



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

SPECIAL MERRIMACK CONSERVATION COMMISSION

JUNE 22, 2020

MEETING MINUTES

A special meeting of the Merrimack Conservation Commission was held on Monday, June 22, 2020 at 6:30 p.m.

Matt Caron, Chair, presided:

Members of the Commission Participating: Steven Perkins, Vice Chair
Gina Rosati, Secretary
Michael Boisvert
Cynthia Glenn
Gage Perry
Eric Starr, Alternate Member
Michael Swisher, Alternate member
Tim Tenhave, Alternate Member
Councilor Peter Albert (participation began at 6:56 p.m.)

Members of the Commission Absent:

Also Participating: Jesse Cokeley, Principal Associate, Maser Consulting
Armand Keurian, Petroleum Marketing Group, Inc.
Courtney Herz, Esq., Sheehan Phinney

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

As stated on the agenda, the meeting was being aired live on Merrimack TV (Channel 20) and the Merrimack TV Facebook Live page (<http://www.facebook.com/merrimacktv>). 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: 967 5460 7546).

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: ConservationCommission@MerrimackNH.Gov.

Commissioners were participating via Zoom. 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.

Vice Chair Perkins

Stated he was participating electronically from his office space, 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 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 Swisher

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 Tenhave

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, family members were at home with him although he was alone in the room he 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 Perry

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, family members were at home with him although he was alone in the room he 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.

Chair Caron

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.

It was acknowledged all members participating electronically could be heard. The Commission was reminded all votes would be taken by Roll Call.

Chair Caron designated Tim Tenhave to sit for Councilor Albert.

PUBLIC COMMENT

Chair Caron noted public comment would be taken up under the individual agenda items.

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. Petroleum Marketing Group, Inc. (applicant/owner)** – Review for recommendation to the Planning Board to raze and re-build an existing gas station/convenience store. The parcel is located at 1 Continental Boulevard in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 054-01.

Jesse Cokeley, Principal Associate, Maser Consulting, stated Petroleum Marketing Group, Inc. (PMG), has a site located at 1 Continental Boulevard. It is an existing Gulf service station with a separate overhead canopy having 4 multi-product dispensers (MPDs). The project would raze and redevelop the site with a new convenient store having a drive-thru and a separate canopy with 6 MPDs.

The overall appearance of the site would be improved with a new building, new canopy, landscaping, circulation pattern believed to be improved, dark sky compliant LED lighting, and stormwater mitigation. The proposed redevelopment results in a .05 acre increase of impervious surface.

The project was before the Planning Board in early March, and received technical comments, one of which was to appear before the Commission for a recommendation prior to returning to the Planning Board. As a result of meetings being postponed due to the pandemic, the project went before the Planning Board a second time the prior week. During that meeting, conditional final approval was received.

The property is located in the Aquifer Conservation District. An email was received from Dave Fredrickson, Distribution & Treatment Operations Manager, Merrimack Village District (MVD), noting the project is not closer than 1,000' to MVDs closest well. The project is located outside the central wellhead protection area.

They are in the process of working with the New Hampshire Department of Environmental Services (NHDES) to ensure compliance with regulations for stormwater and gasoline fueling stations. Other conditions of approval were to address any remaining comments from the Town's peer review consultant, Fuss & O'Neill, and appear before the Commission.

Mr. Cokeley displayed an [aerial image](#) of the existing conditions. The existing site has a 1-story building on the western side, parking scattered throughout, service bays, and the overhead canopy with the fueling positions underneath. There are 3 driveways; 2 on Camp Sargent Road and 1 on Continental Blvd. The proposal would keep the same driveway on Continental Boulevard, but would reduce the driveways from 2 to 1 on Camp Sargent Road, which will improve the flow through the site. Parking will be consolidated to the front of the convenient store, and a drive-thru would go around back with a bypass lane. Landscaping would be added; trees in compliance with Planning Board regulations as well as screening around the front.

Asked to address how stormwater and a fuel or other spill would be handled, Mr. Cokeley responded the site is graded in such a way that stormwater would flow towards the northeast corner at the intersection. There is an existing stormwater network of manholes and pipes on Camp Sargent Road and Continental Blvd. that continue towards the east. The intent is to grade the site in a way that the fueling positions would be covered, which would help any contaminated runoff, the edge of the fueling positions (separate concrete mat), will be grooved in accordance with NHDES regulations for additional spills, and everything else is graded away from that location. They are essentially a localized high point in that no stormwater that does not immediately fall in this area would traverse over the concrete pad. There are a series of inlets around the canopy to capture runoff as it falls elsewhere on the site. It would be piped to an underground detention system that also has a pretreatment for water quality. They would be looking to meet all relevant requirements from the State for connecting to the existing system similar to the way the water flows today. It would be an improvement over existing as there is not much in the way of stormwater treatment.

Commissioner Tenhave questioned if treatment includes an oil/water separator, and was informed the pre-treatment is a form of filter system. It would be designed to capture those things. Asked for clarification a regular maintenance plan would be included, Mr. Cokeley stated it would. He did not recall which manufacturer it was, but noted each one comes with their own set of guidelines that would be incorporated into an operations and maintenance manual. That would be filed with the Town and kept onsite. The operator would be aware of its function and the frequency of inspections, cleanings, replacements, etc.

Commissioner Perry questioned the plan for snow removal. Mr. Cokeley noted limited areas to store snow onsite. He recalled at the Planning Board meeting it was attested that any additional snow would have to be taken offsite. That agreement will be in place and can be provided, if needed.

Commissioner Tenhave noted the trash enclosure onsite (masonry with dumpsters inside with gates); proposing screening around it. Asked where stormwater flows from that pad/enclosure, Mr. Cokeley indicated his belief there is an inlet along the side of the drive isle, which represents a low point; would be taken into there and then connected and run to the east in front of the canopy in an underground pipe. It would go through the same manufactured treatment device for pre-treatment before entering the system. It then connects to a manhole on Camp Sargent.

Asked if materials would be stored outside of the building, e.g., oil, anti-freeze, Mr. Cokeley stated everything of that nature would be contained inside the store. Asked for clarification, he indicated the convenient store does have a drive-thru, but that would be for coffee or other convenience related items, not a fast food type of establishment.

Chair Caron questioned the plantings that would be utilized, and was informed the Site Plan identifies about 7 shade trees; Honey Locusts, deciduous shrubs (Princess Spirea), Evergreen shrubs, Yew Shrub, and Leatherleaf Viburnum as well as a mix of ornamental grasses and groundcovers, e.g., Japanese Garden Juniper or Dwarf Fountain Grass. Chair Caron noted the concern of the Commission is not to introduce an invasive species.

Commissioner Tenhave asked for clarification hay is not included in any of the landscaping plans or protections from stormwater, etc. during construction, and that the use of straw is mandated. Mr. Cokeley indicated he would have to doublecheck as he believes some of the standards call out hay. He will review the notes and ensure that is swapped out.

Noted was the Commission's preference for the use of low-phosphate, slow release nitrogen fertilizer. Also noted was the recommendation that the use of de-icing compounds be minimized, and that applicators be Green SnowPro Certified.

Councilor Albert

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.

NEW BUSINESS

1. Horse Hill Nature Preserve (HHNP) – funding request to replace damaged yield sign
2. Payment reimbursement - Horse Hill Nature Preserve, Mike Swisher

Commissioner Swisher spoke of signs placed on the Watanic Bowmen site; identifying location for parking. Councilor Albert received requests from Watanic Bowmen on a few occasions when the volume started to pick up at the onset of the pandemic. Knowing the Commission would not meet for some time, Commissioner Swisher purchased the signs and installation posts. The cost incurred was \$125.66.

Commissioner Swisher noted one of the signs is broken and the desire is for an additional sign to be purchased as a backup.

Commissioner Perry suggested similar signage could be used at Grater Woods. A review of the website indicated a slight decrease in cost with an increase in quantity.

MOTION BY COMMISSIONER SWISHER TO REIMBURSE COMMISSIONER SWISHER THE SUM OF ONE HUNDRED TWENTY FIVE DOLLARS AND SIXTY SIX CENTS (\$125.66) FOR COSTS INCURRED TO PURCHASE AND INSTALL SIGNAGE AT THE WATANIC BOWMEN PARKING LOT AT THE HORSE HILL NATURE PRESERVE. SOURCE OF FUNDING IS FUND 53

MOTION SECONDED BY COMMISSIONER ROSATI

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

Yea: Vice Chair Perkins, Chair Caron, Commissioner Rosati, Commissioner Glenn,
Commissioner Boisvert, Commissioner Perry, Councilor Albert

7

Nay:

0

MOTION CARRIED

MOTION BY COMMISSIONER ROSATI TO APPROVE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00) TO COVER THE COST OF FIVE (5) YIELD SIGNS TO BE USED ON VARIOUS PROPERTIES. SOURCE OF FUNDING IS FUND 53

MOTION SECONDED BY VICE CHAIR PERKINS

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

Yea: Vice Chair Perkins, Chair Caron, Commissioner Rosati, Commissioner Glenn,

Commissioner Boisvert, Commissioner Perry, Councilor Albert

7

Nay:

0

MOTION CARRIED

OLD BUSINESS

1. ARM Fund Grant: Top 8 properties to consider

The opportunity for grant application submission for the current year has passed.

