

## OFFICIAL CONSERVATION COMMISSION MEETING MINUTES

June 8, 2015

S. Couture called the meeting to order at 4:00 p.m.

**Attendance:** Steve Couture, Chair; David Hess, member; Cindy Robertson, Vice-Chair; JoCarol Woodburn, member; Phil Fitanides, member (4:25pm)

**Excused:** Todd Lizotte, Town Council Rep

### Public Input

None.

### Meeting Minutes

*C. Robertson motioned to approve the meeting minutes for April 13, 2015 and May 11, 2015. Seconded by J. Woodburn. Motion passed.*

### Non-Public Meeting Minutes

*C. Robertson motioned to approve and unseal the non-public meeting minutes for April 13, 2015 and May 11, 2015. Seconded by D. Hess. Motion passed.*

### Internship Update

M. Paul: Nice to meet you. I'm Mila. I looked through the files on the easements and they look like nice places to visit. I've visited a few of the little ones with Carolyn. I've created a check list for each file to track the materials inside. I wonder if you could glance through that and see if you have any suggestions.

C. Cronin: You have an easement packet in front of you. There is a list of easements to be monitored, there is also a sample from the database Mila has been working on which we would want comments and direction from you on what type of information to include. There is also the file checklist that Mila drafted. I think she did a really good job of covering all the bases on what to include. We are looking for feedback.

S. Couture: I think this looks great. You might want to cross reference the GRANIT UNH web interface data to see if there is any other information that they include with their conservation easements. If we have the same data that means we could upload our conservation easements onto their server, which would be the ultimate goal.

M. Paul: On the monitoring form in front of you, I compiled it from a number of non-profit templates so it's fairly detailed. If you can look through and see if there is anything missing or have any suggestions, I've only entered three into the database so far, so I could make changes.

D. Hess: In compiling this, did you rely on any information from the Forest Society or Bear-Paw?

M. Paul: I looked through the Forest Society form and it actually had fewer requirements than the Bear-Paw form. I also looked at Monadnock Conservancy, which I think had the most detailed form.

S. Couture: So far all the arrangements for the internship are working out?

C. Cronin: So far, so good. This is our second week. The first week we had some bumps mostly with equipment, and some unanticipated items, but we are moving along now. I can ask you about some of those items later.

S. Couture: It's nice to see the internship coming together. We are excited to have you on board, Mila.

D. Hess: Are you just looking at our easements and Town property or properties that we own but other people, like Bear-Paw, have easement on?

C. Cronin: Just Town-held easements.

D. Hess: How many parcels are we looking at?

C. Cronin: I don't know how many exact parcels, but I know how many properties. For example, I consider Pike a property but that may include 5 or 6 different parcels. We have 38 properties. We are looking at 36 properties because Merrimack Riverfront was just acquired last year and Beaver Brook is a construction zone right now. I know that 36 properties is a lofty goal, so there is no pressure to complete all of that. We are just starting to pace it out.

M. Paul: I'd like to at least visit all of them. I think it might be possible to get through them all.

D. Hess: Steve, are there any priorities that, as a Commission or you as a Chair, would like to look at earlier rather than later so in case she can't get through the entire list we get the ones that are most deserving of attention?

S. Couture: I would say Carriage Manor and University Heights because we have more properties coming in on them and it would be nice to see if there are any management issues. Another priority would be the small parcels that are part of a subdivision, which back in the day we readily accepted but probably wouldn't accept now because they are isolated. There's a higher likelihood that there will be activities on those.

C. Cronin: While Mila is here, she has the Clay Pond gates and bars map to discuss for the site walk later this week.

S. Couture: It's Wednesday at 1:00pm. It's to meet with Dan Kern, John O'Neil the forester from Manchester Water Work, and Diane from DPW. It's to identify where we want to put the gates and make sure everyone is on the same page. Thank you.

