to work with Mr. Kennedy to oversee and manage the operation. Councilor Rothhaus asked if this would be an annual agreement. Chairman Mahon stated that had not been discussed. Councilor Harrington expressed concern regarding precedence that this could start for other Town owned properties. Chairman Mahon echoed Councilor Harrington's comments. Councilor McCarthy indicated that he shares those concerns as well. Councilor Yakuboff expressed the same concerns. Mr. Kennedy stated that it is unlikely that anyone else in Town would request access to this location to tap the trees. Councilor Harrington clarified that her concerns are not just aimed at tapping trees, but any activities requiring special approval. Vice Chair Koenig stated that he could support this request if the agreement was crafted appropriately. He believes that the impact to the land would be minor. Mr. Kennedy advised the Council that he has spoken with people in the area who have not expressed a negative opinion towards his request. Chairman Mahon stated that he sees this request as a request for the Town Council to grant Mr. Kennedy a franchise. Councilor Tenhave stated that he understands the concern regarding precedence but recent approval for a community garden has altered his opinion on this matter. He indicated that he could support the request as long as limits and boundaries are defined. He suggested granting a temporary approval to see how it goes. Mr. Kennedy stated that he would agree to that. Councilor Tenhave made a few suggestions; grant approval on an experimental basis, lines need to be above head (6 to 8 feet), lines need to be within 20 feet of the common boundary. Councilor McCarthy would like to include language that gives the Town the ability to retract the agreement should complaints from other people begin. Mr. Kennedy stated that he could accept those terms. Councilor Harrington indicated that she could support the request with the MCC's involvement, established parameters and an opportunity for Mr. Kennedy to give back to the Town. Chairman Mahon stated that the agreement should be in place prior to granting approval. Vice Chair Koenig stressed that Mr. Kennedy should be responsible for providing the Council with specifics relative to the distance that he intends to encroach. Town Manager Keith Hickey asked for a better definition of size of the area that Mr. Kennedy would be allowed to tap. Chairman Mahon

Approved: May 13, 2010

Posted: May 14, 2010

instructed him to identify the trees that Mr. Kennedy wants to tap. Vice Chair Koenig stated that he would prefer limiting the encroachment to 15 to 20 feet into the property. Councilor Rothhaus stated that he could support the request with parameters. Councilor Tenhave urged Mr. Kennedy to accept the 20 foot limit. Councilor McCarthy suggested 50 feet into the property and no closer than 20 feet from a trail. Mr. Kennedy and the Council agreed on 50 feet into the property and no closer than 20 feet from a trail.

New Business

1. Approval for the Police Department to Apply for Grants Submitted by Captain Peter Albert

Police Chief Milligan and Deputy Chief Doyle came before the Council requesting approval to apply for three grants; a grant of approximately \$11,000.00 from the NH Attorney General's Office of Juvenile Justice for Underage Drinking Patrols and Enforcement, a grant of approximately \$2,600.00 from the NH Dept. of Fish and Game for OHRV patrols within Town and a grant of approximately \$2,500.00 from the NH Highway Safety Agency for the DWI Program. Deputy Chief Doyle advised the Council that the Police Department has been awarded the grant for the last two years and they have seen fairly good results from their enforcement efforts. Deputy Chief Doyle stated that the New Hampshire Safety Agency grant is for an aggressive DWI program to be conducted this summer. Deputy Chief Doyle explained that the OHRV grant is to conduct patrols in recreational areas to educate and enforce existing laws. He advised the Council that they have found in the past that the majority of riders are safe riders and abide by the laws. Councilor Rothhaus asked if roadblocks would be included in any of the patrols. Deputy Chief Doyle stated that road blocks are not included.

Police Chief Milligan spoke about the importance of addressing the underage drinking problem. He stressed to the community the seriousness and the dangers that underage drinking can have. Chairman Mahon echoed the comments of Police Chief Milligan. Councilor Tenhave spoke about the importance of the education factor relative to the OHRV grant and the necessity for the DWI grants.

MOTION was made by Councilor Tenhave and seconded by Councilor Yakuboff to support the Police Department in going forward with the three grants. MOTION CARRIES 7-0-0

Town Manager Keith Hickey asked the Council if they would be willing to accept the two grants under \$5,000 by consent agenda should the Police Department be awarded the grants. The Council agreed.

2. Acceptance of a gift of a K-9 Ballistic Vest by the Town Council from the class of the 15th Citizen's Academy Submitted by Captain Peter Albert

Police Chief Milligan asked the Town Council to consider the acceptance of a gift of a K-9 Ballistic Vest, value of \$725.00, to be donated to the Town for the Police Department to be used for Police Canine, Gunny. He advised the Council that the vest would be worn during specific operations to protect Gunny. Police Chief Milligan expressed his appreciation to participants of the Citizen's Academy for their generosity. Mrs. Lynn DesGrosseilliers and Jeanne Reed spoke highly of the Citizen's Academy and the Merrimack Police Department. Councilor Yakuboff stated that he has heard great praise from residents who have attended the Citizen's Academy.

MOTION was made by Councilor Yakuboff and seconded by Councilor Harrington to accept the K-9 Ballistic Vest, value of \$725.00, donated by the 15th Citizen's Academy to the Town for the Police Department to be used for Police Canine, Gunny. MOTION CARRIES 7-0-0

3. Fourth of July Midway Presentation Submitted by Kevin Lemos

Mr. Kevin Lemos presented his proposal to the Town Council to operate the Fourth of July Midway. He stated that he has been involved with the midway in past years. He acknowledged the budget constraints but feels that he can do it for much less by himself. He stated that he owns the equipment which will reduce the cost. He did disclose that it is a profitable event for him. Mr. Lemos intends to put together a midway similar to what has been done in the past. Mr. Lemos would like to plan a barbeque after the parade.