Commissioner Rosati spoke of discussion around the possibility of locating someone who is well versed in the writing of grant applications. She has spoken with one individual who may be interested in assisting in that endeavor, and will reach out to further that discussion.

Commissioner Perry noted standing offers from GZA GeoEnvironmental, Inc. (GZA) and Moosewood Ecological to take part in the grant process. Would be fee-based.

Chair Caron commented typically when that happens, the fee is much less than the grant that is awarded, and is something that should be strongly considered for next year. He stated the desire for the item to be included on an agenda in time to consider submission for next year's grant cycle.

2. Update Maps with Safety Zones

Commissioner Perry questioned if safety zones have been defined recalling the only one reviewed was Grater Woods. He questioned if there is the need to consider safety zones on other properties.

Commissioner Boisvert stated his belief the concern was around bodies of water with regard to duck hunting season. He questioned if the other properties have bodies of water that abut private property, and was informed there are.

Councilor Albert commented on his belief the only issue that has come about to date was with residents in the area of Beebe Lane. Chair Caron stated that to be true for last year; however, prior to that, there were duck hunters in the Lastowka Pond with residential properties adjacent. Beebe Lane is where it is an active and ongoing issue.

Councilor Albert has spoken with a number of residents who are hunters who have expressed concern that the Commission will try to block off all of Grater Woods. He informed them he did not believe that would happen, but that there is an area around the pond that is particularly close to residential property.

Chair Caron stated his recollection the last discussion resulted in an action for Councilor Albert to set up a meeting with the two of them and the Town Manager and Police Chief to discuss this and a number of other issues. Councilor Albert stated he would reach out to schedule such a meeting.

There being no objection, Chair Caron stated the item would be tabled until the meeting with the Town Manager and Police Chief can occur.

3. Eversource Line Work 2020

Prior to the pandemic, Chair Caron met with the subcontractor (logger) for Eversource. They did several

cuts along the powerlines in Grater Woods off of Wilson Hill Road. They alerted the abutters and were in and out prior to any nesting seasons. They then reached out to him a few weeks later looking to do a cut in Wildcat Falls. He contacted Jeff Littleton, Moosewood Ecological, who indicated it was the beginning of turtle nesting season. The logger was asked to hold off. He has since contacted him a number of times looking to gain access to Wildcat Falls. Chair Caron has informed him that nesting season and a number of other issues have come up in that area, and requested he postpone the cut.

An email was received from Mr. Littleton on May 29th informing that turtle nesting goes until late June, but then the hatchlings are in the sand and in areas like under the powerlines where there is high sun/lots of sand, until September. He shared that information with the logger who was not pleased with the request. Chair Caron informed him he would discuss the issue with the Commission, and get back to him. He questioned the will of the Commission.

Commissioner Rosati expressed her gratitude for postponing the cut. She noted Wildcat Falls is a conservation area, and she is pleased that conservation is considered first and foremost. She suggested the cut could occur in October. Commissioner Perry questioned if the logging is in the area of the powerline, and was informed that is the case. Asked if it is a specific area, Chair Caron noted the Town approved a cut on the other side of the river from Wildcat Falls.

Councilor Albert questioned if the work would include cutting of brush to keep it below the lines. Chair Caron stated the only areas they felt things were growing too fast are the tall trees that put the transmission lines at risk. He is of the belief brush is cut on a 3 or 4 year cycle.

Asked if Eversource could be permitted to proceed to a certain point, Chair Caron commented the cut is less than a day's work (Souhegan to F.E. Everett Turnpike). They got permission from DOT to cut to the F.E. Everett. He believes what they are looking for is to do everything in one shot. The work is done with machines; 18-wheeler/skidders, which brought his thoughts to the access road that the PWD is planning on fixing. A lot of questions came up for him such as, if the PWD put the waterbar in, would the 18-wheeler full of logs be able to get over that. After hearing from Mr. Littleton that turtle nesting goes until September, he did not take the matter any further.

Councilor Albert noted at some of the powerlines in Town Eversource left a lot of the trees along the side edges of the powerlines, and questioned if that would be a concern if the trees were left on the ground. Commissioner Tenhave noted if the trees are bunched together it creates habitat for small critters.

Commissioner Glenn stated agreement with postponing the cut. In addition to the turtles, there remain a good many birds that are nesting. She is supportive of postponing the cut until September.

Asked if Eversource could force the issue, Chair Caron stated the need for Commission permission. It could be if there is a tree that is at risk that would be different. During the conversation he had, he got the impression there is a checklist noting what cuts needs to be done, and the logger wanted to get the work done while his trucks were in Merrimack. Now that his trucks are no longer in Merrimack, he has not heard from him.

Commissioner Perry questioned if the Chair has been contacted by anyone in Town, and was informed he has not. Commissioner Perry agreed with waiting until September.

The consensus of the Commission was that the cut be postponed until the September timeframe.

Chair Caron commented on an email received from Jeff Littleton, Moosewood Ecological relative to turtle tracking. A good deal of data was gathered as a result of the tracking that has occurred for the past few years, and Mr. Littleton has indicated an interest in continuing with this effort this year if the Commission wishes to do so. Asked if a proposal was provided, Chair Caron commented on Mr. Littleton's desire to provide a proposal in person. He had mentioned the best time for tracking of the Blanding's turtles is May, but tracking can continue until July. That is the end of the season. It may be that it is too late for this activity this year.

Commissioner Perry commented on the tracking being of interest and providing data, but he is uncertain how it furthers the work of the Commission. Chair Caron stated his recollection the last discussion of this was that were it done again; Mr. Littleton would then do a post-mortem of his findings in the outdoor classroom behind the middle school. A gathering that large this year is probably not a good idea. He suggested an item be placed on an agenda for the March timeframe so that a presentation can be made on the benefits to Merrimack. In the past, the data collection was largely funded by a grant, and was not a large cost to the Commission; it was more of an add on to the full inventory study of Grater Woods.

4. Wildcat Falls Conservation Area – continued discussion regarding parking

Copies of communications received from residents are attached.

Vice Chair Perkins spoke of the discussion that took place at the Commission's last meeting. The Commission and the Highway Safety Committee were asked by the Town Council to hear input on the issue. The Commission made several recommendations including taking down the Heritage Trail signs, removing reference to Wildcat Falls on the website, going before the Town Council for consideration of a name change. All of those recommendations have been followed up on.

Councilor Albert remarked Commission Rosati has met with representatives from the School District and the Police Department. The Town Council has received a lot of the same communications. The Council is waiting to hear from the Highway Safety Committee, which cannot meet until given permission to do so. Kyle Fox, Director, Public Works Department, forwarded a communication in response to some of the recommendations. As far as closing the property to residents only, there was concern about any federal monies used for the purchase of Wildcat Falls. Director Fox raised the issue of an attempt to achieve an easement from the State as part of the widening project on the F.E. Everett Turnpike, and concern the State could react adversely if the property were restricted to residents only. He understands the desire to create more parking spaces in other areas or perhaps get users of the trails to enter from other areas.

Commissioner Tenhave questioned who has the authority to close the parking lot, property, etc., and make those kinds of policy decisions for the property. There is the need to understand who that is. On some properties where the Deed indicates owned by the Commission, he has taken the stance that those are Commission properties and the Commission has the final say. On other properties the Deed specifies the Town, but the Council or prior Selectmen have given the Commission management authority. He stated the desire to take a stand and say we are either the policy making board for the property or we are not. If we are not, all we can do is make a recommendation to the Town Council, and wait for the Council to take action.

Commissioner Boisvert questioned the view of the Council relative to who has that authority. Councilor Albert stated his impression the Council understands it is a Town property. Not wanting to speak out of turn, he stated it to be the impression he has gotten since the onset of the issue, that this would be a decision

the Council has to make. He agreed, something has to be done. He believes it important for the Council to hear from the Commission. The Commission oversees this property.

Commissioner Perry commented Wildcat Falls was originally Eighty Acres. Another parcel adjoined it pushing the acreage size over 100 acres. He questioned the origin of the second parcel stating his belief it was the addition of the 2nd parcel that was the impetus for the name change. Commissioner Tenhave did not recollect the second parcel, and did not believe it to be the reason for the name change. Merrimack GIS shows the same parcel as the Deed when purchased; dimensions, description.

Commissioner Boisvert stated his impression from the discussion is that the Commission does not have the authority to close the property. The decision would be that of the Council. He asked for clarification. Commission Tenhave agreed with Councilor Albert's comments regarding everyone working together. When it comes to creating trail days/cleanup days, managing the parking lot, adjusting trails, etc., all of those things have been left to the Commission and it just does it. Now we are getting into something with more bite to it. At the end of the day you look at the Deed, and the Deed does not say the Merrimack Conservation Commission. If it does not and we need a decision made on this, then the decision needs to be made, or the lack of a decision also is a decision, by the Council.