## **Appointments**

### **a. Oliver Mack, Jr., Eagle Scouts, Troop 292**

O. Mack, Jr.: My name is Oliver Mack Jr. I'm from Hooksett Troop 292. I'm working on my Eagle project and I came here for some ideas for that. I was thinking about the Merrimack Riverfront trail system project. I was wondering if I could get a little more information on that.

S. Couture: Thanks for coming, we appreciate it. This is good timing because we are hoping to construct the trail head this year so I think there is an opportunity for a project on that. The

Merrimack property is a good place for a kiosk because of all the history and the natural resources. There is so much going on there.

C. Robertson: What's your time frame?

O. Mack, Jr.: Next year is the goal.

S. Couture: We just got a grant so there will be access and a trail head there this year. The Heritage Commission would be a good partner for you because there is a lot of history.

C. Robertson: Generally how does this work? Do you propose the project or do we propose something?

O. Mack, Jr.: Either way works. I need to go to the Eagle Scouts and tell them that you've approved me to do a project.

S. Couture: Some kind of educational/informational signage on the property similar to Head's Pond would be something we want to do. You might want to talk to the Heritage Commission too.

O. Mack, Jr.: OK, thank you. I will work on a proposal for you.

S. Couture: Sounds great. We are glad you're interested in it. Good luck and let us know if you need anything from us.

O. Mack, Jr.: Thank you.

**b. Melissa Cole, Eversource, Wetlands Application for hydro facility maintenance and repair, 73 Merrimack St. (Map 05, Lot 41)**

M. Cole: I'm Melissa Cole from Eversource, also known as PSNH. I'm here to talk about a project at the Hooksett hydro station on Merrimack St. We are not in the process yet of submitting an application but I want to talk about logistics. We are looking to hopefully get something done this summer, which is a tight window so I wanted to come here today to talk about it. We would be submitting our application for expedited review and at that time we would ask for your signature. I'm wondering if there is any way that you would have enough information between this meeting and the next meeting that you might sign off on a the application.

S. Couture: We can discuss it after you give an overview. We've done that before.

M. Cole: Our consultant is working on official drawings that we hope to have in the next week or so. Basically we would be resurfacing concrete in various places on the dam and other support structures. At the bottom of the spillway it's about a 200-foot stretch where we would be putting in 4-8 inches of concrete. We are looking to do that work in summertime, so it would be low water conditions. Our gate would be open so water would be diverted and we would put in sandbag coffer dams. In terms of access to that area, there would be staging for a crane in the parking lot over the tainter gate structure. The workers would move along the base of the dam so there would be no new access trails to get to the area. On the upstream side we are doing some surface repairs along the water line. Those repairs will be accessed from the top of the structure. On the downstream side there's a training wall to guide the flow away from the hydro station. That wall needs repair so they would set up a sandbag coffer dam. There are a couple other repairs above the water line and on two of the piers on the upstream side of the dam. We are looking at 4-8 inches of new concrete. Do you have any questions that I can answer?

D. Hess: I notice on the cover sheet you label this ledge to come out. Is that ledge actually in the river?

M. Cole: That's from an old existing plan, so that was already done probably a very long time ago. As part of the process we will get new drawings.

P. Fitanides: Will you give us any information on what type of concrete you plan to use?

M. Cole: We're in the preliminary stage right now so we are working with consultants to get the details on that. We will get you that.

P. Fitanides: Are you working with any environmental specialists? Is anyone taking into consideration that there may be an increase in water volume because of weather conditions that the dam may or may not be viable to accommodate? Basically, are you going to maintain the dam the way it is or are you going to improve it for future conditions?

M. Cole: It's just maintenance. We aren't replacing anything. We spoke with Steve Doyon of the Dam Bureau. He is planning to visit the site and inspect it next week. He didn't think it qualified as a reconstruction project because we are maintaining the existing size.

P. Fitanides: I still feel that, while you're at it, it should be looked at. My other questions is, is the dam earthquake proof?

