



## Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

### MERRIMACK CONSERVATION COMMISSION

APRIL 19, 2021

### MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, April 19, 2021 at 6:35 p.m.

Steven Perkins, Chair, presided:

Members of the Commission Participating: Michael Boisvert, Vice Chair  
Gina Rosati, Secretary  
Cynthia Glenn  
Eric Starr  
Michael Drouin, Alternate Member  
Tim Tenhave, Alternate Member

Members of the Commission Absent: Gage Perry

Also Participating: Garrett Burbee, 385 D.W. Highway  
Matt Peterson, Keach-Nordstrom Associates, Inc.  
Mark Twardoski, Sklar Waterfront Park Sub-Committee  
Tom Martinson, Sklar Waterfront Park Sub-Committee

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Due to the COVID-19/Coronavirus crisis, and in accordance with [Governor Sununu's Emergency Order #12](#) pursuant to [Executive Order 2020-04](#) (extended by Executive Order 2021-06), this Commission is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV (Channel 20). Telephone access was available for members of the public wishing to provide comment; 1-312-626-6799 US / 1-929-205-6099 US (Meeting ID: 939 2881 7166).

Also identified on the agenda was the opportunity for public comment to be submitted leading up to the start of the meeting via email to: [CommDev@MerrimackNH.Gov](mailto:CommDev@MerrimackNH.Gov).

In accordance with [RSA 91-A:2 III](#), Each member of the Commission was asked to state, for the record, where they were, why their attendance in person was not reasonably practical, who, if anyone, was with them, and whether or not they were able to hear the proceedings.

### Chair Perkins

Stated he was participating electronically from his office, attendance in person was not reasonably practical due to COVID-19, he was alone in the building, and could hear the proceedings.

**Vice Chair Boisvert**

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

**Commissioner Rosati**

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

**Commissioner Glenn**

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

**Commissioner Starr**

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

**Commissioner Drouin**

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

**Commissioner Tenhave**

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

***Chair Perkins designated Commissioner Drouin to sit in for Commissioner Perry and Commissioner Tenhave for the Town Council Liaison.***

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS** - None

**APPOINTMENTS**

Chair Perkins spoke of the open alternate position on the Commission. The appointment committee interviewed Ellen Kolb who had expressed interest in joining. At the time, there were no open positions.

***The Commission was supportive of a recommendation for Ms. Kolb to be forwarded to the Town Council for consideration as an alternate member on the Commission.***

## **STATUTORY/ADVISORY BUSINESS**

- 1. Garrett Burbee (applicant) and 385 DW Highway, LLC (owner)** – Review for recommendation to the Planning Board to permit a mixed-use development consisting of a single-family dwelling and contractor storage yard. The parcel is located at 385 Daniel Webster Highway in the C-1 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 090.

Chair Perkins noted the Commission was in receipt of information regarding the proposal and a communication from the Planning & Zoning Administrator. He stated his belief the desire of the Applicant is to acquire a variance to bring the property in line with its current use.

Garrett Burbee, 385 D.W. Highway, stated his belief the application was for mixed-use as it was read, for a residential single-family dwelling. As the property is located within the Aquifer Conservation District, the application is before the Commission for review/recommendation.

Chair Perkins questioned the area for snow storage. Mr. Burbee noted the property is 1/3 acre in size. If having a driveway, the end of the backyard (away from D.W. Highway) is where he plows the yard to and allows the sun to melt.

Commissioner Tenhave questioned if there are changes being proposed or if the use matches that which is delineated in the drawing provided. Mr. Burbee stated he purchased the property as it exists (a little over a year ago). He did not develop the site and has not made any changes. He is looking to bring it into compliance with current regulations.

Commissioner Tenhave questioned if the parcel is a residence with a business. Mr. Burbee stated it is a C-1 Commercial property. He is seeking approval for a single-family dwelling (if selling in the future would like to do so as a residential property). He does not believe the Planning Board has resolved what is being done regarding the notes for the property. He is not looking to make any changes to the existing site.