Councilor Albert agreed. He spoke of the Council's recognition of the work the Commission puts in on properties that are under its purview. As a Councilor, he feels there is something that has to be done. He stated he would look to the Commission for guidance understanding the amount of time the Commission has spent watching over these properties. He would like to see the Commission move forward with a recommendation as to appropriate steps.

Chair Caron stated appreciation for the remarks and spoke of how passionate Commissioners are about the property. Emails received over the past several weeks indicate the people that live in that neighborhood are affected almost all day every day by what is going on. He believes it time to act, and that the Commission is prepared to make recommendations to the Council if the Council is open to hearing from the Commission. Councilor Albert stated they would be.

Councilor Albert remarked he has been visiting the area periodically to gauge the parking issues. There are issues, but he has to disagree with the characterization of all day/every day. He was there earlier in the day and the parking lot had a few spaces available. There were a few parked on the roadway, but it did not seem like an issue. He has been there at times when they are parked all the way up Currier Road. He reiterated he would like to hear from the Commission and is aware the Council would as well.

Commissioner Perry commented closing the parking lot would not stop people from parking on the street and walking through. It is an enforcement issue that the Commission has no ability to impact.

Councilor Albert commented the Council has considered how to address the situation. If the property is closed completely it unfairly punishes the residents. It could be restricted to residents only, but there is the question of who would monitor that and how. He reiterated the Council is waiting for the Highway Safety Committee to meet and provide recommendations regarding no parking. That would have to be addressed through an Ordinance, which requires time to put in place. Chief Roy has indicated there will be increased visibility.

Currently, we cannot gain access from the school or over by Merrill's Marauders Bridge. The only other accessway is Currier Road. A lot of recommendations have been made, but all cannot occur overnight.

Commissioner Rosati remarked she walked into this meeting with the thought that the Commission has tried 6-7 different things, e.g., taking down the Heritage Trail sign on Baboosic Lake Road, taking down the link to Wildcat Falls on the Commission's website. She and Commissioner Tenhave spoke with Mark McLaughlin, Superintendent, SAU 26, Matt Shevenell, Assistant Superintendent for Business, SAU 26, and Brian Levesque, Deputy Chief, Merrimack Police Department. They had concerns. They were not willing to just hand over permission for the Commission to put up signs directing overflow traffic to the high school. There are few ways into the property. She spoke of safety concerns. One of the recommendations she heard was that the property be shut down temporarily and let things cool off. She stated agreement with that. She wished to make a motion in conjunction that the street be made resident parking only, but was told this is not the right time to do that. She has talked to people in the neighborhood and suggested they create a petition to get an ordinance going. They are ready to start a petition effort. She commented on the number of people heading onto the property with a case of beer on their shoulder and the rope swing over the river. It is crowded and everyone is swimming. This is not a beach; it is a conservation area. It is being treated like a town beach by out of state people.

If the only way to stop this behavior is to say the property is closed, then we just ticket people seen going in. Someone suggested to her that there be someone onsite monitoring the situation. There remain questions, but the first step is to take some action. From there, we can work out problems as we need to.

Commissioner Tenhave remarked the Commission can speak to the property and what goes on at the property. How it happens out on the streets is the purview of the Highway Safety Committee, and the Commission should leave that alone. He suggested the Commission make a recommendation in the strongest words possible that we close the entire property down indefinitely until we can work out a longer term solution. By doing that we would take the property away from everybody, we will therefore take the reason for being down there away, the people going down there will have no reason to be parking on the streets, and they will go away. The Commission should offer to pay for any signage that is required. There is the budget to do that, which would relieve the Town of that expense.

He also believes if that bold move can be taken, we should also motion to fund, even on overtime, the presence of a police officer at the parking lot for the first few weekends to discourage people from going on the property, and informing that they would be trespassing if they enter the property. We should encourage the police department to have their routine patrols of the property, and ask them to cover that through their own budget as they have been. Beyond that, encourage the Town Council to put a small sub-committee together, including members of the Commission, potentially School District, members of the Town staff, and themselves to create a long-term resolution to this, and not re-open the property until we have done that.

MOTION BY COMMISSIONER ROSATI THAT THE COMMISSION STRONGLY RECOMMEND THE IMMEDIATE CLOSING OF WILDCAT FALLS, COVER THE COST OF THE PRESENCE OF A POLICE OFFICER AT THE PROPERTY ENTRANCE/PARKING LOT FOR THE FIRST THREE (3) WEEKENDS TO DISCOURAGE ACCESS, COVER THE COST OF SIGNAGE TO STOP ACCESS TO THE PROPERTY INFORMING PEOPLE THE PROPERTY WILL BE CLOSED INDEFINITELY UNTIL FURTHER NOTICE AND WARN OF BEING SUBJECT TO TRESPASS IF VIOLATING, ENCOURAGE THE POLICE DEPARTMENT TO CONTINUE THEIR PATROLS OF THE AREA, AND REQUEST THE TOWN COUNCIL ESTABLISH A SUB-COMMITTEE CONSISTING OF MEMBERS OF THE COMMISSION, SCHOOL DISTRICT, TOWN STAFF, AND THE COUNCIL TO CREATE A LONG-TERM RESOLUTION, AND NOT RE-OPEN THE PROPERTY UNTIL THAT IS IN PLACE. FUNDING IS AVAILABLE IN FUND 53

Commissioner Swisher questioned if that would result in the residents of the Currier Road neighborhood being unable to utilize the property, and was informed it would.

Commissioner Perry questioned if the Commission could, if closing the property, fine people for trespassing. Councilor Albert commented it may require an ordinance with an identified penalty. However, if the property were closed, he believes the authority would be the police department potentially charging someone with criminal trespassing. Depending on the nature of it, it could be a violation level offense or a misdemeanor if a second offense. He stated his belief there could potentially be a charge. Commissioner Glenn stated agreement with the remarks of Commissioner Tenhave. There is the need to protect the property, and it sounds as if it is filling up with trash, etc. She is in favor of temporarily closing it down to everyone.

Chair Caron opened the floor for public comment.

Paul Marone, 29 Currier Road

Stated his belief the Commission, through the correspondence received, is aware of the challenges faced in the neighborhood. This is an issue that has existed for some time, but at the end of March/beginning of April it worsened. Originally the thought was that perhaps it would lessen after things started to open up believing the increased activity is the result of COVID-19. What has occurred over the past 3-4 weeks has been disgusting and unacceptable. He spoke of fights that have broken out in front of his home, the need to call the police on people having sexual relations while naked in their vehicles, and the trash that is left behind. Last evening he witnessed people in the water taking sexual photos. He had to pull his children out of the area to keep them from witnessing it. The Town and Commission should be extremely concerned with the amount of cliff jumping that is taking place.

He spoke of the discussion around the property name noting the ease with which people can locate the property online given the amount of advertising that exists, and that a name change will take time to have an impact.

He indicated he speaks for a large majority in the neighborhood when trying to understand why it seems as if every other park in the country was closed up instantly without any challenges, and this one seems to be so difficult. The last thing the people in the neighborhood and the surrounding area want is to be prohibited from the property. They are so fed up that they are willing to accept that, if that is what it takes. He believes closing the property will work and commented on the impact the no parking signs had. He believes closing the property for a period of time will enable the Town to put a long-term solution in place. Even if unable to restrict the property to residents only, we should be able to restrict on-street parking to residents. He spoke of the challenge for the Police Department in the absence of an ordinance.

Tom Koenig, 1 Danforth Road, Chairman, Town Council

Stated his support of what Councilor Albert has stated to be the view of the Town Council. He agrees with a lot of what he is hearing, has received a lot of the emails, and understands what is occurring. The Town Council has the item on the agenda for Thursday's meeting. This problem is occurring in multiple places in Town. The Council is looking to determine how to best control the situation. The Town is in contact with legal counsel to try to understand the questions asked around who has the authority to be able to do something as dramatic as close down the property. If for some reason the Council finds that they cannot live with the Commission taking that step, they will look to overrule. He believes the Commission should

move forward and do the best it can to conserve and manage the property. The Council will work with the police department to manage the roads and the Highway Safety Committee to deal with that. He urged the Commission to move forward and do what it feels is appropriate.

The Council and Commission will continue to work together and work this out the best we can. It is a complicated issue; there are a lot of things that make it difficult to restrict. Areas like Kids Kove are much easier to control. He spoke of the COVID-19 effective response where all along they have suggested that people get out, but they do not want kids playing on playgrounds together because they are transferring too much, and you cannot possibly keep it clean. Folks that are walking in the woods are not as susceptible. It is much more complicated than just putting up a gate and closing the property. He stated appreciation for the work to conserve the property.

