



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK CONSERVATION COMMISSION

JANUARY 24, 2022

MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, January 24, 2022, at 6:30 p.m. in the Matthew Thornton Conference Room.

Steven Perkins, Chair, presided:

Members of the Commission Present: Michael Boisvert, Vice Chair
Gina Rosati, Secretary
Cynthia Glenn
Gage Perry
Michael Drouin, Alternate Member
Ellen Kolb, Alternate Member
David Trippett, Alternate Member
Councilor Andy Hunter

Members of the Commission Absent: Eric Starr

Also Participating: Allen Lindahl, Hillside Apiaries, 31 Hillside
Terrace, Merrimack
Kevin Fitzgerald, 18 Jakes Lane, Merrimack
Paul Micali, Merrimack Town Manager

Chair Perkins designated Commissioner David Trippett to sit in for Commissioner Starr.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS – Nicole Morning-Christian – Sklar subcommittee (Alternate)

Commissioner Drouin spoke to the candidate. He believes an alternate spot would be a good start for her. She did not submit a letter of interest, but verbally expressed interest to him.

MOTION BY COMMISSIONER BOISVERT TO APPOINT NICOLE MORNING-CHRISTIAN TO THE SKLAR WATERFRONT PARK SUB-COMMITTEE AS AN ALTERNATE MEMBER FOR A TERM TO EXPIRE JULY 31, 2024.

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED: 7-0-0

STATUTORY/ADVISORY BUSINESS – None

NEW BUSINESS

- Request from resident Jeff Hoyer to reverse a vote taken at 12-6-21 Conservation Commission meeting.

Chair Perkins asked if there was feedback from any Commissioners on the letter from resident Jeff Hoyer. Commissioner Kolb commented that she was unsure how other Conservation Commissions have dealt with this topic, if at all. She hasn't been able to find a clear answer from her research.

Commissioner Perry recalled this topic being brought up in the past. The Conservation Commission decided not to reimburse for a tool repair in the past as the tool used for work was in disrepair at the time of use. He continued that it was decided that Conservation funds would not be used to repair volunteers tools, the volunteer would assume responsibility of any damage that occurred.

Vice-Chair Boisvert said if there were ethical issues to be considered in using funds for this repair, it may be a good idea to rescind the decision. Commissioner Drouin said he did not have an issue reversing the decision, but wanted to clarify that he had not actually voted on the decision at the 12.6.21 meeting. He continued to state that it could be resolved at a later time.

Councilor Hunter stated there were two issues to be considered. One was whether or not a reimbursement is the right thing and the second was the ethics issue - should a reimbursement be issued at all in this situation. He shared that he discussed this with the Town Manager Paul Micali and that it could become a slippery slope. For example, if someone volunteers equipment that is costly to repair, such as a transmission, and it breaks, the Conservation Commission would then be on the hook for repairs. He stated that when you volunteer personal tools, you are doing so with no expectation of reimbursement. If volunteers start asking for money, it would be more practical to hire someone.

Councilor Hunter also pointed out that although Commissioner Drouin had not voted on the reimbursement, he had participated in the discussion which, if approved, was geared towards his personal gain. Ultimately, he should have recused himself during the discussion.

Commissioner Glenn suggested adding a policy stating that going forward the Commission will not offer reimbursements to volunteers. She felt it would be helpful to have this in writing to avoid a similar issue in the future.

Mr. Micali spoke stating that even right now as this was being discussed, Commissioner Drouin should not be participating in the discussion. For example, when there is an issue regarding a Town Councilor, they recuse themselves and return once the discussion is complete. He would suggest following that course of action right now to continue this conversation. The second issue he spoke of was setting precedence by approving the vote, even if it is a small monetary amount. As for the ethics complaint, the resident can take this complaint up to the ethics committee who can then complete a full investigation into the matter.

He continued and stated that a vote is not considered a proper vote if the item voted on was not listed on the agenda. This is because it would not allow residents to comment. He explained that the Town Council periodically has to come back to a decision with housekeeping items, these are items that were on the Agenda and may have been voted on but need to be brought forward at a public hearing. At a public hearing, the item is voted on again in order to stay in line with the Town Ordinances.