Commissioner Tenhave questioned if a business or commercial entity is being run from the site and was told a heating/air conditioning company is presently on the site (HVAC office). Asked if there are employees at the site, Mr. Burbee stated there are. Asked if anything is stored at the site, e.g., tanks, supplies, Mr. Burbee stated their supplies are located inside of the vehicles. They are not a manufacturing shop or distribution center. Their supplies come from a local vendor, and they take the materials to a customer's home or office. They may have a delivery onsite and processing for handling equipment but are not storing anything. He was uncertain what was meant by tanks. Commissioner Tenhave clarified as an HVAC business he questioned if freon may be onsite. Mr. Burbee stated they are licensed for that type of work; that is their trade, and those type of chemicals are in the vehicles. Asked if they had any outside storage, he stated they are working on that; trying to figure that out but are not at that point yet.

Commissioner Rosati noted the paperwork received by the Commission includes a memorandum regarding the proposed plan. The last paragraph reads: "In an effort to keep our site professional, orderly and clean to public view, we erected a temporary shelter by "shelter logic" (no foundation) which is the only change we have made since our occupation and is within setbacks to store our "junk furnaces, boilers and AC equipment" until safely processed and disposed." She questioned if that is something that is going on the bare ground and could possibly have freon in it. Mr. Burbee responded no, that is not possible.

Commissioner Rosati asked for clarification on what is being stored. Mr. Burbee stated if he were to take a furnace or air conditioner from a home, it does not come to the office typically. It would go to a scrap yard.

If at a residential site, they are pulling the freon out onsite. They must store recovered refrigerant into a cylinder. That is how the process works. It goes to a distribution center where they trade in an empty tank with a full refrigerant tank. They do not process it onsite.

Commissioner Rosati asked for clarification the refrigerant will never be onsite to be stored. Mr. Burbee asked what the purpose of the question was. Commissioner Rosati responded the purpose was to ensure that freon is not leaking into the groundwater. Mr. Burbee stated that is not how it works.

Commissioner Rosati commented she was not trying to put him on the spot, she simply wished to understand how it works. The response from Mr. Burbee was that there are a bunch of YouTube videos on HVAC if she wanted to look them up.

Commissioner Rosati stated a preference to have the process explained. Mr. Burbee stated when they pull refrigerant out of a leaking/problem system, how it pertains to him having to bring it back to the site is perhaps they must unload a vehicle after a day on someone's site then the next morning or week after they will take that full refrigerant cylinder and dispose of it at a supply house. That is the process. It is in a sealed container and is not a liquid. If it gets exposed to an atmosphere it is a vapor/turns into a gas and evaporates. Refrigerant must be stored in a cylinder that is designed for that liquid refrigerant. The trade is regulated by the EPA, and they have approved cylinders and tanks.

Mr. Burbee added instead of him taking junk furnaces from sites and lining them up along D.W. Highway, they have a shelter that they erected temporarily. Winter came and they were trying to make things orderly and neat. They typically just dispose of the equipment/bring it to a scrap yard. If at the end of the day, they have a trailer or vehicle with equipment that needs to be disposed of it must be brought to a scrap yard. They do not store it onsite.

Vice Chair Boisvert questioned if it is the same scenario with used oil when dealing with used boilers. Mr. Burbee stated they are not an oil company; they do not touch oil systems and do not work on oil burners. They work with natural gas, propane, warm air systems and refrigeration systems. The typical process for them is materials are delivered to the end-user/customer. There are times when they must receive delivery of new equipment for staging purposes while waiting to schedule the job. They put it into the vehicle for the day to deliver and start a project.

Commissioner Tenhave questioned if parking spaces are currently paved and was informed there is pavement on the lot. Asked where the water runs during rain, Mr. Burbee stated his belief it goes down towards Wright Ave. The lot is pretty flat. The driveway slopes toward D.W. Highway, but is also sloping towards Wright Ave. His backyard drops off 30' to the abutter. There is a berm at the top of the rear of his yard. There is no runoff from his property into the neighboring yard. To the north of him it is on the same plane. There is a lawn between the two properties and no real drop-off.

Asked if the intent is to utilize sanding and salting for winter conditions, Mr. Burbee responded no. He utilizes a plow attached to his pick-up truck. **...connection was interrupted...**

Chair Perkins noted the Commission has received the information on the application. It was not clear to him what the Planning Board was asking of the Commission.

**...the connection was re-established...**

Mr. Burbee stated he plows the yard and does not salt or sand. Asked if he has done any landscaping, uses

or intends to use fertilizers, Mr. Burbee responded no. He added the property had plants on it when purchased. There is little lawn or yard. Prior to his occupancy, the parcel was a dog grooming location. In the whole of the rear yard there are pebbles for landscaping (not crushed stone). There is no real lawn in the back and little frontage/lawn.