Paul Labrie, 30 Beebe Lane

Commented on speaking before the Commission at its last meeting at which time he was not in support of closing the property. He is now of the belief it is time to close it down to give everyone time to cool off and find a good resolution. While considering no parking solutions/resident only parking, he suggested it be made more comprehensive and that all of the possible entryways to all conservation areas be reviewed. It needs to be an overall solution as closing Wildcat Falls will just push the problem elsewhere.

Julie Schneider Rubeis, 12 Hartwood Drive

Spoke of having family members and close friends who reside at the end of Currier Road. On multiple occasions, she has witnessed people with car doors open who will not close them to allow you to pass. While house sitting for a weekend she had one individual offer her \$10 to park in the driveway because he could not find a place to park. Others were blocking mailboxes. The behavior is very disruptive. She commented on the difficulty that would be experienced with emergency personnel gaining access.

Karen Labonte, 25 Sandhill Drive, Chairman, Wildcat Falls Sub-committee

Extended her appreciation to the Commission and the residents. She commented on the situation being more out of control than she ever expected it to be. She remembers the property being a remarkably simple place 9 years ago. It is a pristine place to go and be amongst nature. She spoke of the energy the Commission, Sub-committee, Michael LoVerme Memorial Foundation, and people in general have put forth to nurture, care for it, and enjoy it the property.

She has been there several times in the last few weeks trying to find a parking space. She took a video of what was a 7 minute process just trying to enter the lot. She has witnessed the congestion, people not caring to pay attention to the signage, beer being brought in, etc. She has not been able to walk the property in the times she has gone there as she could not find a spot and did not want to park on the neighborhood streets.

She spoke of having clients and friends that live in the neighborhood who were afraid to speak up initially as they did not want to lose access to the property. It has moved beyond that point, and they are now willing to move in that direction. She hopes the Commission will close the property and bring the issue to the Town Council.

Brenna Hansen, 3 Currier Road

Commented the residents feel they have been patient, and the situation is deteriorating to a dangerous level. Her children can no longer walk their dog or ride bikes in the neighborhood due to speeding cars. If asking drivers to slow down the response is language she does not want her children exposed to. They have invested time picking up trash and in purchasing signs. She feels as though she has played by the rules of the Police Department, and has felt ½ the time she calls she is ignored or disregarded. The neighbors seem to get different answers in regard to what rules are enforceable. She feels it is time for the Town to take the necessary action. She strongly recommended the Commission and Council do something now. She suggested the property could be closed until resident only signage could be posted. That seems to be the only solution.

Commissioner Tenhave remarked people should be aware that alcohol is not permitted on the property, glass is not permitted, fires are not permitted, and cleaning up after one's dog is required. Those are all parts of the Town Code and carry a \$100 violation penalty. That can grow in accordance with [RSA 31:39 III](#). Those things are enforceable. Loitering on Commission property after hours is also an issue and can be handled by current Town code. If these behaviors are witnessed, residents can contact the Police Department and state people are in violation of [Chapter 111](#) of the Town Code.

Chair Caron spoke of the number of calls to the Police Department since March, and questioned if any fines or citations were issued. Commissioner Rosati stated she was unaware. She went through the police logs beginning on March 1st. She came up with 4 pages of notes for issues like found licenses and cell phones, but for the most part they were identified as "direct patrol". There were 20-30 MV violations. She questioned the meaning of direct patrol. Councilor Albert stated the Police Department has a program where if they have an area that they have identified as having issues, they assign directed patrols for that sector. The officers are directed to spend more time in that area to specifically address the issue. Commissioner Rosati questioned if it is a call, and was told the officers do it to log it in so that when folks question how often you are getting to the area, etc., they can provide an answer. When an officer goes out on patrol he/she may drive into Currier Road, move around, watch traffic, etc., and then call the station, and say log me as a directed patrol for the Wildcat Falls Conservation Area. The dispatcher makes that note in the log.

Chair Caron spoke of having been previously tasked with leading a patrol that was Commission funded for police patrols in Grater Woods. He has been on record stating his disappointment with the patrols and the inaction. He is slightly uncomfortable with expending Commission funds to cover the cost of patrols he believes should be ongoing in the Town to begin with.

Commissioner Tenhave commented when he was speaking he suggested leaving the patrols to the Police Department because that is what they do. His suggestion was that the Commission cover the expense for an officer to be present at the parking lot for an extended period of time to inform people they are no longer allowed on the property.

Councilor Albert spoke of the cost of a police officer being present in the parking lot, and recommended the Town take on part of that burden, and allow for some overtime patrols for the lot. He stated his belief the Town would have to issue a press release in addition to putting notice on social media, should that be the direction taken. He spoke of the issues being experienced in other areas; however, noted the issues at Wildcat Falls are directly impacting the neighborhood.

Commissioner Swisher questioned how it is envisioned the entrance could be closed off understanding the need for emergency and maintenance vehicles to gain access. Commissioner Tenhave remarked Director Fox has stated large signs could be printed and posted at the entrance in a matter of days. He could arrange

for orange barriers to be put in place, which are designed to allow emergency vehicles to drive over them, but are large enough and visible enough that someone would hesitate to drive over them with their car.

MOTION SECONDED BY COMMISSIONER GLENN

ON THE QUESTION

Asked about the number, location, and language of the signage, Commissioner Tenhave stated his belief in order to enforce trespass a number of signs will be required. The idea of not identifying a specific dollar amount is to state we wholeheartedly put our money where our mouth is on this one.

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

Yea: Vice Chair Perkins, Chair Caron, Commissioner Rosati, Commissioner Glenn,
Commissioner Boisvert, Commissioner Perry, Councilor Albert

7

Nay:

0

MOTION CARRIED

The matter is on the agenda for the Thursday night Town Council meeting. Councilor Albert spoke of his impression that some may have believed it was a few individuals expressing concern. He heard talk of a petition for a proposed ordinance, and suggested if a significant number of residents in that neighborhood sign it, it would make it clear it is a neighborhood issue. Commissioner Rosati stated she has communicated with a few about the petition for an ordinance. She is looking to assist the neighborhood with putting a petition together prior to Thursday's Town Council meeting.

Councilor Albert reiterated the Town Council has asked legal counsel to look into a number of questions.

Commissioner Tenhave commented on paving projects being done by the Town, and the likelihood there is the opportunity for regrind to be put down in the parking lot and entrance from the roadway at Wildcat Falls, which would significantly improve the condition of the lot, remove the rutting, and allow for potential striping of the lot to better enforce the parking spaces that are there. That work is something the PWD will likely move forward with if the material is available. It is something the Commission has been wanting the PWD to do for a number of years now. He is hopeful the public will not view this as a way to defeat the other things that are going on, it is just something that needs to be tended to.

The Commission expressed the desire for the work to be done, if possible.

OTHER BUSINESS

1. Discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands.
2. Sub-Committee Updates

Horse Hill Nature Preserve

Commissioner Swisher commented the last time the Sub-committee met in person expenditures were approved. There is the desire for the funds to be provided so that materials could be purchased to allow for bridge work and repairs to be completed.

There have been minor concerns expressed with regard to dirt bike usage. There was an occasion when trimming was being done by Eversource below the powerlines on both sides of Naticook down almost to Greens Pond and within the HHNP. The activity has disturbed a little bit of the beaver pond. Beaver activity occurred near the end of Rocky Trail, which created some flooding issues. That was during more of a high water time and now we are in a drought. He does not believe it will be an issue at least in the short term.

Grater Woods

Commissioner Boisvert questioned if anything new has been learned of the logging that took place where the development is going in near Blood Road. Commissioner Perry stated he has not heard anything particular about it. It is in the area where the plan said it would be; some type of detention pond will be located there. The entrance to the Ridge Trail is right through what looks like on the plan will be the detention pond. It is likely the beginning of the trail will have to be rerouted. It is work that was approved.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [March 2, 2020](#)

MOTION BY VICE CHAIR PERKINS TO ACCEPT, AS PRESENTED MOTION SECONDED BY COUNCILOR ALBERT

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

Yea: Vice Chair Perkins, Chair Caron, Commissioner Glenn, Commissioner Boisvert,
Commissioner Rosati, Commissioner Perry, Councilor Albert

7

Nay: 0

MOTION CARRIED

Special Merrimack Conservation Commission. [May 19, 2020](#)

The following amendments were offered:

- Page 1, Line 15; capitalize "Member"
- Page 8, Line 36; replace "his" with "he"
- Page 9, Line 4; capitalize "Commission"
- Page 9, Line 25; capital "Fox"
- Page 11, Line 36; replace "belief" with "believe"

MOTION BY COUNCILOR ALBERT TO ACCEPT, AS AMENDED MOTION SECONDED BY VICE CHAIR PERKINS

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

Yea: Vice Chair Perkins, Commissioner Rosati, Commissioner Glenn, Commissioner Boisvert,
Commissioner Perry, Councilor Albert

Nay: 0

MOTION CARRIED

Chair Caron Abstained

PUBLIC COMMENT – None

COMMISSIONER COMMENTS

Councilor Albert reminded the viewing audience of Election Day.