Mr. Micali reiterated that the individual who may gain from any proposed item or decision that is being discussed should not be included in the discussion at all. He stated that in order to correct this vote, any members who voted in favor of it need to vote to reconsider the motion. Mr. Micali stated again that the resident who brought up this concern can file a complaint with the ethics committee. This is a separate organization in the Town that would convene a meeting and listen to the facts.

Commissioner Kolb questioned if she could vote to reconsider the decision. She voted on the motion at the 12.6.21 meeting, however she is not sitting tonight for anyone, she is just an alternate. Mr. Micali stated that since Commissioner Kolb was not currently sitting as a voting member she would not be able to make a motion to reconsider the original vote.

MOTION by Commissioner Rosati to reconsider the Motion of December 6, 2021 to reimburse Mike Drouin for \$65.00 to fix his chainsaw.

MOTION SECONDED BY Commissioner Glenn:

MOTION CARRIED: 7-0-0

ABSTAINED:

MOTION by Commissioner Rosati to reimburse Mike Drouin for \$65.00 to fix his chainsaw from Fund 53.

MOTION SECONDED BY Commissioner Boisvert:

MOTION FAILED: 0-7-0

ABSTAINED:

- Winter Carnival

Chair Perkins questioned if any Commissioners would be interested in running a table this year. Commissioner Kolb stated that the event will be on February 26, 2022 from noon-3pm. Commissioner Drouin volunteered to attend. Chair Perkins will work on getting a table and Commissioner Glenn will add it to the Conservation Commission calendar.

- Proposal on Bee colonies

Commissioner Drouin stated that after more research, he had reconsidered this proposal. He believes adding honeybee colonies to Conservation Commission properties would create competition between honeybees and local pollinators. He questioned if residents who own honeybee hives near Conservation properties are causing damage to the Conservation properties.

Vice-Chair Boisvert stated if hives were not on Conservation Commission property, they can't do anything. No one can control where the bees fly. Commissioner Drouin suggested discussion of this topic in the future. He expressed interest in improving the habitat for natural pollinators.

Allen Lindahl spoke, he shared that he has run a beekeeping supply business in Town for the last 31 years. Mr. Lindahl explained that honeybees are social bees but they do not compete with other bees. Their main goal is to promote the hive and create enough honey to keep their colony alive. He continued that honeybees could only be a benefit to Conservation land by pollinating and promoting further plant and tree growth.

Commissioner Rosati questioned if Mr. Lindahl has walked any of the Conservation properties and identified plants that honeybees would potentially pollinate. She stated that the Conservation Commission is looking for plants to benefit pollinators and has concerns that their properties don't have enough flowering plants to make pollen and sustain honeybees. Commissioner Rosati also had concerns about honeybee's preference for invasive plants which the Conservation Commission has been trying to control.

Mr. Lindahl stated that unfortunately honeybees do like invasive plants as they help bring more nectar into the colony. He continued stating that honeybees forage to find what they need, but will not create damage near or on the property they are foraging.

Commissioner Rosati reiterated that the Conservation Commission was trying to get rid of invasive plant species since they were killing the native plants, so if they bring in honeybees she doesn't want them to starve. Chair Perkins and Councilor Hunter questioned if anyone was proposing honeybees be brought onto Conservation

Commission land. Councilor Hunter stated he was unsure what the intent of this agenda item was.

Mr. Lindahl said he would not recommend adding honeybee hives to any Conservation Commission properties because the Town would be opening themselves up to a liability issue.

A brief discussion continued with Chair Perkins asking Commissioner Drouin about where the request to add honeybee hives to Conservation Commission properties had come from. The discussion continued between Mr. Lindahl and Conservation Commission members regarding potential liability issues that could pop up if honeybee hives were on Conservation property.

Commissioner Perry spoke of the Conservation Commission hiring licensed applicators to spray in the Town for invasive plants. He asked Mr. Lindahl if there was contact information for local beekeepers in Town so that they could be made aware when spraying for invasive was scheduled to give beekeepers time to get their bees back in their hives. Mr. Lindahl agreed to share contact information. He also stated that if beehives were registered with the State, there were laws requiring spraying companies to notify the beekeeper of scheduled treatments.