Chair Perkins suggested inquiring with the Planning Board as to what their desire was from the Commission. Mr. Burbee stated the Planning/Zoning Administrator does not know what he is looking for on this; this is just a ridiculous process that he must go through just to satisfy the Planning and Zoning Boards. Whatever they need to come up with for an agreement, if the Commission had stipulations, they wished to understand them. He stated his belief the major concerns to be discussed were salting, sanding, fertilizer.

Vice Chair Boisvert noted the comments that the storage shed does not have a foundation. Mr. Burbee stated it is basically a tarp building. Shelter Logic is the brand. Vice Chair Boisvert questioned if they make a secondary containment type of floor that might be planned to put under that. Mr. Burbee responded no; that type of building can have a foundation/pad poured, but it would then be considered a permanent structure. Ultimately the goal at this property is for a detached garage to park his personal vehicles in. He introduced himself to the Community Development Department to learn the path to take to erect a detached garage. Once he realized it is not a straightforward process, he decided not to bother with that until this process is complete.

Vice Chair Boisvert remarked the reason he continues to go back to that is because the only description that has been provided of what will be put in that shed is a description of things that would normally require a permanent floor and some kind of secondary containment, drainage system/filtration system, dual/water separator, etc. He asked for additional clarification of what would be placed in the shed.

Mr. Burbee stated, on a temporary basis, stored in there are his tools, a car, yard equipment, e.g., rakes, shovels. It is not used for work. The memo that he wrote was just to encompass any possibility for staging of used equipment for example. He was trying to explain that they are not intending to store old equipment that must be disposed of onsite making it unsightly.

Commissioner Tenhave stated what the Commission is looking for on any project is to ensure that water that rains down on the site is properly infiltrated into the ground and in that process, it does not pick up oils, gasoline, or other contaminants because all the water for the Town comes from the ground. They are looking at salt and sand usage because salt itself is very water soluble and can penetrate the ground and create an issue that way as well. They look at fertilizers for the same thing. The property is high above the Merrimack River, but if using certain fertilizers they tend to create issues in the river as well as Horseshoe Pond, which is near the parcel. Horseshoe Pond has been subject to certain bacteria/blooms that have popped up in the summertime which are dangerous to animals and people. That is the reason they look at water and fertilizers. The goal is to preserve the environment, and that is the nature of the questions.

Mr. Burbee stated the purpose of the garage is to store items to keep them out of the weather, e.g., plow, ladders.

Commissioner Rosati noted the application will be before the Planning Board again on June 1<sup>st</sup>. She will reach out to the Planning and Zoning Administrator to determine what information was being sought from the Commission.

**2. Merrymac Christmas Tree Farm, LLC (applicant) and Linda Raymond (owner)** - Review for recommendation to the Planning Board to permit a Christmas Tree Farm and supporting accessory use/infrastructure. The parcels are located at 105 and 107 Turkey Hill Road in the R-1 (Residential, by soils), and Aquifer Conservation Districts. Tax Map 4C, Lots 229 and 229-01.

Matt Peterson, Keach-Nordstrom Associates, Inc., stated the property owner has resided on the property for some time. Displayed was a depiction of the lots noting some logging has been done over the years.

The property was before the Commission a few months prior as a residential sub-division. Lot 229 is comprised of 2.775 acres and Lot 229-1 is 8.661 acres. Proposed was a house and driveway.

The client proposed purchasing the property to do a Christmas tree farm. He was not of the opinion that would be supported. However, they went before the Planning Board with a conceptual presentation, which was supported by every single neighbor, over the idea of putting a house on the parcel.

They then went before the Zoning Board seeking a variance, which was obtained. They went again before the Planning Board. They are before the Planning Board again on May 4<sup>th</sup> when they hope to receive final approval.

Mr. Peterson highlighted the area of the property where the Christmas tree farm would be located. It would be taken down in about 1-acre type pods every year or so. It takes about 4-6 years before being able to sell trees out of the farm. The client is working with all the State colleges and available programs.

The project is before the Commission as proposed for the front area is a gravel and paved entrance for the apron coming in (November to December 25<sup>th</sup> use). The plan shows a detention basin/infiltration pond up front and a second with an outlet structure in the back. They propose a snack shack, areas for porta potties (all temporary), temporary lighting and some vegetation.

