

OFFICIAL CONSERVATION COMMISSION MEETING MINUTES

March 28, 2016

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

Attendance: Steve Couture, Chair; Cindy Robertson, Vice-Chair; Phil Fitandides, member; David Hess, member; JoCarol Woodburn, member; Deborah Miville, alternate

Excused: Todd Lizotte, alternate; David Ross, Town Council Rep.

Public Input

None.

Meeting Minutes

C. Robertson motioned to approve the meeting minutes for March 14, 2016. Seconded by D. Hess. Motion passed. S. Couture abstained.

Appointments

a. Jim Donison, Town Engineer/Asst. DPW Director, Expedited Wetlands Permit, Lilac Bridge

J. Donison: Thank you for having this special meeting. This is for the Lilac Bridge. This is a standard application for a Wetland Permit. It was prepared by Dubois and King, the consultant for the project. They are proposing to put some stone around each of the abutments as well as the center piers. That will be 4,570 square feet of permanent impacts. There are 117 linear feet of river impacts. There will be 14,700 square feet of temporary impacts. The temporary impacts are if the contractor that gets the project decides to do a controlled blast and drop the bridge into the river and then haul it out. We have had divers go out and search for brook floater mussels and they did not find any. Those are an endangered species. The brook floater mussel and bald eagle were identified as species of concern. We had a survey of the area done and there will be no impact to either species. We met with NHDOT last month and they approved the application on their part. Cultural Resources with DOT had no issues with the historical proposal of the bridge. Next month we are meeting with the Natural Resources side of DOT. The plan is basically to remove the bridge in its entirety along with the existing sewer line on it. We were told by the structural engineers there is imminent danger of failure of the bridge. Raw sewage would get into the river if it collapsed, so the Town is trying to move forward with this. As part of the new bridge, the contractor would have to take measures to put in a temporary sewer system, whether

they are going to haul it out or put in a pump station, the costs that have been presented for the project, which is about \$3.5 million, include the contractor demoing the bridge. We don't dictate the means and methods. If they decide to bring it out with a barge there will be no temporary impact. If they decide to do a controlled blast, that would have temporary impacts. The last three bridges in New Hampshire that have been removed have been a controlled blast.

S. Couture: This is a standard application but you are asking for an expedited review?

J. Donison: That's a good question. I had thought it was an expedited review but as I look at it I see that it's a standard application. The cover asks for an expedited evaluation of permit.

S. Couture: There is a process at DES to ask for an expedited review if you make a request to the Commissioner. I'm wondering how and where we sign this. Others can ask questions while we look at this.

D. Hess: Why do you have to build abutments around the piers?

J. Donison: You don't have to build abutments. We are looking to put in erosion stone at the base for scour protection.

P. Fitanides: Is there any way to record the demo of the bridge for the town and Heritage Commission?

J. Donison: Yes, we can document it.

P. Fitanides: Will the pipes be underwater? Years ago it was discussed that the new pipe would be in the water permanently.

J. Donison: No, the new water pipe and sewer pipe will be fastened under the bridge.

P. Fitanides: Do you know why they decided not to do it under water?

J. Donison: This is the first I'd heard of that. If they went underwater they would need to build a pump station, which is expensive.

P. Fitanides: Will the pipe be the same size?

J. Donison: No, it will be one size larger.

S. Couture: Reading through this, if we decide that we support the project we can sign off on it.

S. Couture motioned to approve the Lilac Bridge wetlands permit as submitted. Seconded by D. Hess. Motion passed.

b. Other Business: Invoices, Correspondences, Etc.

a. Merrimack Riverfront Trails

i. Fencing

S. Couture: I saw the discussion you had last time. I was wondering how we wanted to approach this. I think we need to have it done before the trail opens. I think there needs to be a gated section for the right of ways for the abutters. If we did it similar to the Head Cemetery, as a standard wood post, I think that would fit in.

D. Hess: I was thinking of a split rail fence. I agree it should look rustic, not modern.

S. Couture: If we went through Stantec it would probably be a significant cost and rightfully so. This might be something we could do ourselves and bid ourselves. Maybe we could work with Jim on this. I know of two fence companies in town and there are probably others. We just need to come up with the specifics of what we want.

P. Fitanides: Is it just to fence off the property or will it have another use, like a handrail?

D. Hess: It's just to keep the public in the easement and off the private property.

D. Hess: It would be a split rail fence about 4 or 5 feet high and maybe 200 yards. It would be the length of the cleared area from Brown Brook up to the tree line. I suggested at the last meeting that the landowners take responsibility for securing their dock area. The fencing should only be on the east side.