Kevin Fitzgerald commented that he was notified several years ago about some spraying over at Brookside which is adjacent to his neighborhood. He gave his name to the Conservation Commission so he could be informed when any treatments were scheduled. Mr. Fitzgerald stated that he has not heard anything on the topic for the last 6-7 years. Commissioner Perry and Vice-Chair Boisvert stated there has not been any spraying for invasive plants in the last five or so years.

- Proposal to amend MCC agenda item submittal process

Commissioner Drouin stated he feels having to submit materials for the agenda 14 days before a meeting is too much time. Commissioner Perry and Chair Perkins commented that they believe this is a stipulation of Town bylaws, not something the Conservation Commission can change themselves.

Mr. Micali commented that the reason we ask for agendas items so far in advance is to allow for back up material to be made available. Receiving materials 10-14 days also allows any developers submitting projects time to submit materials and hopefully move through the Planning Board process more quickly.

Commissioner Drouin questioned about how many days in advance a site walk could be scheduled. Mr. Micali responded that the decision to do a site walk would be up to individuals on the board. He continued that the 14 days submission deadline should be plenty if someone wants to go walk the property.

A discussion continued about creating different deadlines based on the types of Agenda items the Conservation Commission is receiving and what the intent of this change would be. Commissioner Perry pointed out items being due different days could lead to a lot of confusion. Mr. Micali added that the Community Development Department, which prepares packets for the Conservation Commission, tries to keep deadlines consistent with the other boards they manage to avoid confusion.

Several Commissioners brought up questions regarding speaking about items not on the agenda, such as duck boxes. Mr. Micali stated that they could add comments about these types of items during the time allotted for Commissioner Comments, however if something is going to be voted on it needs to be on the agenda.

OLD BUSINESS

- Update on Tomasian/Fields Farms concerns

Vice-Chair Boisvert shared he had received reports that bike trails were being built at Field Farms. He took a look and noticed new trails and bridges going in. This work was being done independently of the Conservation Commission and was never authorized. He mentioned that he accessed the property from Farmer Road and found a bridge and a bike trail. It appears the work is recent.

Commissioner Perry brought up that the property is not posted as Conservation Commission property and does not have no trespassing signs on it. They had been waiting for the land around Windy Hollow to be granted to the Conservation Commission before starting a subcommittee for that parcel of land.

Vice-Chair Boisvert mentioned that Field Farms is close to Horse Hill Nature Preserve, and maybe their subcommittee would want to take on the Field Farms parcel of land as well, instead of creating a separate subcommittee.

Vice-Chair Boisvert and Commissioner Kolb agreed that the issue is that the nature of the property is changing due to things like unauthorized tree cutting. Commissioner Perry brought up that there are deed restrictions on the Field Farms property that need to be honored.

Commissioner Rosati suggested talking with former Chair Tim Tenhave as well as a site walk in the spring to garner more information regarding the creation of trails at Field Farms. Conservation Commission members agreed they need to do some fact finding and figure out who has been doing this work before continuing this discussion.

Commissioner Rosati stated that she believed that since this work was not authorized, it was probably illegal and if the person(s) responsible were found they would possibly be required to put it back the way it was.

Mr. Micali stated this would be getting into some legal issues with what remediation would look like. The first step is to find out who is doing the work, the second step is to post a sign on the property saying that it's under Conservation management. He suggested having a meeting once they've found out who is responsible. They would also need to get the Town Attorney and Police involved and then decide how to move forward. Members agreed to ask around and see if any local bike clubs may have any information.

- Update on proposed MCC meeting at Sklar Waterfront Park on March 28, 2022

Chair Perkins noted that the meeting date for Sklar site walk should be Tuesday March 29, 2022. Chair Perkins mentions that two meetings were scheduled for March, 2022 and proposed to amend the meeting schedule to keep the March 29 meeting and remove the March 14 meeting from the calendar. He did speak with the Hillsborough County Fish & Game Commissioner as well as the director of the state wide public boat access program who both agreed to meet the Conservation Commission on March 29. Chair Perkins will also make sure to notify the Department of Public Works so a member of that department can be available to attend the site walk. The meeting will have an agenda and a notice will be made before the meeting.

OTHER BUSINESS

- Subcommittee Updates
 - **Horse Hill Nature Preserve –**
Commissioner Kolb shared that the next meeting is in February 2022. They are going to hear from a resident interested in joining the subcommittee.
 - **Wildcat Falls Conservation Area –**
Commissioner Rosati shared that at the subcommittees' last meeting, they discussed repairing the bridge on North Loop trail. Andrew Duane felt he could cut a piece of wood on his property to fix. If he can't, the subcommittee will come up with another plan.