Members of the Commission thanked Commissioner Rosati for her follow-up on the many communications that have been sent to the Commission. Commissioner Rosati thanked the Commission for understanding and supporting the need to close Wildcat Falls. Chair Caron commented on the impact to the neighborhood and the property. The property will need time to recover from the level of use.

Commissioner Tenhave commented it appears the Town Council will take up the changes to Chapter 111 on August 20th. He will put together a package for review by the Council. The Commission will be provided a copy.

He spoke of the communication from the MVD, which is looking to conduct test well activities on the Wasserman Conservation property.

Commissioner Tenhave spoke of having taken a kayak ride down the Merrimack River (in at Depot Street and out in Nashua by Greeley Park). While in the river he passed Watson Park where the Souhegan dumps into the Merrimack River, and saw quite a bit of people activity all the way up to that point walking through Watson Park and heading out along the Souhegan River to where it dumps into the Merrimack. He also saw quite a bit of activity on the Town property on Sklar property as he was going down the river; people fishing, barbecuing, picnicking, cars close to the riverbank, etc.

ADJOURNMENT

MOTION BY COMMISSIONER PERRY TO ADJOURN

MOTION SECONDED BY CHAIR CARON

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

Yea: Vice Chair Perkins, Chair Caron, Commissioner Rosati, Commissioner Glenn,
Commissioner Boisvert, Commissioner Perry, Councilor Albert

7

Nay: 0

MOTION CARRIED

The June 22, 2020 Special meeting of the Merrimack Conservation Commission was adjourned at 9:15 p.m.

Submitted by Dawn MacMillan

Sharon Haynes

From: Rich Schroll <richschroll@gmail.com>
Sent: Monday, June 22, 2020 2:28 PM
To: CommDev
Subject: Wildcat Falls issues

Hello,

My name is Rich Schroll, and I live at 6 Hemlock St. I am writing regarding my concerns around the increased visitors and traffic at Heritage Park. I know a lot of correspondence has been sent in, but I want to also share my concern to give more context and consideration.

The traffic coming through this neighborhood has reached levels and maintained levels that are unsafe and very disturbing to the neighborhood. Parking spills into the neighborhood on a daily basis. I have missed my mail several times now due to people parking in front of my mailbox. Cars zip through the neighborhood on such a regular basis, I am seriously concerned about letting my daughter ride her bike. I have almost been hit myself by someone (with MA plates) zipping and swerving into my line of traffic on Currier. My mother in law got to watch someone park in front of my mailbox, get out and urinate on my garden around the mailbox. I'm glad my daughter wasn't home. Additionally, the amount of trash along the road and the trails is very disappointing. This trail was clean and well kept for years by the local neighborhood and other Merrimack resident visitors. Now, most of the plates are out of state on the weekend, clogging up the road, and really disturbing our way of life. Calling the police every time someone parks illegally or speeds through the neighborhood is neither reasonable or likely to resolve this in any long term.

This park has grabbed attention on a large scale for some reason, and the access and parking are not sufficient to support the volume of visitors. There are hundreds of visitors on any given day. With the amount of traffic there is now, I would expect Currier to have a double yellow line and sidewalks, as well as a couple stop signs installed. In my opinion, parking off a roadway that is designed for the amount of traffic should be identified and supplied, or the park should be closed. I understand there is potential access at the high school, but there are concerns about people parking in the school parking areas. If that is true, I am further aggravated by this circumstance. It makes no sense to deal with a traffic and parking issue in a neighborhood with small children over a wide open parking lot at a school, which would be simpler and easier to police. I appreciate others' desire to enjoy the park, and do encourage it, but without the increased safety risks. Allowing the amount of traffic that is coming through this small neighborhood is not fair, reasonable, or justifiable.

Thank you for your time,
Rich Schroll

Sharon Haynes

From: Timothy J. Thompson
Sent: Tuesday, June 23, 2020 12:05 PM
To: Sharon Haynes
Subject: FW: Conservation Commission

-----Original Message-----

From: cmsmailer@civicplus.com [<mailto:cmsmailer@civicplus.com>]
Sent: Tuesday, June 23, 2020 11:10 AM
To: Timothy J. Thompson
Subject: Conservation Commission

Submitted on Tuesday, June 23, 2020 - 11:10am Submitted by anonymous user: 174.250.60.5 Submitted values are:

What does this comment regard: Conservation Commission Please include any questions or comments:
URGENT!! WE NEED YOU TO EMAIL BEFORE THURSDAY!!!! ACT NOW!!
Only 6 letters were part of the meeting's agenda last night. WE NEED MORE!
Below is what you can do.

Email: TownCouncil@MerrimackNH.Gov
Subject: 6.25.2020 TC Meeting - Public Comment

Dear Town Council,

I support Merrimack Conservation Committee's recommendations made on June 22, 2020 to close Wildcat Falls Conservation Area (WFCA) until a long term solution is made to protect the conservation area and parking is for Merrimack residents only.

Sincerely,
Pamela Soucy
4 hemlock lane Merrimack nh
YOUR NAME
YOUR ADDRESS

==Please provide the following information==

Name: Pamela Soucy
Email Address: sspml7@aol.com
Address: Po box 80
City: Milford
State: New Hampshire
Zip: 03055
Phone: 6033776414
Organization: Residents

The results of this submission may be viewed at:
<https://www.merrimacknh.gov/node/1980/submission/18753>

Sharon Haynes

From: smarone15 <smarone15@aol.com>
Sent: Monday, June 22, 2020 9:16 AM
To: CommDev
Subject: FW: URGENT-Wildcat Falls and Watson Park

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: smarone15 <smarone15@aol.com>
Date: 6/22/20 8:30 AM (GMT-05:00)
To: TownCouncil@merrimacknh.gov, conservationcommission@merrimacknh.gov
Subject: URGENT-Wildcat Falls and Watson Park

Dear Town Council Members and Conservation Committee Members,

I write to you today for concern for our town. I am frustrated, upset, and discouraged by the happenings in our town as of late and feel that immediate action needs to be taken to preserve our land.

Wildcat Falls, once a hidden treasure of conservation land, is now an overused, disrespected, trash filled "beach area." Over the past months, I have witnessed people bringing lawn chairs, coolers, cases of beer, and floating tubes into Wildcat Falls, essentially treating this like a public beach. This is not the definition of conservation land.

Yesterday, we had some family over and they wanted to take a walk through Wildcat to see the Falls and what we witnessed during that 30 minute walk was so disheartening. It was not a peaceful walk by any means...music blaring, people hooting and hollering, trash covered the ground, crowds of people entering and exiting, and the one that put me over the edge..a man taking a "photo shoot" of a woman being extremely seductive for over 10 minutes in the water where everyone could see. Children were present and this made for a very uncomfortable situation, causing us to leave the area.

This is the type of behavior that is becoming much too common for the area. It is being treated like a beach and not like conservation land for people to hike and enjoy the scenery and surroundings of nature.

My other major concern is the constant traffic and disruption to our once peaceful neighborhood. We moved here 4 years ago because of the peace, tranquility and safety of our street. I grew up in Arlington, Massachusetts and lived on a cut through street making it a very busy area. What I have witnessed on Currier Rd the past few months is above and beyond what I grew up in. The constant flow of traffic, mostly speeding cars, some which I've almost been hit by on several occasions makes this an unsafe place for my family and neighbors. My children can not ride their bikes, go for walks, or even walk their dog without feeling threatened.

Just this past week, a boy walking his dog was run off the road by a group of teenagers going to Wildcat Falls who were taunting him by swerving in and out of the road. He had to jump into a neighbors yard to get away from them. Then another neighbor almost got attacked by a group of people because he asked them to slow down as they were speeding down the road.

People are parking in the no parking zones as well and we are told that police can not ticket because the signs are "too new." I've never heard of such a thing.

This issue is getting out of control and we need your help to make this better.

This is not the place I moved to 4 years ago and I beg of you to please make some changes and soon! This has been going on for months now. Change needs to happen before our land is permanently ruined and our neighborhood is gone forever.

Why can't we make this area for Merrimack residents only? It is an easy fix since we all have transfer station stickers on our vehicles. Me and my neighbors would gladly patrol the parking area to make sure it is resident only. I take daily walks down to the parking area and over 75% of the vehicles are from out of state every single day. Let's make this area and other Merrimack parks, resident only. I feel this is the only way to preserve our land. Please, please, please make a change...other towns have done so and done so very quickly during this Covid time. We are so discouraged...

Thank you for your time.