S. Couture: Carolyn, would you be able to ask if Jim could work with us on the bid part of this?

C. Cronin: Yes.

P. Fitanides: That's a long fence. Is it a necessity?

D. Hess: Yes, it is. That was our deal with Mason.

S. Couture: It's our responsibility to make sure people on our property don't enter private property.

J. Woodburn: Do we always do this when conservation land abuts private property?

S. Couture: No, but in this case it was part of negotiations and there is language in the agreement.

D. Hess: This is different than when we acquire easements. In this case, we negotiated deals with the homeowners that in exchange for giving us an easement, we agree to erect barriers to prevent the public from going onto their remaining land.

P. Fitanides: Will you be able to see through this fence? You can use plastic or fiberglass that won't wear out.

D. Hess: Yes, but we are talking conceptually only right now.

S. Couture: I like the wooden rustic look for this property. We can see if Jim will work with us.

D. Miville: What timeframe are you looking to get this done?

S. Couture: It might be late this spring. I think it depends on the construction.

b. Manchester Water Works Land

S. Couture: This came from the Society for the Protection of NH Forests (SPNHF). They are looking to put an easement on some of the Manchester Water Works land. SPNHF asked us how we would like to work with them. They need some funding and any other type of support we can provide. If you look at the map, our Laurel Road parcel is adjacent to this land.

D. Hess: Is this an easement or purchase they are looking for?

S. Couture: An easement. There's not a huge advantage for us to contribute monetarily. The account will be around \$400,000, maybe a little less after the Merrimack Riverfront project. There still is Quimby Mountain that needs work and other areas of Clay Pond that aren't protected yet.

P. Fitanides: What's the advantage for Hooksett?

S. Couture: Manchester Water Works owns the property and there is no permanent protection on that land, so they could sell it at any time. Of course it would be difficult because they would have to make the case that they could still protect the water resources.

D. Hess: I think the potential risk from a conservation perspective is that they might want to sell off part of their frontage on Route 27. It could create a barrier for wildlife. Other than that, I don't think Manchester Water Works can sell much of this to a developer because they need to keep Massabesic as pure as possible. Does the state have oversight on Manchester Water Works on the purity of the water?

S. Couture: They do, but as long as the water quality standards are being met, they have no authority.

P. Fitanides: Maybe we should see what Hooksett pays for Manchester Water Works.

D. Hess: That's Central Water Precinct users that pay them, not the Town. Manchester Water Works isn't approaching us, the Forest Society is. SPNHF is asking if we want to contribute. I agree with Steve that we shouldn't spend the money since it's already somewhat protected.

J. Woodburn: Why does the Forest Society want to do this and why now?

S. Couture: I think part of this is driven by the fact that Manchester Water Works is trying to reduce its tax burden because as a utility they cannot use Current Use law. Their taxes will go down if they put an easement on it. I think it does align with our conservation goals. We could support the project but beyond that there could be a perception issue.

D. Hess: I think that's why we need to be very careful about giving them moral support and nothing else, because it could come back to haunt us that we contributed to reducing the taxes Manchester Water Works pays and thereby increasing the taxes everyone else has to pay. I'm just trying to think ahead.

S. Couture: I think we could support applications but beyond that we get into a gray area. I'll follow up and let them know we can provide a letter of support if they need it and ask them to keep in touch if things progress.

D. Hess: On the Merrimack River, Manchester Water Works owns a substantial stretch of riverfront land on the eastern side of the river. It's not developable for the most part but certain areas could be developed near the sewer plant. We had explored that with Manchester Water Works a few years ago. They might want to throw that in, but that would take away tax base, so I don't think we want to go there even if that would be attractive.

S. Couture: Manchester Water Works approached us about that land before our last meeting. Sorry, I just remembered. They have property on the other side of the river, so they don't need a pump station there anymore. I'll continue to communicate with the Forest Society.

c. Clay Pond/Laurel Road Forestry Agreement

S. Couture: I think you saw this at the last meeting but I want to make sure everyone is on board because the next step is taking this scope of work and making it into a contract.

D. Hess: This is confusing to me. In Task 1, the revenue is \$17,000 and we pay them \$6,500. So after Task 2, we will pay them \$9,000 for \$17,000 in gross income? And Task 3 is another \$5,000, so then the town will make net of \$3,000?