Vice-Chair Boisvert will contact Lori Barrett from Department of Public Works and request cutting of some downed trees as well as one tree that needs to be cut at Wildcat Falls. Trees to be cut will be marked.

Visitors have been parking on the left side of the parking lot, which is not owned by the Conservation Commission, and there are some wetlands there. There used to be signs saying no parking, but they've been disappearing. The subcommittee is looking for a solution as there is concern regarding the wetlands. It would be helpful for the Department of Public Works to think of some kind of a solution like a fence, barrier, or signs and maybe having police

issue tickets for any people parking on the left side of the lot. Mr. Micali suggested having a meeting with the Department of Public Works to discuss.

A resident had requested using trail cameras to take photos at Wildcat Fall and track wildlife. The resident asked if there would be an issue if she posted these photos online. The Commission agreed this shouldn't be an issue.

- **Grater Woods –**
Next meeting is March 9, 2022.
- **Sklar –**
Next meeting is January 27, 2022. There are many trees overhanging the road from the snow storms. He tried to move some of the trees but was unable. He requested that Vice-Chair Boisvert call the Department of Public Works to remove any overhanging branches.

Vice-Chair Boisvert and Chair Perkins agree that everyone should make sure that their requests take into account the Department of Public Works and make sure requests are realistic.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. January 3, 2022

The following amendments were offered:

Page 2, Line 48: Insert apostrophe after “s” in Towns
Page 5, Line 197; Replace “treatment plant” with “that” (Mike Boisvert said he was referring to the Sklar site, but what he actually said was “that site”, and we were talking about the treatment plant in a previous paragraph)

MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED 7-0-0

PUBLIC COMMENT

COMMISSIONER COMMENTS

Commissioner Trippett saw a few residents at Sklar riding ATV's and dirt bikes. He let them know it was illegal to ride there. The residents said they were told by the Flying Eagles group that this activity was permitted at Sklar. Commissioner Trippett suggested speaking with the group to clarify this information with them. Commissioner Drouin will reach out to the Flying Eagles group.

Commissioner Drouin stated he was asked about a list of open positions on subcommittees but he was unsure where to direct interested parties. Commissioner Perry suggested he speak to the Community Development Department and Mr. Micali suggested checking the Town's website. Commissioner Drouin also found information regarding a Chestnut blight leading to a lack of mature Chestnuts. He suggested getting more information from UNH, or maybe getting some Chestnuts for Conservation properties. Commissioner Kolb pointed out that the State of NH has a nursery for Chestnuts at Fox State Forest.

Commissioner Rosati found a Town of Merrimack Facebook page and asked if the Conservation Commission could post information on this page. She also discovered that Merrimack Conservation Commission also had its own Facebook page. Commissioner Rosati questioned if Commissioner Drouin had information about this to which he responded that he did. Commissioner Rosati stated that this wasn't a sanctioned site and that this needed to be disclosed on the page. She continued that it should be listed on the next agenda for discussion. Commissioner Rosati highlighted that most Conservation Commission members were not on Facebook, so if Commissioner Drouin had started a Conservation page, he needed to make the rest of the group aware.

Commissioner Drouin commented that the Facebook page was not really for the Merrimack Conservation Commission, so he did not have to disclose on the page that it was not an official Town page. Commissioner Rosati stated if he did not, then she would put out a notice so residents are aware. She also asked that rules for posting on social media on behalf of the Conservation Commission be discussed at the next meeting.

Chair Perkins commented that he would like to help out with the cleaning of duck boxes and is looking for a partner to assist him. Vice-Chair Boisvert volunteered to assist at Grater Woods. Commissioner Perry volunteered to provide materials such as wood shavings, if needed.

ADJOURNMENT

MOTION BY COMMISSIONER ROSATI TO ADJOURN

MOTION SECONDED BY COUNCILOR HUNTER

MOTION CARRIED

7-0-0

The January 24, 2022, meeting of the Merrimack Conservation Commission was adjourned at about 8:32 p.m.

Submitted by Stefanie Brinn