M. Cole: Those are the types of questions the Dam Bureau would handle. We will check that.

S. Couture: They are regulating it from a stat perspective, from the DES and the Dam Bureau, so there are certain standards that are statutes in administrative rule. This is a high hazard dam, so they will look at structural integrity and what flood flows they have to pass. For this wetlands application, this is maintenance of a structure that has already passed those safety and risk processes. Given that context, the question is do we want to give approval for me to sign something between now and the next meeting. I think we would want a copy of the dam safety inspections in case there is some back and forth about what level of repair or maintenance would have to occur, and that it be a minimum impact expedited application. That's the criteria I would be comfortable signing off on.

D. Hess: I have one question in terms of the coffer dams, these are temporary structures that are meant to expose the areas so that you can work on them without water and they would be removed once the work is completed?

M. Cole: Yes.

D. Hess: In terms of area, the area near the tainter gate is obvious and very specific but the area further down along the spill way where coffer dams are proposed, do you know where those areas are or will you find out as you go along?

M. Cole: Those are on the drawing that the consultants are working. I can ask them to add in those specific locations.

D. Hess: So you already have those areas identified, they just aren't on this particular map.

M. Cole: Right.

D. Hess: Approximately, how long will the coffer dams need to be in place to get the work done?

M. Cole: Unfortunately, at this time I don't have that information. I need to talk to the contractor.

S. Couture: Do people feel comfortable now or want to wait until July?

C. Robertson: I think it sounds good.

***D. Hess motioned to sign off on the wetlands application conditional upon it being a minimum impact expedited application and submittal of the dam safety inspection report. Seconded by C. Robertson. Motion passed.***

M. Cole: So do I just send the application to you or to Carolyn?

S. Couture: You can send it to Carolyn and include any information on the status of the dam safety inspections.

M. Cole: Thank you.

### **Continued Appointment - Oliver Mack, Jr., Eagle Scouts, Troop 292**

O. Mack, Jr.: I have one other question. I just want to know what the timeline is for the completion of the trail.

S. Couture: That's a good question. We don't have money for all of it yet. We have an estimate that the entire project would cost \$1,000,000. We have \$250,000. It could be two or three years for the entire project.

D. Hess: With your timeline you may want to focus on the southern portion, which is where we are going to start. The first thing we hope to do is to put a trestle bridge across Brown's Brook.

S. Couture: We should have the trailhead complete midway through your junior year. That doesn't mean that we can't put signs elsewhere on the property though.

D. Hess: Another place could be the access point off of Merrimack Street.

### **Other**

D. Hess: I have a question on the Clay Pond gates and bars. The space between our properties, is that Bear Paw?

S. Couture: Either that or Manchester Water Works.

D. Hess: I don't know what the most northerly gate is for.

S. Couture: It's basically for Hall Mountain Road access.

D. Hess: Is there a property west of that?

S. Couture: There is another property, but I'm not sure which one. We can put the gates wherever we want; we just need to give them a key. The legal determination is that we can put a gate anywhere we want, we just have to give any property owners that will be affected by it a key. We will talk to Manchester Water Works about access at some point.

**a. Head's Pond Conservation Easement and Warranty Deed**

S. Couture: This is so DES can hold a quasi-executory interest. The difference is they can still take action but they don't have the ability to assume the easement itself. That's the determination the Attorney General made. The one change I want to talk about is the blue text on page 5 in regard to ancillary structures and improvements. I was comfortable with the whole thing except that I was unclear on whether we had the ability to construct trails. Lori Sommer approved my changes.

D. Hess: The use limitations on ancillary structures say we can only do that within 200 feet of the beach.

S. Couture: The use limitations differ from the allowed uses, which say what we can do.

D. Hess: On the unpaved pedestrian trails that we may want to develop that are more than 200 feet from the swimming hole, this wouldn't let us make ancillary improvements.

C. Robertson: I think it lets you make anything except a shed, shelter, or cabana, but otherwise you can because they've identified it specifically.