~Susan Marone

Sent from my T-Mobile 4G LTE Device

Sharon Haynes

From: Michelle Lee <mshell829@msn.com>
Sent: Monday, June 22, 2020 10:12 AM
To: CommDev
Subject: Wildcat Falls Area

I am a resident in the neighborhood by wildcat falls. I live in Fir Street. We moved here about 2 years ago. We thought it was a quiet, clean neighborhood. Not the case now. My husband has been yelled & sworn at by Wildcat Falls visitors for telling a cars to slow down as they speed down the road and asking them not to park in front of our driveway. The amount of trash left along the road, in yards, on the street is disgusting. All from people going to Wildcat Falls. The speeding cars & being yelled at by people trying to park in front of our driveway is not right. We walked our dogs last night & were disgusted by the trash (food containers, bottles, alcohol containers coffee cups, & more) on the side of the road, in the parking lot, & in our neighbors yard from people that park on the street. Why is this acceptable? There were five cars parked on the street all Massachusetts plates. We should be protecting our land not to mention our neighborhoods. Something needs to be done. The land is being trashed & so is the neighborhood. It makes me sad we even moved here. Not what we were expecting. Please make changes to protect our land & neighborhoods. Maybe make it open to residents only? Or start charging people. Something should be done. Nobody should have their neighborhood trashed by strangers. Would you want trash all over your street?

Michelle & Jason LaCombe

Sent from my iPhone

Sharon Haynes

From: Anne Manning <yakkin@aol.com>
Sent: Monday, June 22, 2020 12:38 PM
To: CommDev
Subject: RE: Wildcat Falls - Conservation Commission Meeting

Merrimack Resident – Anne Manning, 6 Kittridge Ln

I'm giving a recommendation – charge out of state visitors for the use of Wildcat Falls Conservation area. For non-Merrimack NH residents the fee can be smaller. FREE for Merrimack NH residents. Maybe charge for the parking of vehicles. Make it official NO PARKING signs in the Currier Rd neighborhood and enforce. Police more often, send bike cops into the park itself. TOW cars that are in violation, simply remove them. Ticket anyone who litters, no warnings, make them pick up their trash.

I have been walking in Wildcat Falls Conservation area for many years, as long as 15+ years. I have had a number of dogs and essentially I am there almost every day for years. Now, I rarely go to Wildcat Falls, my go-to place to walk, because of the amount of people, the inability to park, the trash despite the "carry in, carry out" signs. I will not attempt to go anywhere near the Falls because of the traffic of people. I went to Wildcat Falls Sunday, June 21, 2020, Father's Day, after the rain expecting to see hardly anyone. Instead there were more people than I have ever seen at any one time prior at the Falls. I encountered dog feces in abundance, dog poop bags that had been thrown alongside the trails, a feminine hygiene pad, trash that had been collected in a bag yet the bag was thrown alongside the trail, there was a trash bag and dog poop bags placed below the sign that says "carry in carry out". Cars were in violation of the posted "no parking" signs.

I have witnessed

- Cars parked directly in front of the access gate
- Cars parked "2 deep", one over the hump with another car in a regular parking spot
- Cars parked into the woods, off the parking lot area
- Cars parked in front of "no parking" signs
- Cars parked on people's property
- Upon leaving Wildcat Falls a car flashing lights (like on a highway), for me to go faster and attempting to pass me on Currier Ave
- Coming to Wildcat Falls cars leaving driving considerably faster than the "Merrimack speed limit of 30mph, if not posted"
- Coming to Wildcat Falls cars leaving driving in the middle of the road and not pulling to the right to allow 2 cars to pass on Currier Rd
- People "lost" in the woods, needing to know where the falls are (if they stopped talking loudly they would hear the falls), not knowing how to get back to the parking lot, wandering in circles

- Caravans of cars approaching Wildcat Falls, more than 10, on a number of occasions, mostly from Massachusetts
- Concerning encounters
 - Having a young man, in late winter, sun going down, no jacket, was very cold, in brand new clothes (walking in mud and ice), wanting to know if I wanted to hang out with him
 - Same person mentioned above, hanging numerous days in the parking lot, 2 different cars, with Rhode Island tags (have photos)
 - A matter of observation and opinion, cars filled with questionable visitors to Wildcat Falls

The number of visitors to Wildcat Falls has increased in the last couple of years

– one likely reason is that Wildcat Falls was identified on e-apps (see below). The result has been increased visitors. I have met people from Massachusetts (mostly), New York, Connecticut, Pennsylvania, Vermont; I have met people vacationing in NH and have visited Wildcat Falls prior to their departing flights from Manchester Airport (MHT). In one week alone, I met people from Venezuela, Germany, and England.

- another likely reason for increased visitors is covid-19 and individual state restrictions related to outside activities.

www.alltrails.com > ... > Wildcat Falls Conservation Area

Best Trails in Wildcat Falls Conservation Area - New Hampshire

Explore the most popular trails in Wildcat Falls Conservation Area with hand-curated trail maps and driving directions as well as detailed reviews and photos ...

★★★★★ Rating: 4.4 - 435 reviews

www.tripadvisor.com > ... > Things to Do in Merrimack

Wildcat Falls Park and Conservation Area (Merrimack) - 2020

Wildcat Falls Park and Conservation Area, Merrimack: Address, Phone Number, Wildcat Falls Park and Conservation Area Reviews: 4/5, United States · New ...

What hotels are near Wildcat Falls Park and Conservation Area?



What restaurants are near Wildcat Falls Park and Conservation Area?



★★★★★ Rating: 4 - 7 reviews

www.merrimackoutdoors.org > WCFalls_Foldable

Wildcat Falls - Merrimack Outdoors

Falls Loop Trail 1.4 miles State of NH Owned. Trails not maintained. North Loop Trail 0.6 miles. Power Line Trail. Numbered Intersection Post.

www.yelp.com > Active Life > Hiking

Wildcat Falls Conservation Area - 31 Currier Rd, Merrimack, NH



4 reviews of Wildcat Falls Conservation Area "A nice place to hike, with riverfront access, and the small but pretty Wildcat Falls. 87 acres of managed ...

★★★★★ Rating: 3.5 - 4 reviews

www.mapquest.com > new-hampshire > wildcat-falls-co

Wildcat Falls Conservation Area 31 Currier Rd Merrimack, NH

Get directions, reviews and information for Wildcat Falls Conservation Area in Merrimack, NH.

nhrocks.com > wildcat-falls

Wildcat Falls | New Hampshire | NH Rocks

Wildcat Falls is a 2.2 mile lightly trafficked loop trail located near Merrimack, New Hampshire that features a waterfall and is good for all skill levels. The trail ...

The Conservation Commission is meeting on Monday, June 22nd at 6:30pm to discuss several matters including the issues at Wildcat Falls. It is the goal of the committee to come up with a recommendation that will be presented to Town Council. The more people who can share their experiences with the recent issues down there the better informed they become.

Public comments must include name and address and be sent prior to 6/22 at 4:30pm. Email should be sent to: CommDev@merrimacknh.gov

Submit public comments to: CommDev@MerrimackNH.Gov

Emails must contain your name and address for the record. Public comments must be received prior to the start of the meeting on 6/22/2020 by 4:30PM. The Commission Chair will determine if they can read all public comments. These e-mails can be read at the discretion of the participants or

recorded for the meeting minutes as part of the public record.

https://www.merrimacknh.gov/sites/merrimacknh/files/agendas/mcca-2020-06-22_virtual_.pdf

Brenna Hansen

Sharon Haynes

From: Paul Marone <maronepaul7814@gmail.com>
Sent: Monday, June 22, 2020 9:18 AM
To: MerrimackOutdoors; CommDev; Tom Koenig; Bill Boyd; Lon Woods; Nancy Harrington; Barbara Healey; Pete Albert; Eileen Cabanel; Ajsimoneau@gmail.com; Brenna (Scouts)
Subject: WILDCAT FALLS - ENOUGH IS ENOUGH

To All Involved and Concerned,

My Name is Paul Marone and I live on Currier Rd near the entrance to Wildcat Falls. I have written to the town and the Conservation Committee in the past. I have made many phone calls and also spoke at the last Committee meeting regarding this issue. I appreciate the opportunities I have been provided for my concerns to be heard.

I am writing to you today to say that Enough is Enough! Action needs to be taken immediately to resolve the unacceptable amount of traffic, parking, overcrowding, destruction, and disrespect to the Conservation land. This issue has been getting worse over the last few years and this spring it has just exploded out of control.

- In just the past few weeks alone we have experienced two fights due to road rage right in front of my home.
- We had to have the police remove a couple that were completely naked having sexual relations in their vehicle on the side of the road in broad daylight. (That was difficult to explain to my children).
- Car loads of people carrying cases of beer off to the falls for what they told me was a "small beer bash" when I asked them.
- My wife has almost been hit by speeding vehicles three times while taking the dog for a walk.
- A young boy in the neighborhood was run off the road on his bike purposely then harassed relentlessly.
- We had two people on the porch looking in the windows of the neighbors.
- A man urinating on a mailbox right in front of the elderly residents home during mid day.

This is all in addition to the massive amounts of traffic, parking, and trash that we have already brought to the attention of the town. Along with these concerns we have also discussed the issues of emergency vehicles access being blocked. With the amount of people bringing open flame grills down there and cliff jumping on a daily basis, the emergency response will be needed sooner rather than later.