Waivers have been requested for landscaping in the parking lot where it would be dead by the time people come to visit it.

There are a few trees that will need to come down for the parking area. He pointed out a high point in the gravel and where it drains to as well as other drainage areas on the site. They did two test bits on the property. Every point of discharge on the site reduces pre to post except for one location. To get sight distance for the entrance they must cut trees. When you cut trees (they collect about 25% of rain) and replace with grass you reduce the amount of rainwater collected (from .30 to .52).

Mr. Peterson noted the plan includes language around low-phosphate, slow-release fertilizer use. He pointed out that there is one notation that needs to be replaced/corrected to mirror that language.

Permitting the trees on the back half is not required based on RSA 21:34, Agricultural land.

Regarding practices, the property will be free of pesticides. They are working with the UNH Cooperative Extension and the NH Conservation Commission. By year 7 is when they expect to have mature trees.



Chair Perkins noted the plan indicated onsite septic and Town water, which he assumes is for the home. He questioned if the snack shack would utilize that septic. Mr. Peterson stated the note to be one that was carried over from the sub-division when it was a residential single-family home. They are having porta potties for the snack shack (5 weeks out of year).

Chair Perkins addressed a note (#25 on page 2) that referred to snow removal storage areas being marked on the plan, which he was unable to locate. Mr. Peterson stated they are not shown on this plan and would have to be added. He showed the area where snow would be plowed up to (November to December).

Commissioner Tenhave noted wetlands that are designated and questioned how close trees would get to the wetlands, e.g., stay out of the 40' buffer or 25' buffer. Mr. Peterson stated they would be kept out of the 25' buffer. Commissioner Tenhave noted the homes along Acacia Street have a massive wetland that is mostly on their properties. He stated the desire for the client to be made aware of that wetland area. He suggested there may be the desire to have it delineated as the soils themselves might be wetland even though there is no standing water.

Mr. Peterson stated the wetland scientist has been in the area with UNH representatives testing soils, etc. and he will bring it up to him.

## **NEW BUSINESS**

### **1. Grater Woods Sub-Committee Membership**

Vice Chair Boisvert spoke of the letters received from Paul Labrie and Amy Woods expressing interest in serving on the Grater Woods Sub-Committee.

Current membership consists of the School Board Representative, Shannon Barnes, Steve Marble, Jeffrey LeCours, Nathaniel Fairbanks (has indicated he will do one more year), Commissioner Perry (Ex-officio), and Paul Labrie and Amy Woods would be added. Asked if there would be alternate members, Commissioner Rosati was uncertain.

Commissioner Rosati suggested the terms of Steve Marble, Jeffrey LeCours, Paul Labrie, and Amy Woods could be two years. With the terms of all members having expired, there is the need to ensure terms are staggered.

**MOTION BY VICE CHAIR BOISVERT TO APPOINT AMY WOODS AND PAUL LABRIE AS FULL TIME MEMBERS OF THE GRATER WOODS SUB-COMMITTEE FOR TERMS TO EXPIRE JULY 31, 2023**

**MOTION SECONDED BY CHAIR PERKINS**

*A Viva Voce Roll Call vote was taken, which resulted as follows:*

Yea: Chair Perkins, Vice Chair Boisvert, Commissioner Rosati, Commissioner Glenn,  
Commissioner Starr, Commissioner Drouin, Commissioner Tenhave

7

Nay:

0

**MOTION CARRIED**

**MOTION BY COMMISSIONER ROSATI TO APPOINT STEVE MARBLE, JEFFREY LECOURS, NATHANIEL FAIRBANKS, SHANNON BARNES (SCHOOL BOARD REPRESENTATIVE), AND GAGE PERRY (CONSERVATION COMMISSION EX-OFFICIO) AS FULL MEMBERS OF THE GRATER WOODS SUB-COMMITTEE FOR TERMS TO EXPIRE JULY 31, 2022**

**MOTION SECONDED BY COMMISSIONER TENHAVE**

*A Viva Voce Roll Call vote was taken, which resulted as follows:*

Yea: Chair Perkins, Vice Chair Boisvert, Commissioner Rosati, Commissioner Glenn,  
Commissioner Starr, Commissioner Drouin, Commissioner Tenhave

7

Nay:

0

**MOTION CARRIED**

### **OLD BUSINESS**

#### **1. Possible in-person meetings after June**

There remain a few conflicts with the Commission being able to resume in-person meetings. The only room suitable to accommodate social distancing, etc. is the Matthew Thornton Room, which is used by the School Board on the nights the Commission meets. The Commission would have to look at moving its meetings to the 2<sup>nd</sup> and 4<sup>th</sup> Mondays or choose another night.