S. Couture: Are people comfortable with that?

D. Hess: If I understand, Manchester Sand and Gravel is granting us the land by warranty deed to the Town and also conveying to the town through the Conservation Commission a conservation easement over that same land. DES is going to be the third party holder of the conservation easement so that a decade from now the Town can't decide that this would be a good place for a high school, for example.

S. Couture: Yes, this doesn't mean that later on we couldn't bring someone else in as having an executory interest.

D. Hess: Does the third party holder have the right to convey the easement to another party if the existing party is unable to hold the easement?



S. Couture: Yes, that is how it was explained to me.

***D. Hess motioned to forward the Conservation Easement Deed and Warranty Deed to Town Council with the changes Steve presented. Seconded by P. Fitanides. Motion passed.***

**b. Carriage Manor Conservation Easement**

S. Couture: This is pretty straight forward. The Carriage Manor property is near the existing Head's Pond trail. The trail cuts through a corner of their property and then into University Heights, so we don't have an easement over the entire trail. By getting this easement, it will allow the easement to connect from Head's Pond trail through University Heights to the Head's Pond easement we just approved. This gives us more flexibility. Under Section 2, I added Section B.

D. Hess: May I suggest two things to consider: "and/or clear and construct more spur trails" so that you are not limited to just one gravel spur. I don't know if you want to do that or if it gives you more flexibility. Then at the end I would add, "With the written consent of the grantor, which consent shall not be unreasonably withheld." We don't want to reserve the right to construct another trail?

S. Couture: It's such a small parcel I didn't think another trail would be necessary. The only purpose for the easement is that we have the legal right over the trail. It's already protected. It's not going anywhere.

***C. Robertson motioned to accept Dave's changes and send to the Town Attorney for review and then to the Town Council, barring any major issues the Council may find. Seconded by P. Fitanides. Motion passed.***

**c. Other business: Invoices, Correspondences, Etc.**

S. Couture: We received a check for \$250 from the Hooksett Garden Club for the Merrimack Riverfront trails. "Thank you for all that you do towards protecting the natural resources in Hooksett. Your commendable efforts are appreciated by many – The Hooksett Garden Club."

***D. Hess motioned to accept the \$250 donation from the Hooksett Garden Club for the Merrimack Riverfront Trail System. Seconded by C. Robertson. Motion passed.***

D. Hess: Do we have a procedure in place for earmarking this money specifically for the Merrimack Riverfront as opposed to the Conservation Fund.

S. Couture: There is supposed to be. I sent Christine an email about that because there is a sub-account dedicated for that. The SNHU mitigation money went to another account.

J. Woodburn: Have we heard any more about the DRED grant?

S. Couture: We are tentatively approved and we need to do a Phase 1A Archaeological Survey. That will be the first step the consultant will do. Then we move forward with the funds and it

goes to Governor and Council. Something else to note is that Cindy is up for nomination on Wednesday night. We have both our alternate positions vacant.

C. Cronin: Administration asked if the Commission wants to forward any comments to them on Cindy's nomination.

D. Hess: She is and has been an essential participant in critical decisions that the Conservation Commission has had to decide over the last decade plus and her reappointment is absolutely critical to the ongoing effective functioning of the Conservation Commission.

J. Woodburn: We need her to run the meetings in Steve's absence.

S. Couture: There is a Bear-Paw open house Saturday, June 20<sup>th</sup> if anyone is interested. The Board of Directors is hosting the reception.

S. Couture: We are doing interviews for the Merrimack Riverfront Trail RFPs. We received proposals from TFMoran and Stantec. Both are good proposals. The interview team is me, JoCarol, Carolyn and Diane from DPW. We are interviewing on Thursday and then will make a decision. I want to move forward with the contract as quickly as we can. The highest amount is \$156,000 for planning, design, permitting, bid development, construction oversight. If people are comfortable, would you want to authorize me, with consensus from the review team, to select a contractor? We have criteria that we need to select based upon. We need to move as quickly as we can on the contract. The permits will take the longest time and will determine if we can start construction this year.