Finally last night's actions have been the last straw to push me to write again. My wife and children wanted to take a family "Fathers day" walk through the falls. We had to leave right away because there was a man and woman taking pornographic photos in the water. This includes exposing of private areas as well as sexual poses/positions. Each of these issues can be supported with photos and/or recorded calls to the Merrimack Police Department. These documents can be furnished upon request. I intend on expressing my concerns publicly at the Committee meeting on June 22nd and will be prepared to answer any questions from committee members.

Please take action before it is too late,

Paul Marone



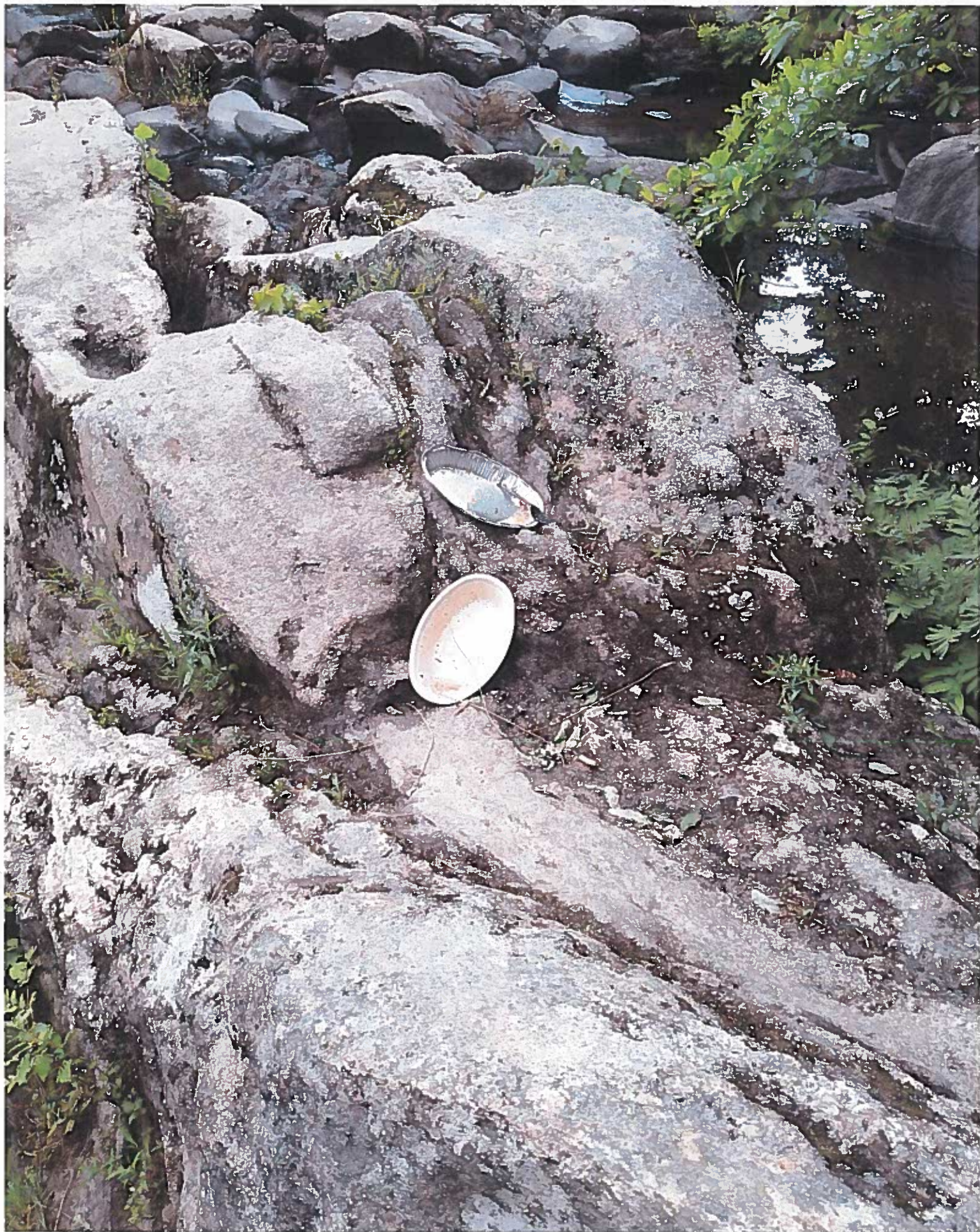
Please return map to the kiosk when finished.

Thank you!

INFCBOX[®]
Crow-Erickson, Inc. 1-800-858-6000
Patent Pending







Sharon Haynes

From: Brenna Hansen <hansenb012@gmail.com>
Sent: Friday, June 19, 2020 12:36 PM
To: CommDev
Subject: Fwd: Public Comment in regards to Parking at Wildcat Falls and Traffic Issue on Currier Road

I've lived on Currier Road for thirteen years and have seen both the volume and the speed of traffic on the road increase drastically, especially in recent months.

I'm concerned any time my children walk their dog or ride bikes as many of the vehicles go too fast and don't leave ample space for pedestrians. I've had to restrict their ability to walk or ride so that they can only do so with an adult, which is sad as they are at the age where they should be able to safely gain some independence in our neighborhood (part of the reason we bought here!).

We have also noticed an increase in trash tossed in our front yard as well as throughout Wildcat Falls. Unfortunately, that area where we used to enjoy hiking has become far too crowded to enjoy, with people and cars overflowing in to the street.

In relationship to the current health issue going on, the behavior I have seen first hand at Wildcat Falls does not coincide with what's being asked of NH citizens. People are crowding the parking lot and trails in large groups with less than 6 feet of space and many are not wearing masks.

There is no possible way to hike or walk safely at Wildcat currently as the number of people makes it impossible to keep a six foot distance. On Sunday, May 3rd at 7pm we entered the lot thinking it may be late enough to take a short walk before sunset. However the lot was so packed full of people, none of whom were abiding by social distancing, that we had to turn back as there was no six foot gap offering safe passage to the trails.

Having the trails open to Merrimack residents ONLY at this time would seem like a simple short-term solution to solve the health-related aspect of the issue at hand.

We'd love to see the town do something long-term to curb speeding and keep the traffic to a reasonable level.

I look forward to finding out what the parties involved have planned to address these concerns from the many Merrimack residents who love their town, love their neighborhood and love their families.

Thank you!

--

Brenna Hansen
3 Currier Road
Merrimack, NH 03054

--

Brenna Hansen

Sharon Haynes

From: Brenna Hansen <hansenb012@gmail.com>
Sent: Friday, June 19, 2020 12:36 PM
To: CommDev
Subject: Fwd: Speed and Traffic Issue on Currier Road

FYI sent to the Chief of Police just now:

Per your request I contacted the police department immediately when I saw major traffic issues including six cars parking in the no parking to corner zone, cars overflowing in to the street and cars speeding down the road. It's now 90 minutes later and the police have still not responded despite a second call. I realize you said for you to enforce the law we needed to (1) call to complain and (2) call immediately. I have done both to no avail. Is there some other method I should try to address the issues at Wildcat?

Brenna Hansen

On May 4, 2020, at 12:15 PM, Brenna Hansen <hansenb012@gmail.com> wrote:

We've lived on Currier Road for thirteen years and have seen both the volume and the speed of traffic on the road increase drastically, especially in recent months. I'm concerned any time my children walk their dog or ride bikes as many of the vehicles go too fast and don't leave ample space for pedestrians. I've had to restrict their ability to walk or ride so that they can only do so with an adult, which is sad as they are at the age where they should be able to safely gain some independence in our neighborhood (part of the reason we bought here!).

We have also noticed an increase in trash tossed in our front yard as well as throughout Wildcat Falls. Unfortunately, that area where we used to enjoy hiking has become far too crowded to enjoy, with people and cars overflowing in to the street. There is no possible way to hike or walk safely at Wildcat currently as the number of people makes it impossible to keep a six foot distance. Last night (Sunday, 5/3) at 7pm we entered the lot thinking it may be late enough to take a short walk however the lot was so full of people, none of whom were abiding by social distancing, that we had to turn back as there was no passage to the trails since people were blocking the entire lot.

As a long-term citizen of Merrimack and someone who has worked within the community through Parks & Rec and scouting, I have no doubt Merrimack can pull together to find a solution to this issue. We'd love to see the town do something to curb speeding and keep the traffic - both foot and vehicle - to a reasonable level.

--

Brenna Hansen
3 Currier Road
Merrimack, NH 03054

Sharon Haynes

From: Brenna Hansen <hansenb012@gmail.com>
Sent: Friday, June 19, 2020 12:35 PM
To: CommDev
Subject: Fwd: Wildcat Falls

Hello,

I write this message to you in the hopes that we can work together with Town Council and local residents to come up with a fast and permanent solution to the growing issues we see at Wildcat Falls, specifically those affecting Currier Road.