Commissioner Drouin requested the meeting dates of the Library Trustees be avoided if changing meeting dates of the Commission.

Vice Chair Boisvert was of the opinion some of the requirements may be lessened by the July timeframe. Perhaps the Commission should wait until that time to resume in-person meetings.

Chair Perkins stated the Commission would look to continue with its meeting schedule and hope to be able to utilize the Matthew Thornton Room and make July 19<sup>th</sup> the first in-person meeting.

#### **2. Possible in-person Sub-Committee meetings**

Chair Perkins spoke of having reached out to the Town seeking information on when the Commission and Sub-Committees could resume in-person meetings. He was informed Sub-Committees can in fact meet in person, effective immediately, providing they follow the same statutory requirements, e.g., published meeting date/location, meeting minutes provided, quorum required, etc.

### **OTHER BUSINESS**

*There being no objection, the Commission went out of the regular order of business to take up the Joint Meeting with the Sklar Waterfront Park Sub-Committee.*

#### **2. Sub-Committee Updates**

- Joint Meeting with Sklar Waterfront Park Sub-Committee



***Members were asked to state, for the record, where they were, why their attendance in person was not reasonably practical, who, if anyone, was with them, and whether or not they were able to hear the proceedings.***

Mark Twardoski

Stated he was participating electronically due to COVID-19 concerns, was alone in his office building, and could hear the proceedings.

Tom Martinson

Stated he was participating electronically due to COVID-19, was alone in the room he was in, and could hear the proceedings.

Vice Chair Boisvert commented, with the go ahead to begin in-person meetings, he would look to arrange a date for that to occur.

Vice Chair Boisvert spoke of reaching out to NH Fish & Game to see if they were interested in contributing toward improvement of the boat ramp and access. They have been down that road before and are not interested in that site because of the low underpass. If investing funds, they want to see large boats able to utilize the area, which they cannot see here. He suggested the Sub-Committee concentrate their efforts on creating a parking lot (perhaps near kiosk) and improving the road and turn in.

Commissioner Drouin questioned if approval is needed to cut the trees at the turn in (off Griffin Street). Vice Chair Boisvert stated the need for the Town to approve and conduct the work. That area of access is Town owned land.

Commissioner Tenhave commented on having been around for the creation of the sub-committees. One of the things he encouraged is brainstorming around the desired activities at the parcel and where, in general, they would like them to occur. A conceptual plan can be put together from there. He suggested a review of the property features, e.g., stone walls, existing trails, the area where it is believed the Thornton Ferry used to be (by river), and perhaps create a timeline. Once that is prepared, it could be brought before the Commission for discussion and public viewing, which could result in volunteer efforts.

Vice Chair Boisvert expressed support for that approach and spoke of the challenge of off-road vehicles on the parcel. Commissioner Rosati commented once more hikers are present in the area, it may discourage the ATV traffic.

Commissioner Drouin questioned if the vote was done to confirm membership, and was informed members have been appointed, but the Sub-Committee has not been able to meet to vote on officers. Commissioner Drouin requested a meeting date be scheduled. Vice Chair Boisvert stated it to be beneficial to have the meeting at the property.

Mr. Martinson spoke of agreeing with the direction of creating a long-term plan, and that it should be the first order of business.

Commissioner Tenhave spoke of activities that could be planned to take place throughout the process such as weekly walks to familiarize people with the property. Activities and opportunities for volunteerism such as clean-up days could be promoted along with and during the walks. With the Horse Hill Nature Preserve (HHNP), they conducted weekly walks for a month or so and followed those with targeted activities. It does help to create excitement.

Vice Chair Boisvert spoke of the ongoing issue of trash on the property. Commissioner Tenhave agreed with the earlier statement that the more we get people onto the property, the more it will discourage bad behavior.

Commissioner Drouin questioned the use of signage indicating cameras in use.

***The Commission returned to the regular order of business.***

1. Discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands.

Chair Perkins spoke of a communication he and Matthew Casparius, Director, Parks and Recreation, received from Catey Selby from Merrimack High School. As part of a Student Council and Garden Club project they would like to plant about 60 seedlings (deciduous tree package). She would like to plant them in Town. Director Casparius was of the opinion a Commission property would be better suited for this. That package includes Black Walnut, Sugar Maple, Red Oak, Silver Maple, and Paper Birch. Ms. Selby was seeking a recommendation for location(s).