S. Couture: What's not listed here is the estimate of the value of the timber cut on Laurel Road. They aren't familiar with the Laurel Rd. property, so they didn't give an estimate on that. Task 2 and Task 3 are relevant to that property. We don't have baseline documentation on the property and they would do that while they are out there. Task 3 is the framework for how to cut it if we decide it's worth moving forward. After Task 2 they would provide us with an estimated timber value.

D. Hess: In Task 2, paragraph C they talk about a proposed 10-acre recreation park.

S. Couture: Within the deed there is a set aside for a 10-acre recreational park. I brought that to the attention of the Parks and Rec Advisory Board. They aren't interested in building playing fields at this time, but possibly in building a parking area and trailhead. We need to create a formal area. In the fall we will have a better timeline on the forestry. The Town Attorney and Finance Director have reviewed the scope. Now we need to match this up with the contract and have everyone sign.

D. Hess: Can they just do Task 1 and 2 at this time since we don't know the value of Task 3 yet?

S. Couture: We could make Task 3 conditional upon further Conservation Commission approval after presentation of the value.

D. Hess motioned to move forward with the forestry scope with the addition of Task 3 being made conditional upon further approval after presentation of the timber value. Seconded by J. Woodburn. Motion passed.

S. Couture: In our correspondences, DES needs some more information relevant to Bluebird Self Storage. The other is relevant to Eversource and the dam resurfacing they are doing.

D. Hess: Kathie Northrup and I met with Dean Shankle this afternoon. There's about \$12,300 in impact fees available for the Pinnacle. Christine Soucie wanted us to find out from Dean what was permissible and not permissible to use those fees for. In viewing the original proposal, Dean verbally told us that paying for signage, a kiosk, and cutting trails is within the agreement. He didn't think benches fell into the scope. Kathie and I will get together and make a plan. We could do a 4-sided kiosk and cut some new trails. Dean felt this met the intent of the approval, so we don't need additional approvals for these items.

J. Woodburn: Will there be a dedication?

S. Couture: Maybe when they do the historic marker.

D. Hess: We need to look into significant dates of the Pinnacle and Bud Locke.

P. Fitanides: I want to mention about mosquito control. In case Hooksett decides to spray, which I'm against unless it's an emergency, my proposal is to bring in dragon flies. They keep away the mosquitos and black flies.

S. Couture: Maybe you can put some information together and we can review it for our next meeting. If it's something we feel the town should be aware of, we could write something up for Parks and Rec and the Town Council.

C. Cronin: Parks and Rec Advisory Board is looking for some recommendations from the Conservation Commission for their Master Plan. Steve had come up with a list of properties that Parks and Rec might be interested in and I added another property to that. I want to run it by the Commission and see if you think there are any other properties you think would be good for

them to look at from a recreation standpoint. The list Steve came up with was Clay Pond, Merrimack Riverfront, University Heights, Quimby Mountain, Summit View, Laurel Road, Head's Pond, and I added Dalton Pond. I put together a PowerPoint of property facts and stats, maps and pictures, and language from the deeds stating explicitly what you can do for recreation on the properties, for example, building parking areas, picnic tables, trails. I will have that PowerPoint for you at the next meeting. I'm just looking for input I should add.

D. Hess: We have a letter from legal counsel about permissible recreational uses on conservation land purchased from the Conservation Fund. It was relative to the Petersbrook discussion and basically it said that money from the Conservation Fund could be used for passive recreation uses, but not active recreation, like playing fields.

S. Couture: The properties that I suggested were ones that I remembered allowed parking areas in the deed. We can finalize the list at the next meeting.

C. Cronin: I just want to inform everyone that the last time we were here for the workshop we talked to Mila about her applying for a fellowship to post the medallions and do the tree blazing to the easement properties. I want to let you know that she's no longer going to apply for that fellowship. That's off the table, so we no longer have that resource for boundary marking. I wanted you to be aware of that.

D. Hess: I want to let you all know that Bear-Paw cancelled their site walk on the 22nd.

d. Stantec Invoice - \$3,305.79

C. Robertson motioned to authorize payment of an invoice from Stantec dated March 11, 2016 for construction administration in the amount of \$3,305.79 from the Conservation Fund. Seconded by P. Fitanides. Motion passed.

S. Couture: Thank you all for your flexibility and being able to meet today.

D. Hess motioned to adjourn at 5:12 pm. Seconded by C. Robertson. Motion passed.

Respectfully submitted,

Carolyn A. Cronin

Assistant Planner/Conservation Commission Staff Support