We purchased our home on Currier Road in the summer of 2007. My children could ride bikes and we could safely walk pets. At that time Wildcat Falls was a peaceful, clean and beautiful space for local residents. We met many nice neighbors and Merrimack folks while hiking with our young children and all shared the sentiment that we felt safe. We had conversations with other families as well as members of town Committees who shared the sentiment that they took pride in the upkeep of this property.

Beginning around 2012 we noticed a major change in our neighborhood with increased traffic, increased speeds of cars as well as a marked increase to the number of people down at Wildcat Falls. I also noted a change in seeing more out of state license plates. With these changes came an increase of trash on the trail, graffiti, damage to nature, etc.

In 2013 we began to hike with a trash bag so that we could remove trash from the trail as we found it. Over these last few years we've noted an increase in beer cans, glass liquor bottles, discarded clothing and more. The retaining pond at the entrance to Wildcat Falls is often littered with discarded food wrapping, dog waste bags and garbage. Due to the current pandemic, we can no longer clean as we go so we're just watching as this property is destroyed.

Another issue that needs to be addressed is the increase in drug and alcohol use on the property. My ten and thirteen year old children now recognize the smell of marijuana, point out "nip" bottles, and count beer cans as we hike. This is NOT the same property I took them to when we moved in and I feel that it has been and continues to be altered for the worse due to increased use by out-of-towners. There is a lack of respect to nature and other hikers displayed on a daily basis. From year to year the volume of cars and people multiply and our complaints appear to go unheard as there has been no change for the better.

The traffic on the road is another story entirely. No longer can my children ride bikes or walk their dog on a nice day as the speeds and volume of traffic causes unsafe conditions. We've made the following attempts to slow traffic to no avail:

1. Ask drivers to slow down
2. Install "Drive Slow" signs
3. Call the police to report speeders

During a May Town Council meeting Chief Roy claimed we hadn't complained enough and instructed we should call and call immediately upon seeing an infraction. As recent as last week I called the police twice in a 90 minute period to report illegally parked cars and was told they couldn't get down there as the police were busy. I feel ignored and lied to.

I truly believe the only solution to this major problem is to permanently make Wildcat Falls property open to Merrimack residents only. We residents already have transfer station stickers which makes local cars easy to recognize.

Doing nothing, renaming the park, increasing parking is the same as giving a green light to damaging the property further as each day I go down I see more destruction and damage to this once-beautiful property.

I have to believe that a committee formed in honor of local conservation agrees and has some interest in improving the deplorable conditions.

PLEASE, make Wildcat Falls a resident only property and do this ASAP.

--
Brenna Hansen
3 Currier Road
603.591.6547

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Brenna Hansen

Sharon Haynes

From: Ursula Gall <ursel.gall43@gmail.com>
Sent: Friday, June 19, 2020 7:38 PM
To: CommDev
Subject: WFCA Parking Agenda 6.22.2020 Meeting

Dear Conservation Commission members:

It is with a great deal of disappointment that I am submitting my letter to the Town Council and Conservation Commission. I have been patient, but the WFCA saga continues without a solution. What's the holdup? WFCA needs to be MERRIMACK RESIDENTS ONLY. No parking signs and carry in-carry out requests are ignored. Our neighborhood continues to be abused. The roads are not safe for walking or riding a bike. I have never seen anything like this in the 57 years we've lived in this neighborhood. What does it take to come to a permanent solution that would give our neighborhood back to us?

Respectfully submitted,

Ursula Gall

19 June 2020

Shawn Landry
14 Maidstone Drive
Merrimack, NH 03054

To: Merrimack Conservation Committee and Town Council
Re: Wildcat Falls and other town properties

Hello All,

My name is Shawn Landry, and I have been a resident of Merrimack since April, 2007. I am writing today because one of the reasons we chose Merrimack to live was its natural properties—at the time, Horse Hill Nature Preserve was the “newly” developed one—but in that time we have seen an increase in disrespectful use of the properties, which has often prevented my family from using the very same properties we chose Merrimack for.

The first major issues began with Wasserman Park, where parking requirements were put in place for out-of-towners and permits (transfer station passes) were required to park in the lower lots. Though I would have liked to have seen more aggressive requirements, it appears the approach worked.

The second set of issues that arose—and I’m not convinced have been remedied—involved Watson Park. As an admin on one of the active Facebook forums, I have seen many, many complaints about police having to be called, trash, and other negative incidents—as a result, we don’t often visit that property anymore.

Finally, and the straw that drove me to write, is Wildcat Falls. Though there has been a whole mess of problems there these last few months, the issues there have been longstanding. Trash, graffiti, parking, etc. As a family, we will only use Wildcat Falls midday during the week, and even then we often turn away.

It is disheartening and disappointing to see the beautiful properties of Merrimack being misused—because of the lack of town regulations and oversight, resident taxpayer use and local neighborhoods are being negatively affected, and I think it’s a good time to start seeking solutions.

Thank you kindly for taking the time to address citizens’ concerns.

Best,

A handwritten signature in dark ink, appearing to read 'S Landry', written in a cursive style.

Shawn Landry

Sharon Haynes

From: Gina Rosati
Sent: Friday, June 19, 2020 10:11 AM
To: ConservationCommission; shawn.landry@gmail.com; Sharon Haynes; Town Council; Denise Roy; Eileen Cabanel
Subject: FW: Merrimack Natural Properties Concerns
Attachments: Landry Town Parks Letter.docx

Hi Shawn,

Thank you for reaching out to the Merrimack Conservation Commission (MCC) with your concerns about the MCC properties. I am forwarding your letter to the MCC, Town Council, Town Manager Eileen Cabanel, and Police Chief Denise Roy, as well as to Sharon Haynes in our Community Development, so your letter and my response become part of the public comment.

I understand your concerns and share your frustrations. The Wildcat Falls Conservation Area (WFCA) has been particularly hard hit since the Covid-19 restrictions, and the Merrimack Town Council, MCC, Merrimack Police Department, Merrimack Department of Public Works, Merrimack School administration, Highway Safety Committee, Wildcat Falls sub-committee, and neighbors from the Currier Road neighborhood have been discussing solutions.

The MCC met on 5/19/20 (virtually) to discuss WFCA, after being charged by the Merrimack Town Council to come up with solutions to parking concerns in the Currier Road neighborhood. Draft minutes attached https://www.merrimacknh.gov/sites/merrimacknh/files/minutes/mccm_2020-05-19_draft.pdf), which was televised by Merrimack TV.

To sum up the MCC meeting for you, there were several options suggested, and here's where we stand on them (please note that the role of the MCC is advisory, and any decisions reached would be forwarded to the Town Council as recommendations.)

1. Remove the Heritage Trail sign on Baboosic Lake Road just before Currier: Done (Note that the Heritage Trail no longer exists - I'll give you some history on that at the end of this email).
2. Post Temporary No Parking signs in the Currier Road neighborhood: Done, but only on the left side to allow room for emergency vehicle access.
3. Request permission from the school administration/Police Department to post signs at WFCA directing overflow traffic to park at the Merrimack High School during weekends and July/August: Permission denied at this time due to concerns about liability, especially on steep, rocky trails located on school property and the likelihood that people would park on school grounds during school hours.
4. Remove Wildcat Falls Conservation Commission link from the Merrimack Outdoors website: Done (Note: we cannot remove links from other sources, such as Trip Advisor, which will still take you to the map.)
5. Change the name from Wildcat Falls Conservation Area back to Eighty Acres: Narrowly approved by MCC, and requiring approval by the Merrimack Town Council. The idea behind this was to get the word "falls" out of the name, but many feel that won't create enough of a change to make it worth the cost and work involved.
6. Expand the parking lot from its current capacity of 15 spaces. This is not recommended by the MCC, as there are wetlands to consider, and it is our feeling that a larger parking lot will just make WFCA more inviting.
7. Make parking along the Currier Road neighborhood streets "RESIDENT PARKING ONLY - TOWN TRANSFER STATION STICKER REQUIRED - VIOLATORS WILL BE TOWED": The legalities of this are being researched.
8. Either close the WFCA parking lot temporarily or make it "RESIDENT PARKING ONLY - TOWN TRANSFER STATION STICKER REQUIRED - VIOLATORS WILL BE TOWED": This and #7 will be discussed further at the upcoming MCC 6/22 virtual meeting at 6:30 p.m.

At this point, we are down to options #7 and #8, which will be discussed at the 6/22 MCC meeting.

Please check the upcoming Town Council agendas, as they will be voting on the MCC's suggestions, and your input is important.

Gina Rosati
Secretary
Merrimack Conservation Commission

From: Shawn Landry [shawn.landry@gmail.com]
Sent: Friday, June 19, 2020 8:52 AM
To: ConservationCommission; Tom Koenig
Subject: Merrimack Natural Properties Concerns

Hi All,

Please find attached a letter of concern for Merrimack's natural properties.

Thank you kindly,

Shawn Landry
14 Maidstone Drive
Merrimack, NH 03054
978-828-2452