Commissioner Tenhave commented when it comes to the Black Walnut you want at least a few seedlings planted near each other simply because it is a flowering nut tree that will create nuts. He believes it may be that there is the need to have more than one flowering tree around it for it to bear fruit. The other ones are much more common.

Some of the wildlife openings might benefit from those plants. At Wildcat Falls in the area where the fire was may be an opportunity; easy access. You would not want it too close to the power lines as they would be cut down.

Commissioner Rosati stated they need to be aware that walnuts are big trees and should be placed a bit away from trails. Commissioner Tenhave suggested the larger more common properties as they have easy access.

Vice Chair Boisvert spoke of the stick bridge in Grater Woods; log-based bridge (16'<sup>±</sup> long) with sticks across it, and a stream running through the area. There is increased bike traffic through there, and the bridge is in bad shape; likely unsafe for bikers. He suggested he could ask Matt Caron if the bike club is interested in taking on the repairs or perhaps the Sub-Committee when it gets started again. He expressed concern with waiting any length of time to address the issue. Asked, he stated it would be a great Scout project, but again stressed the need to address the bridge sooner than later. The bridge is located about ¾ of a mile into the property, and materials would have to be hauled in.

The Commission agreed with the suggestion of inquiring as to whether the project is something the New England Mountain Bike Association (NEMBA) would like to take on. Commissioner Rosati questioned what the alternative course of action would be if the bike club were unable to take on the project. Commissioner Drouin spoke of the decking the Commission received. Vice Chair Boisvert stated that might be an option for the cross sections, but the 16' long supports would still be needed.

Commissioner Rosati suggested the need for a sub-committee to address bridges, etc. Vice Chair Boisvert spoke of the need for signage at Grater Woods and at the Sklar Waterfront Park. He would like to see a standard size/design and a volunteer who could be supplied the material and route signs. Commissioner Drouin questioned if a sub-committee could be formed to address construction/special projects.

Chair Perkins commented he believes those who have a passion for being involved in these properties are already on the sub-committees. He believes it is likely a few people can be found to go in and rebuild the stick bridge if someone puts that together as a project.

Commissioner Starr stated he tried to contact the members of the HHNP Sub-Committee. There are 4 members; Bruce Peterson, Helynn Wenz, Marc Gagnon, and Timothy Adams. He introduced himself to the members. He can confirm Marc Gagnon and Timothy Adams wish to remain on the Sub-Committee. He has not yet heard back from Bruce Peterson or Helynn Wenz.

In their conversations, he was told during and before the COVID era, they felt the Sub-Committee was becoming sort of irrelevant. They were disappointed not believing their input was being considered.

Noticed over the weekend is what seems to be a new trail going up on the HHNP that he and members of the Sub-Committee are not familiar with. White flags have been put up and preliminary cuts made. Commissioner Starr commented he could not find any record of this in the minutes of the Commission. The area is on the Horse Hill Summit Trail between posts 14 and 15. The posts are marked on the HHNP map.

Another concern was with wood cutting last spring along the Plumber Trail. It ended up flooding the Rocky Trail and created an oil sheen on the nearby wetlands (damage to nearby area). He is not certain where the wood cutting was, but believes it was on the powerline.

Members of the Sub-Committee spoke of appreciation of the help they received from NEMBA but want to be certain the HHNP is not totally transformed into a place for bikers alone.

The theme of the members was the desire to ensure they remain relevant, have a say and open communication. They have also noted use of the HHNP has nearly doubled during the COVID era (less horse usage).

Commissioner Rosati spoke of having reached out to Jeff Littleton, Moosewood Ecological. He informed her that turtles traditionally start their nesting mid-May. His feeling was that it is safe for Eversource to go in and do the work they need to do. She provided the information to Eversource, and the work began last Thursday. The weather turned to snow on Friday. They are planning on returning to the site this week and will finish up by the end of the week. She will follow up.

Karen LaBonte, Chair, Wildcat Falls Sub-Committee noted a downed tree that is stuck on another over near one of the Michael LoVerne Memorial benches. Lori Barrett, Operations Manager, Public Works Department (PWD) was contacted, and stated her belief the PWD can get in and take the tree down.