***C. Robertson motioned to allow S. Couture to act on behalf of the Conservation Commission with consensus from the review committee to authorize a contract up to \$156,000. Seconded by J. Woodburn. Motion passed.***

S. Couture: Good job and thank you to those who stood and held signs on Voting Day. We got the warrant article passed. Our annual report is going to be coming up if anyone is interested in pulling that together.

*C. Robertson and J. Woodburn volunteered to work on the annual report.*

S. Couture: In the Conservation Fund there is \$512,000 and we still have \$20,000 in our Conservation general account. The permits for Edgewater Drive came in. They did an inspection of the Head's Pond construction. Dan Kern is working on the ARM proposal for the Heroux property.

D. Hess: I have a thought, in case Dan and Bear-Paw are hesitant to be an executory interest we might want to ask them about being a third party interest.

S. Couture: That's a good idea and could be helpful.

#### **i. Garmin Handheld GPS MAP 64 - Transfer of Funds**

C. Cronin: I ordered a Garmin. Mila has been using her own personal GPS unit. I ordered it online with the Town credit card but we have to reimburse that money. It's compatible with ArcGIS, it has high sensitivity in picking up location, and it has labeling capability.

***S. Couture motioned to approve transferring \$249.99 from the Conservation Fund to pay for the Garmin GPS unit. Seconded by C. Robertson. Motion passed.***

C. Cronin: If anyone wants to go monitoring with Mila, just let me know. It would nice to get some of you out there and it would be mutually beneficial for both you and Mila. If there are properties of particular interest to you, just let me know.

C. Robertson: Could you develop a timeline or calendar maybe a week in advance saying which properties you would be going to?

M. Paul: Yes, that's definitely something I want to work on.

J. Woodburn: I would like to do Farrwood because I live there, so let me know.

#### **ii. Payment for Town vehicle gas**

C. Cronin: We need to come up with a procedure for paying for gas for the Town car for Mila's monitoring. This wasn't something I thought of until we started the monitoring internship. The tank is filled at the NHDOT pump on Hackett Hill Rd. with a code. That code is assigned to a certain account line and NHDOT generates an invoice for each account. For now we could have that go to the Community Development account line and we could transfer from the Conservation Fund into that or Jessica from DPW recommended that if this is going to be an ongoing project, you might want to create a line in your budget for vehicle gas. I said for now it might be better to transfer on an as needed basis, but I want to know what you want to do.

S. Couture: Transferring on as needed basis sounds fine. At our July meeting we could approve a total and treat it like an invoice. That might give us an estimate in case we want to establish a line item. I prefer not to create a line item because that's asking for money from taxpayers when we already have the funds.

***Consensus to transfer funds as needed for vehicle gas from the Conservation Fund.***

C. Cronin: Also our Town policy is that if there are no Town vehicles available, we can take our own personal car and submit for mileage. That actually happened last week when we went to do monitoring and the Building Inspector had the car all day because his truck was in the shop. We ended up taking my car, so I was wondering if you would approve my mileage.

S. Couture: I don't want to hold up reimbursement for mileage because we only meet monthly. We can approve money up to a certain amount and then you can bring us the mileage reimbursement forms to us at the meeting.

*S. Couture motioned to approve mileage reimbursement for up to \$250 relative to conservation monitoring. Seconded by C. Robertson. Motion passed.*

*S. Couture motioned to approve payment of \$13.38 out of the Conservation Fund for conservation easement monitoring mileage reimbursement for Carolyn. Seconded by C. Robertson. Motion passed.*

*C. Robertson motioned to adjourn at 5:48pm. Seconded by D. Hess. Motion passed.*

Respectfully submitted,

Carolyn Cronin

Assistant Planner/Conservation Commission Staff Support