Vice Chair Boisvert asked for additional information on a new trail in the HHNP. Commissioner Starr repeated from what he was told it has not been fully cut but there are white flags set up through the tree line. There have been preliminary cuts (bushes not trees). He believes the area to be in the center of

the HHNP between posts 14 and 15 (off the north end of Long Pond). Neither he nor anyone on the Sub-Committee is aware of a new trail being allowed there.

Commissioner Tenhave noted any new trail would have to be approved by the Commission, and it has not been. Someone is trespassing and is liable for damage of Town property. Someone should be made aware that they are doing something illegal. It could be a police report or contacting the individual(s) and informing of the need to stop.

Vice Chair Boisvert questioned if any member of the Commission believed they would be able to get out to the area to confirm the activity. He stated a willingness to try to get out to the area.

### **PRESENTATION OF THE MINUTES**

Merrimack Conservation Commission. . . . . [April 5, 2021](#)

*The following amendments were offered:*

Page 6, Line 40; replace “easter” with “eastern”

Page 6, Line 41; replace “Bowman” with “Bowmen”

### **MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED MOTION SECONDED BY COMMISSIONER GLENN**

*A Viva Voce Roll Call vote was taken, which resulted as follows:*

Yea: Chair Perkins, Vice Chair Boisvert, Commissioner Rosati, Commissioner Glenn,  
Commissioner Starr, Commissioner Drouin, Commissioner Tenhave

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Nay:

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**MOTION CARRIED**

**PUBLIC COMMENT** - None

### **COMMISSIONER COMMENTS**

Vice Chair Boisvert commented on a few campfires that have been seen at Grater Woods (opposite side from the cul-de-sac on Beebe Lane; other side of pond).

Commissioner Drouin spoke of two openings on the Planning Board. The Conservation RSA mentions that one of our members may be on the Planning Board. This was done during his time on the Hudson Conservation Commission. The reason for the membership is to help explain the decisions of the Commission. He suggested a member of the Commission apply for that.

He questioned why the Town Council Liaison to the Commission is a voting member of the Commission when not given voting powers by the RSA.

Chair Perkins stated the RSA does allow for representation on the Planning Board. He himself is comfortable that the Planning Board takes the input of the Commission into account. The Commission forwards concise and well thought out recommendations. He is confident if they did not understand what

was being stated or why the Commission felt it was of importance, they would reach out. Personally, he would feel more comfortable giving them that feedback in response to their questions, as a group. He would not want to be the sole representative providing that feedback.

The Commission's Bylaws state in part "The Town Council shall appoint one (1) of their members as an ex-officio member of the Commission in accordance with the Merrimack Town Charter Article 6-1B. The ex-officio member shall participate in the issues before the Commission. The ex-officio member shall have all the rights and responsibilities of an ex-officio member as defined by the Town Charter Article 2-1B(7).".

The Town Charter Article 2-1B(7) reads: "(7) Ex Officio The words "ex officio" shall mean a Town official serving as a member of a board, committee, or commission. This member shall have all the rights of regular members of such board, committee, or commission, except the right to hold an office (Chair, Vice-Chair, Secretary, etc.) on such board, committee, or commission."

Commissioner Tenhave commented on a project he is working on regarding the percent of open space in Town. He suggested the results of the open space land categorizing project be an agenda item for the next meeting.

Chair Perkins spoke of having received notification the seedlings are ready for pickup. He will arrange to do that this week. May is turkey season. If you are out in the woods, particularly in the early mornings, wear orange.

## **TABLED**

1. Discussion and vote to re-treat the invasive Knotweed that is taking hold again on property off of Brookside Drive. This will require a licensed applicator.

*Tabled 9-21-20*

## **ADJOURNMENT**

**MOTION BY COMMISSIONER TENHAVE TO ADJOURN**  
**MOTION SECONDED BY COMMISSIONER GLENN**

*A Viva Voce Roll Call vote was taken, which resulted as follows:*

Yea: Chair Perkins, Vice Chair Boisvert, Commissioner Rosati, Commissioner Glenn,  
Commissioner Starr, Commissioner Drouin, Commissioner Tenhave

7

Nay:

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**MOTION CARRIED**

The April 19, 2021 meeting of the Merrimack Conservation Commission was adjourned at 8:20 p.m.

Submitted by Dawn MacMillan